

**REVISED AGENDA
(ADDED CONTINUED ITEM FROM JUNE 26, 2025 AND ADDED
TELECONFERENCE LOCATION)**

BERKELEY CITY COUNCIL MEETING

**Tuesday, July 8, 2025
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - MESRUTIYET CAD. NO:52 TEPEBASI 34430
ISTANBUL, TURKEY

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/1600604713>. 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: 160 060 4713**. 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.*

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 – Continued Business

- A. Zoning Ordinance and General Plan Amendments Relating to Middle Housing**
(Continued from June 26, 2025)
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,978-N.S. amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of “middle housing” in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R (“low-density residential districts”), with an effective date of November 1, 2025.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

- 1. Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63) to Suspend Effective Date Until March 2026**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,974–N.S to amend the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63) to suspend the effective date until March 1, 2026.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6998
- 2. FY 2026 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,975–N.S. setting the FY 2026 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06695 (6.695 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.10132 (10.132 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. FY 2026 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,976–N.S. setting the FY 2026 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1299 (12.99 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. FY 2026 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,977–N.S. adopting the FY 2026 Annual Appropriations Ordinance (AAO) in the amount of \$829,213,359 (gross appropriations) and \$687,764,462 (net appropriations).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager, (510) 981-7000

Consent Calendar

5. **At-Will Designation: Assistant City Attorney**

From: City Attorney

Recommendation: Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will and adopt a Resolution amending the Unrepresented Employee Manual and all other pertinent documents to effectuate the change.

Financial Implications: None

Contact: Farimah Brown, City Attorney, (510) 981-6950

6. **Contracts for Financial Consulting Services**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms that provide temporary governmental financial consulting services as required by the Finance Department.

1. Contract No. 32200214 Amendment: RLH & Associates. in an amount not to exceed \$300,000; and

2. Contract No. 32500185 Amendment: Ezer Consulting, LLC in an amount not to exceed \$150,000; and

3. Contract: GD Financials in an amount not to exceed \$150,000

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

7. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 8, 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

8. **Grant Application: California Fire Safe Council (CFSC) Grant to Continue Funding an Alameda County Coordinator**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or his designee to apply for and accept a grant, and any amendments for not more than \$225,000 per year in Fiscal Year (FY) 25, FY26 and FY27, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

- 9. Amend SEIU-CSU MOU Exhibits A-D with Updated Hourly Pay Rates**
From: City Manager
Recommendation: Adopt a Resolution amending the Service Employees International Union (SEIU) Local 1021, Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (“Union”) Memorandum of Understanding (“MOU”) Exhibits A, B, C, and D (Salary Ranges) with updated hourly pay rates.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
- 10. Amend SEIU-MC Section 32 Probationary Period for Public Safety Dispatcher I and Public Safety Dispatcher II**
From: City Manager
Recommendation: Adopt a Resolution amending the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical (“Union”) Memorandum of Understanding (“MOU”) Section 32 Probationary Period for Public Safety Dispatcher I (“PSD I”) and Public Safety Dispatcher II (“PSD II”).
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
- 11. Construction Contract: Team Ghilotti for the South Cove West Lot Repaving Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the rescoped South Cove West Lot Repaving Project (Bid Specification No. 25-11687-C); and 2. Accepting the bid of TEAM GHILOTTI as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with TEAM GHILOTTI, for the South Cove West Lot Repaving Project, in an amount not to exceed \$1,884,641, which includes a contract amount consisting of base bid of \$1,667,141, additive alternative A2 in the amount of \$50,500, and a 10% contingency in the amount of \$167,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 12. Lease Amendment with Yoonaco, Inc. (Hana Japan) at 235 University Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the City’s improved property lease with Yoonaco, Inc. (Hana Japan) for property at 235 University Ave to extend the initial lease term through June 30, 2026, replace the five-year extension option with a one-year extension option, maintain the rent at the current rate of \$7,868 per month for the lease term, and remove the daily operating requirement for the first floor of the property.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

13. **Contracts for Plan Checking Services**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments for plan checking services for three-year terms with the following firms:

1. Coastland | DCCM for an amount not to exceed \$1,000,000
2. Telesis Engineers for an amount not to exceed \$1,500,000
3. West Coast Code Consultants for an amount not to exceed \$2,000,000

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

14. **Contract No. 32810081 Amendment: FirstCarbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing contract with FirstCarbon Solutions, Inc. for the Solid Waste & Recycling Transfer Station Replacement Project compliance with the California Environmental Quality Act. The Contract will be increased from \$650,000 to \$725,000.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

15. **Contracts: Don's Tire Service Inc. and Morgan Tire of Sacramento Inc.**

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to:

1. Execute a contract with any amendments with Don's Tire Service Inc. to provide tire services for a three-year period from August 1, 2025, to August 1, 2028, in an amount not to exceed \$400,000, with an option to extend for two additional one-year terms, with service rates to be adjusted annually in accordance with the Consumer Price Index.
2. Execute a contract with any amendments with Morgan Tire of Sacramento Inc. to provide tire services for a three-year period from August 1, 2025, to August 1, 2028, in an amount not to exceed \$400,000, with an option to extend for two additional one-year terms, with service rates to be adjusted annually in accordance with the Consumer Price Index.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 16. Contract: Kept Companies Inc. dba Fleetwash Inc. for Vehicle Washing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kept Companies Inc., dba Fleetwash Inc., to provide vehicle washing services for a three-year period from July 1, 2025 to July 1, 2028 in an amount not to exceed \$300,000, with an option to extend for two additional one-year terms with service rates to be adjusted annually in accordance with the Consumer Price Index.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 17. Contract: Kerex Engineering, Inc. for FY 2025 Drainage Improvements (Specification No. 23-11561-C & 25-11677-C)**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving plans and specifications for the FY 2025 Drainage Improvements Project;
2. Accepting the bid of Kerex Engineering, Inc. as the lowest responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until project completion, in accordance with the approved plans and specifications in an amount not to exceed \$4,397,236.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 18. Contract: Technology, Engineering, and Construction, Inc. for Tank Maintenance, Repairs, and Certification Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Technology, Engineering, and Construction, Inc. doing business as TEC Accutite, to provide underground and aboveground tank maintenance and certification at various City facilities and locations for a total not to exceed of \$200,000 for a three-year term with an option of two one-year extensions, for a maximum term of five years.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 19. Contract: United Storm Water, Inc. for On-Call Storm Water Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with United Storm Water Inc. to provide on-call stormwater maintenance at various City facilities and locations for a total not to exceed of \$200,000, with an option of two one-year extensions, for a maximum term of five years.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 20. Intent to Vacate A Portion of Carleton Street From Westerly Terminus Extending 381.23 Feet Easterly**
From: City Manager
Recommendation: Adopt a Resolution declaring intent to vacate a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street, and conveying the City's interests in the vacated right of way to Bayer Healthcare LLC ("Bayer") for the purposes of relieving the City of associated maintenance costs and improving Bayer's site circulation and security.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 21. Purchase Order: SCL, Safety-Kleen Systems Inc. and Lube Buster Inc. for Vehicle Lubricant Materials**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to:
1. Execute a purchase order with SCL to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028, in an amount not to exceed \$140,000 with an option to extend for two additional one-year terms, with an annual service rates to be adjustment in accordance with the Consumer Price Index.
2. Execute a purchase order with Safety-Kleen Systems Inc. to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028, in an amount not to exceed \$140,000 with an option to extend for two additional one-year terms, with an annual service rates adjustment in accordance with the Consumer Price Index.
3. Execute a purchase order with Lube Buster Inc. to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028 in an amount not to exceed \$140,000, with an option to extend for two additional one-year terms, with an annual rates adjustment in accordance with the Consumer Price Index.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

22. Reinstating Street Sweeping on the 2900 Block of Regent Street

From: City Manager

Recommendation: Adopt a Resolution to reinstate mechanical street sweeping on the 2900 block of Regent Street, between Russell Street and Webster Street, in response to a community member petition per recommendation by the City's Transportation and Infrastructure Commission.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

23. Appointment of Patricia Fontana-Narell to the Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the recommendation for appointment of Patricia Fontana-Narell to the Mental Health Commission. Patricia Fontana-Narell will be a representative of the Special Public Interest Category, family member, beginning her 3-year term on July 9, 2025 and end on July 8, 2028.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

24. Letter in Support of Continued Funding for Berkeley

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

Recommendation: Adopt a letter in support of expanding funding for the Berkeley Rides for Seniors & The Disabled (BRSD) to continue open enrollment for Berkeley residents and distribute to Supervisor Nikki Fortunato Bas.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

25. Port Chicago Alliance: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

From: Councilmember Taplin (Author)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, to support the Port Chicago Alliance in celebration and execution of Port Chicago Remembrance Weekend.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action Calendar

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

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time.

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

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

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

26. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:

3.24.110 Landmarks, historic districts and structures of merit- Designation – Criteria for consideration

23.106.030 Floor Area, Gross

23.202.030 Additional Permit Requirements (Residential)

23.204.030 Additional Permit Requirements (Commercial Districts)

23.206.030 Additional Permit Requirements (Manufacturing Districts)

23.302.020 General Use Regulations

23.304.070 Unenclosed Accessory Structures in Residential Districts

23.326.030 Demolition of Residential Units

23.326.050 Demolition of Accessory Buildings

23.326.070 Demolition of Non-Residential Buildings

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

27. *Removed from the Agenda by the City Manager*** Approval and Levy of 2018 Clean Stormwater Fee in FY 2026**

From: City Manager

Contact: Terrance Davis, Public Works, (510) 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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 July 3, 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](#).*

### **Daylighting**

1. Mark Brucker

### **SB 692**

2. Molly Miller

### **Escalation Request**

3. Ahmed Elghiyati (2)

### **Further Building**

4. Kit Vanbuskirk

### **Measure FF**

5. Commission on Aging

### **Platform Screen Doors**

6. June Ruyle

### **EMBER**

7. Kelly Kenny
8. Berkeley FireSafe Council
9. Barbara Freeman (2)

### **New Parking Meters**

10. Judith L. Bloom

### **AC Transit Feedback**

11. Omowale Fowles

### **Wyman's Jewelz**

12. Ivory Lewis

### **39th Annual Berkeley Juneteenth Festival**

13. Delores Nochi Cooper

### **Formal Complaint**

14. Jamie Passanisi

**Kala Art Institute**

15. Ellen Lake

**Ohlone Park**

16. Nicolas Alexander

17. Sahil Shah

18. Erik Dreher

19. Kristin Leimkuhler

20. Bonnie Borucki

21. Ellen Lewis

22. Isaac Nicholson

23. Rebecca Wolf-Prusan

24. James Loza

25. Dan Cutter

**Encampments**

26. Molly Miller

27. Stephen Most

28. Eric Friedman

29. Elana Auerbach

**Homelessness Concerns**

30. David Freeling

**Streets, Bikes, Bollards, Etc.**

31. Diana

32. Shirley Kirsten (3)

33. Nicole Adams

34. Ciara Corrales

**Safety Concerns**

35. Sheila Goldmacher

36. James McFadden

37. Paola Laverde

**Model House**

38. Gael Alcock (2)

**Cannabis Tax**

39. Jim Wilk (2)

**Children's Hospital Oakland**

40. Aladrian Hillmon

**Fuel Break**

41. Bob Flasher

**Ashby BART Housing**

42. Gregory Kalkanis

**Spam Concern**

43. Amina & Chris

**Traffic Laws**

44. Molly Reno

**Protest Concern**

45. Raymond Barglow (2)

**Public Facilities**

46. Lori Roth

47. Leon Berkowitz

**Venture Capital**

48. David Lerman

**Youth Advisory Collective**

49. Layla Jurow

**RV Regulations**

50. Eric Friedman

**Homeless Policy Concern**

51. David Lerman

**E-Scooter**

52. Robert Borghese (9)

**URL's**

53. Barbara Freeman

**Supplemental Communications and Reports**

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

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

ORDINANCE NO. 7,978-N.S.

MIDDLE HOUSING ZONING AMENDMENTS; AMENDING TITLE 23 OF THE BERKELEY MUNICIPAL CODE

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

Section 1. That Table 23.108-1 Zoning Districts within BMC Chapter 23.108.020 is amended to read as follows:

**TABLE 23.108-1: ZONING DISTRICTS**

| DISTRICT SYMBOL              | NAME OF DISTRICT                 |
|------------------------------|----------------------------------|
| <b>Residential Districts</b> |                                  |
| R-1                          | Residential Multi-Unit 1         |
| ES-R                         | Environmental Safety Residential |
| R-2                          | Residential Multi-Unit 2         |
| R-2A                         | Residential Multi-Unit 2A        |
| R-3                          | Multiple-family Residential      |
| R-4                          | Multi-family Residential         |
| R-5                          | High Density Residential         |
| R-S                          | Residential Southside            |
| R-SMU                        | Residential Southside Mixed Use  |
| R-BMU                        | Residential BART Mixed Use       |
| <b>Commercial Districts</b>  |                                  |
| C-C                          | Corridor Commercial              |
| C-U                          | University Avenue Commercial     |
| C-N                          | Neighborhood Commercial          |

| <b>DISTRICT SYMBOL</b>         | <b>NAME OF DISTRICT</b>     |
|--------------------------------|-----------------------------|
| C-E                            | Elmwood Commercial          |
| C-NS                           | North Shattuck Commercial   |
| C-SA                           | South Area Commercial       |
| C-T                            | Telegraph Avenue Commercial |
| C-SO                           | Solano Avenue Commercial    |
| C-DMU                          | Downtown Mixed-Use          |
| C-W                            | West Berkeley Commercial    |
| C-AC                           | Adeline Corridor Commercial |
| <b>Manufacturing Districts</b> |                             |
| M                              | Manufacturing               |
| MM                             | Mixed Manufacturing         |
| MU-LI                          | Mixed Use-Light Industrial  |
| MU-R                           | Mixed Use-Residential       |
| <b>Special Districts</b>       |                             |
| S                              | Specific Plan               |
| U                              | Unclassified                |

Section 2. That Table 23.202-1 Allowed Land Uses in Residential Districts within BMC Section 23.202.020 is amended to read as follows:

**TABLE 23.202-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS**

| ZC = Zoning Certificate<br>AUP = ADMINISTRATIVE USE PERMIT<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>* Use-Specific Regulations Apply<br>**Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D | RESIDENTIAL DISTRICTS                      |        |                                     |                                            |         |        |        |         |         |        | USE-SPECIFIC REGULATIONS<br>APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*) |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------|-------------------------------------|--------------------------------------------|---------|--------|--------|---------|---------|--------|-----------------------------------------------------------------------------------------------------------|--|
|                                                                                                                                                                                                                                                                                   | R-1                                        | ES-R   | R-2                                 | R-2A                                       | R-3     | R-4    | R-5    | R-S     | R-SMU   | R-BMU* |                                                                                                           |  |
| <b>Residential Uses</b>                                                                                                                                                                                                                                                           |                                            |        |                                     |                                            |         |        |        |         |         |        |                                                                                                           |  |
| Accessory Dwelling Unit                                                                                                                                                                                                                                                           | See 23.306—Accessory Dwelling Units        | NP     | See 23.306—Accessory Dwelling Units |                                            |         |        |        |         |         |        |                                                                                                           |  |
| Single-Family Residential                                                                                                                                                                                                                                                         | ZC*<br>UP(PH) Hillside Overlay             | UP(PH) | ZC*<br>UP(PH) Hillside Overlay      | ZC*<br>UP(PH) Hillside Overlay             | UP(PH)* | UP(PH) | UP(PH) | UP(PH)* | UP(PH)* | NP     | 23.202.040(C) and (D)<br>23.302.070(H)                                                                    |  |
| Multi-Family Residential                                                                                                                                                                                                                                                          | ZC*<br>NP Hillside Overlay                 | NP     | ZC*<br>NP Hillside Overlay          | ZC*<br>UP(PH) Hillside Overlay             | UP(PH)* | UP(PH) | UP(PH) | UP(PH)* | UP(PH)* | UP(PH) | 23.202.040(D)<br>23.302.070(H)                                                                            |  |
| Group Living Accommodation                                                                                                                                                                                                                                                        | NP                                         | NP     | NP                                  | NP                                         | UP(PH)  | UP(PH) | UP(PH) | UP(PH)  | UP(PH)  | UP(PH) | 23.302.070(H)                                                                                             |  |
| Senior Congregate Housing                                                                                                                                                                                                                                                         | NP                                         | NP     | NP                                  | See 23.302.070.H– Use-Specific Regulations |         |        |        |         |         |        |                                                                                                           |  |
| Mixed-Use Residential                                                                                                                                                                                                                                                             | NP                                         | NP     | UP(PH)                              | UP(PH)                                     | UP(PH)  | UP(PH) | UP(PH) | UP(PH)  | UP(PH)  | UP(PH) | 23.302.070(H)                                                                                             |  |
| <b>Public and Quasi-Public Uses</b>                                                                                                                                                                                                                                               |                                            |        |                                     |                                            |         |        |        |         |         |        |                                                                                                           |  |
| Child Care Center                                                                                                                                                                                                                                                                 | UP(PH)                                     | NP     | UP(PH)                              | UP(PH)                                     | UP(PH)  | UP(PH) | UP(PH) | UP(PH)  | UP(PH)  | UP(PH) | 23.302.070(H)                                                                                             |  |
| Club/Lodge                                                                                                                                                                                                                                                                        | UP(PH)                                     | NP     | UP(PH)                              | UP(PH)                                     | UP(PH)  | UP(PH) | UP(PH) | UP(PH)  | UP(PH)  | UP(PH) | 23.302.070(H)                                                                                             |  |
| Columbaria                                                                                                                                                                                                                                                                        | AUP*                                       | NP     | AUP*                                | AUP*                                       | AUP*    | AUP*   | AUP*   | AUP*    | AUP*    | NP     | 23.302.070.C– Use-Specific Regulations                                                                    |  |
| Community Care Facility                                                                                                                                                                                                                                                           | See 23.202.040.A– Use-Specific Regulations |        |                                     |                                            |         |        |        |         |         |        |                                                                                                           |  |

| ZC = Zoning Certificate<br>AUP = ADMINISTRATIVE USE PERMIT<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>* Use-Specific Regulations Apply<br>**Required permits for specific<br>uses are set forth in the R-BMU<br>Master Development Permit<br>(MDP). See 23.202.150.A and<br>23.202.150.D | RESIDENTIAL DISTRICTS |        |        |        |        |        |        |        |         |        | USE-SPECIFIC<br>REGULATIONS<br>APPLIES TO USES WITH AN<br>ASTERISK FOLLOWING THE<br>PERMIT REQUIREMENT<br>(E.G., ZC*) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------|--------|--------|--------|--------|--------|--------|---------|--------|-----------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                               | R-1                   | ES-R   | R-2    | R-2A   | R-3    | R-4    | R-5    | R-S    | R-SMU   | R-BMU* |                                                                                                                       |
| Community Center                                                                                                                                                                                                                                                                              | UP(PH)                | NP     | UP(PH)  | UP(PH) |                                                                                                                       |
| Emergency Shelter, 15 beds or fewer                                                                                                                                                                                                                                                           | NP                    | NP     | NP     | NP     | NP     | ZC     | ZC     | ZC     | ZC      | ZC     | 23.308-Emergency Shelters                                                                                             |
| Emergency Shelter, more than 15 beds                                                                                                                                                                                                                                                          | NP                    | NP     | NP     | NP     | NP     | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) | 23.308-Emergency Shelters                                                                                             |
| Hospital                                                                                                                                                                                                                                                                                      | C                     | NP     | NP     | NP     | UP(PH) | UP(PH) | UP(PH) | NP     | UP(PH)  | NP     |                                                                                                                       |
| Library                                                                                                                                                                                                                                                                                       | UP(PH)                | NP     | UP(PH)  | UP(PH) |                                                                                                                       |
| Low Barrier Navigation Center                                                                                                                                                                                                                                                                 | ZC                    | NP     | ZC      | ZC     |                                                                                                                       |
| Nursing Home                                                                                                                                                                                                                                                                                  | NP                    | NP     | -      | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | NP     |                                                                                                                       |
| Park/Playground                                                                                                                                                                                                                                                                               | ZC                    | UP     | ZC      | ZC     |                                                                                                                       |
| Public Safety and Emergency Service                                                                                                                                                                                                                                                           | UP(PH)                | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) |                                                                                                                       |
| Public Utility Substation/Tank                                                                                                                                                                                                                                                                | UP(PH)                | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) |                                                                                                                       |
| Religious Assembly                                                                                                                                                                                                                                                                            | UP(PH)                | NP     | UP(PH)  | UP(PH) |                                                                                                                       |
| School                                                                                                                                                                                                                                                                                        | UP(PH)                | NP     | UP(PH)  | UP(PH) |                                                                                                                       |
| Supportive Housing                                                                                                                                                                                                                                                                            | ZC*                   | NP     | ZC*     | ZC*    | 23.302.070.I- Supportive Housing                                                                                      |
| <b>Commercial Uses</b>                                                                                                                                                                                                                                                                        |                       |        |        |        |        |        |        |        |         |        |                                                                                                                       |
| Alcoholic Beverage Service                                                                                                                                                                                                                                                                    | NP                    | NP     | NP     | NP     | NP     | NP     | NP     | NP     | ZC      | UP(PH) | 23.310—Alcoholic Beverage Sales and Service                                                                           |
| Food Products Store                                                                                                                                                                                                                                                                           | NP                    | NP     | NP     | NP     | NP     | NP     | NP     | NP     | UP(PH)* | UP(PH) | 23.202.140.B.3– R-SMU Residential Southside Mixed Use District                                                        |

| ZC = Zoning Certificate<br><b>AUP = ADMINISTRATIVE USE PERMIT</b><br>UP(PH) = Use Permit<br>NP = Not Permitted<br>* Use-Specific Regulations Apply<br>**Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D | RESIDENTIAL DISTRICTS |         |         |         |         |         |         |         |         |        | <b>USE-SPECIFIC REGULATIONS</b><br>APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|--------|------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                          | R-1                   | ES-R    | R-2     | R-2A    | R-3     | R-4     | R-5     | R-S     | R-SMU   | R-BMU* |                                                                                                                  |
| Food Service Establishment, Under 3,000 sq. ft.                                                                                                                                                                                                                                          | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | ZC*     | ZC*    | 23.302.070.(E) – Use=Specific Regulations                                                                        |
| Food Service Establishment, 3,000 sq. ft. or larger                                                                                                                                                                                                                                      | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | AUP*    | AUP*   | 23.302.070.(E) – Use=Specific Regulations                                                                        |
| Group Instruction                                                                                                                                                                                                                                                                        | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | NP      | UP(PH) | 23.202.150(C) – R-BMU Residential BART Mixed Use District                                                        |
| Health and Fitness Facility                                                                                                                                                                                                                                                              | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | NP      | UP(PH) | 23.202.150 (C) – R-BMU Residential BART Mixed Use District                                                       |
| Hotel, Tourist                                                                                                                                                                                                                                                                           | NP                    | NP      | NP      | NP      | NP      | UP(PH)  | UP(PH)  | UP(PH)  | UP(PH)  | NP     |                                                                                                                  |
| Laundromat and Cleaner                                                                                                                                                                                                                                                                   | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | UP(PH)  | UP(PH) |                                                                                                                  |
| Office                                                                                                                                                                                                                                                                                   | NP                    | NP      | NP      | NP      | NP      | UP(PH)  | UP(PH)  | NP      | UP(PH)  | UP(PH) | 23.202.150.C – R-BMU Residential BART Mixed Use District                                                         |
| Parking Lot/Structure                                                                                                                                                                                                                                                                    | UP(PH)*               | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH) | 23.302.070.G– Unenclosed Accessory Structures in Residential Districts<br><br>23.322.100– On-site Loading Spaces |
| Personal and Household Service, General                                                                                                                                                                                                                                                  | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | ZC*     | ZC*    | 23.202.140.B.2– R-SMU Residential Southside Mixed Use District                                                   |
| Retail, General                                                                                                                                                                                                                                                                          | NP                    | NP      | NP      | NP      | NP      | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH) | 23.202.040.B– Use-Specific Regulations                                                                           |
| Veterinary Clinic                                                                                                                                                                                                                                                                        | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | UP(PH)  | UP(PH) |                                                                                                                  |
| Video Tape/Disk Rental                                                                                                                                                                                                                                                                   | NP                    | NP      | NP      | NP      | NP      | NP      | NP      | NP      | UP(PH)  | NP     |                                                                                                                  |

| ZC = Zoning Certificate<br>AUP = ADMINISTRATIVE USE PERMIT<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>* Use-Specific Regulations Apply<br>**Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D | RESIDENTIAL DISTRICTS                         |        |        |        |        |        |        |        |        |         | USE-SPECIFIC REGULATIONS<br>APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|-----------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                   | R-1                                           | ES-R   | R-2    | R-2A   | R-3    | R-4    | R-5    | R-S    | R-SMU  | R-BMU*  |                                                                                                           |
| <b>Incidental Uses</b>                                                                                                                                                                                                                                                            |                                               |        |        |        |        |        |        |        |        |         |                                                                                                           |
| Live Entertainment Unamplified                                                                                                                                                                                                                                                    | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | ZC     | NP      |                                                                                                           |
| Live Entertainment Amplified                                                                                                                                                                                                                                                      | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | AUP    | NP      |                                                                                                           |
| <b>Industrial and Heavy Commercial Uses</b>                                                                                                                                                                                                                                       |                                               |        |        |        |        |        |        |        |        |         |                                                                                                           |
| Commercial Excavation                                                                                                                                                                                                                                                             | UP(PH)                                        | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)  |                                                                                                           |
| <b>Other Uses</b>                                                                                                                                                                                                                                                                 |                                               |        |        |        |        |        |        |        |        |         |                                                                                                           |
| Accessory Uses                                                                                                                                                                                                                                                                    | See 23.302.020.A– General Use Regulations     |        |        |        |        |        |        |        |        |         |                                                                                                           |
| Art/Craft Studio                                                                                                                                                                                                                                                                  | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | ZC      |                                                                                                           |
| ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank                                                                                                                                                                                                      | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | AUP     |                                                                                                           |
| Home Occupations                                                                                                                                                                                                                                                                  | See 23.302.040– Home Occupations              |        |        |        |        |        |        |        |        |         |                                                                                                           |
| Live/Work                                                                                                                                                                                                                                                                         | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | UP(PH)* | 23.312—Live/Work                                                                                          |
| Public Market, Open Air                                                                                                                                                                                                                                                           | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | AUP     |                                                                                                           |
| Public Market, Enclosed                                                                                                                                                                                                                                                           | NP                                            | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | AUP     |                                                                                                           |
| Short-Term Rental                                                                                                                                                                                                                                                                 | ZC*                                           | NP     | ZC*     | 23.314—Short-Term Rentals                                                                                 |
| Temporary Uses                                                                                                                                                                                                                                                                    | See 23.302.030– Temporary Uses and Structures |        |        |        |        |        |        |        |        |         |                                                                                                           |
| Urban Agriculture, Low-Impact                                                                                                                                                                                                                                                     | ZC*                                           | NP     | ZC*     | 23.318—Urban Agriculture                                                                                  |
| Urban Agriculture, High-Impact                                                                                                                                                                                                                                                    | AUP*                                          | NP     | AUP*    | 23.318—Urban Agriculture                                                                                  |
| Wireless Telecommunication Facility                                                                                                                                                                                                                                               | See 23.332—Wireless Communication Facilities  |        |        |        |        |        |        |        |        |         |                                                                                                           |

Section 3. That BMC Section 23.202.030(A) is amended to read as follows:

A. **Residential Additions.** See Section 23.502.020(A) (“A” Terms) for residential addition definitions.

1. **Permits Required.**

(a) In the ES-R district, residential additions require permits as follows:

- i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.
- ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.

(b) In the R-1H, R-1AH, R-2H, and R-2AH, and the R-3 district outside the Southside Plan boundaries, and in the R-4, R-5 and R-BMU districts, residential additions require permits as follows:

- i. Residential additions (up to 15 percent of lot area or 600 square feet, 23whichever is less): Zoning Certificate.
- ii. Major residential additions (all other residential additions): AUP.

Section 4. That BMC Section 23.202.030(B)(1) is amended to read as follows:

1. In the R-1 H, R-2 H, R-2AH, R-3, and R3-H districts, adding a bedroom to a lot requires permits as follows:

- (a) Adding a first, second, third, or fourth bedroom to a lot: no permit required.
- (b) Adding a fifth bedroom to a lot: AUP.
- (c) Adding a bedroom to a lot beyond the fifth: Use Permit.
- (d) No permit is required to add up to two bedrooms in an existing dwelling unit through the reconfiguration of existing habitable space, regardless of the number of bedrooms on the existing lot.

Section 5. That BMC Section 23.202.040(C) and (D) be added to read as follows:

C. *One Single-Family Residential Use on a Single Lot in the R-1, R-2 and R-2A districts.*

(1) This section applies on lots with one existing or proposed single-family residential dwelling on a single lot, for new construction or residential additions.

(a) The residential gross floor area of a single-family residential dwelling may be no larger than 50 percent of the lot area, or 2,500 square feet, whichever is greater.

(b) A single-family residential dwelling may exceed the size limitations in this section with an AUP.

(c) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

*D. Noticing for New Dwelling Uses in the R-1, R-2, and R-2A Zoning Districts*

(1) This section applies to proposed new dwelling units, other than ADUs, located in the R-1, R-2 and R-2A zoning districts and are eligible for approval with a Zoning Certificate, as indicated in Table 23-202-1 Allowed Land Uses in Residential Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

(d) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

Section 6. That BMC Section 23.202.050(A) is amended to read as follows:

A. **District Purpose.** The purpose of the Residential Multi-Unit 1\_(R-1) district is to:

1. Implement the General Plan by facilitating the development of residential areas consistent with a pattern of housing types ranging from single-family to small apartment structures;
2. Make housing available for persons who desire detached and multi-unit housing with usable open space;
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air; and
4. Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood.

Section 7. That the title of BMC Section 23.202.050 is amended to read as follows:

23.202.050 – R-1 Residential Multi-Unit 1 District

Section 8. That BMC Chapter 23.202.050(D)(1) R-1 Development Standards is amended to read as follows:

D. Development Standards.

1. Basic Standards. See Table 23.202-2: R-1 Development Standards and Table 23.202-3: R-1H Development Standards.

Section 9. That Table 23.202-2 R-1 Development Standards within BMC Chapter 23.202.050 is amended to read as follows:

**Table 23.202-2 R-1 Development Standards**

| BASIC STANDARDS                                                          |                         | SUPPLEMENTAL STANDARDS           |
|--------------------------------------------------------------------------|-------------------------|----------------------------------|
| Lot Area for New Lots, Minimum                                           | 5,000 sq. ft.           | 23.304.020 – Lot Requirements    |
| Usable Open Space 1,000 sq. ft. of Gross Residential Floor Area, Minimum | 150 sq. ft.             | 23.304.090 – Usable Open Space   |
| Floor Area Ratio, Maximum                                                | No maximum              |                                  |
| Main Building Height, Maximum                                            |                         | 23.304.050 – Building Height     |
| New Buildings and Additions                                              | 35 ft. or 3 stories [1] |                                  |
| Within 15 ft. of Rear Property Line                                      | 22 ft.                  |                                  |
| Residential Density (du/acre)                                            |                         | 23.106.100 – Residential Density |
| Minimum                                                                  | 10                      |                                  |
| Maximum                                                                  | 70                      |                                  |
| Lot Line Setbacks, Minimum                                               |                         | 23.304.030 – Setbacks            |
| Front                                                                    | 5 ft. [2]               |                                  |
| Rear                                                                     | 5 ft. [2]               |                                  |
| Interior Side                                                            | 4 ft.                   |                                  |
| Street Side                                                              | 4 ft.                   |                                  |
| Building Separation, Minimum                                             | 5 ft.                   |                                  |
| Lot Coverage, Maximum                                                    | 60%                     | 23.304.120 – Lot Coverage        |

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                                                                                                                   | SUPPLEMENTAL STANDARDS |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <p>Notes:</p> <p>[1] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.</p> <p>[2] Front and rear setbacks must add up to at least 20 feet.</p> |                        |

**Table 23.202-3 R-1H Development Standards**

| BASIC STANDARDS                                     |                                                                    | SUPPLEMENTAL STANDARDS                                             |
|-----------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| Lot Area for New Lots, Minimum                      | 5,000 sq. ft.                                                      | 23.304.020 – Lot Requirements                                      |
| Usable Open Space per Dwelling Unit, Minimum        | 400 sq. ft.                                                        | 23.304.090 – Usable Open Space                                     |
| Floor Area Ratio, Maximum                           | No maximum                                                         |                                                                    |
| Building Height                                     |                                                                    | 23.210.020 – Hillside Overlay Zone<br>23.304.050 – Building Height |
| New Buildings or Non-Residential Additions, Average | 28 ft. and 3 stories [1]                                           |                                                                    |
| New Buildings or Non-Residential Additions, Maximum | 35 ft.                                                             |                                                                    |
| Residential Additions                               |                                                                    |                                                                    |
| Average                                             | 14 ft. or highest existing portion of roof, whichever is lower [2] |                                                                    |
| Maximum                                             | 20 ft [3]                                                          |                                                                    |
| Lot Line Setbacks, Minimum                          |                                                                    | 23.210.020 – Hillside Overlay Zone<br>23.304.030 – Setbacks        |
| Front                                               | 20 ft.                                                             |                                                                    |
| Rear                                                | 20 ft.                                                             |                                                                    |
| Interior Side                                       | 4 ft.                                                              |                                                                    |

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                   |            | SUPPLEMENTAL STANDARDS    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------|
| Street Side                                                                                                                                                                                                                                                                                                                                                       | 4 ft.      |                           |
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                      | No minimum |                           |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                             | 40%        | 23.304.120 – Lot Coverage |
| <p>Notes:</p> <p>[1] Average Building Height 35 ft. with an AUP.</p> <p>[2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.</p> <p>[3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).</p> |            |                           |

Section 10. That BMC Chapter 23.202.060 is amended to read as follows:

23.202.060 Reserved

Section 11. That the title of BMC Section 23.202.080 is amended to read as follows:

**23.202.080- R-2 Residential Multi-Unit 2 District**

Section 12. That BMC Section 23.202.080(A) is amended to read as follows:

A. **District Purpose.** The purpose of the Residential Multi-Unit 2 (R-2) district is to:

1. Implement the General Plan by encouraging the development of residential areas with a range of housing types
2. Make available housing for persons who desire a range of housing choice with useable open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air.

Section 13 That BMC Section 23.202.080(D) is amended to read as follows:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.202-5: R-2 Development Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-7: R-2H Setback and Building Separation Standards, and Table 23.202-8: R-2H Lot Coverage Standards for development standards in the R-2 district.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2 district are noted in Table 23.202-5: R-2 Development Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-7: R-2H Setback and Building Separation Standards and Table 23.202-8: R-2H Lot Coverage Standards.

**TABLE 23.202-5: R-2 DEVELOPMENT STANDARDS**

| BASIC STANDARDS                                                               |                         | SUPPLEMENTAL STANDARDS           |
|-------------------------------------------------------------------------------|-------------------------|----------------------------------|
| Lot Area, Minimum                                                             |                         | 23.304.020 – Lot Requirements    |
| New Lots                                                                      | 5,000 sq. ft.           |                                  |
| Usable Open Space, Per 1,000 sq. ft. of gross residential floor area, Minimum |                         | 23.304.090 – Usable Open Space   |
| Floor Area Ratio, Maximum                                                     |                         | No maximum                       |
| Main Building Height                                                          |                         | 23.304.050 – Building Height     |
| New Buildings and Additions, Maximum                                          | 35 ft. or 3 stories [1] |                                  |
| Within 15 feet of Rear Property Line, Maximum                                 | 22 ft.                  |                                  |
| Residential Density (du/acre)                                                 |                         | 23.106.100 – Residential Density |
| Minimum                                                                       | 10                      |                                  |
| Maximum                                                                       | 70                      |                                  |

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           | SUPPLEMENTAL STANDARDS |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------|
| Lot Line Setbacks, Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                        |           | 23.304.030 – Setbacks  |
| Front                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5 ft. [2] |                        |
| Rear                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 5 ft. [2] |                        |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 4 ft.     |                        |
| Street Side                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4 ft.     |                        |
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                      |           | 5 ft.                  |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                                                                                                                             |           | 60%                    |
| 23.304.120 – Lot Coverage                                                                                                                                                                                                                                                                                                                                                                                                                                         |           |                        |
| <p>Notes:</p> <p>[1] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.</p> <p>[2] Front and rear setbacks must add up to at least 20 feet.</p> |           |                        |

**TABLE 23.202-6: R-2H DEVELOPMENT STANDARDS**

| BASIC STANDARDS                               |               | SUPPLEMENTAL STANDARDS         |
|-----------------------------------------------|---------------|--------------------------------|
| Lot Area, Minimum                             |               | 23.304.020 – Lot Requirements  |
| New Lots                                      | 5,000 sq. ft. |                                |
| Usable Open Space, Per Dwelling Unit, Minimum |               | 23.304.090 – Usable Open Space |
| Floor Area Ratio, Maximum                     |               | No maximum                     |
| Main Building Height, Average                 |               | 23.210.020 – Hillside Overlay  |

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                   |                                                                    | SUPPLEMENTAL STANDARDS               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------|
| New Buildings and Non-Residential Additions                                                                                                                                                                                                                                                                                                                       | 28 ft. and 3 stories [1]                                           | Zone<br>23.304.050 – Building Height |
| New Buildings and Non-Residential Additions, Maximum                                                                                                                                                                                                                                                                                                              | 35 ft.                                                             |                                      |
| Residential Addition, Height                                                                                                                                                                                                                                                                                                                                      |                                                                    |                                      |
| Average                                                                                                                                                                                                                                                                                                                                                           | 14 ft. or highest existing portion of roof, whichever is lower [2] |                                      |
| Maximum                                                                                                                                                                                                                                                                                                                                                           | 20 ft. [3]                                                         |                                      |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                             | See Table 23.202-8                                                 | 23.304.120 – Lot Coverage            |
| <p>Notes:</p> <p>[1] Average Building Height 35 ft. with an AUP.</p> <p>[2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.</p> <p>[3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).</p> |                                                                    |                                      |

**TABLE 23.202-7: R-2H SETBACK AND BUILDING SEPARATION STANDARDS**

|                            | STANDARDS BY BUILDING STORY |                 |                 | SUPPLEMENTAL STANDARDS  |
|----------------------------|-----------------------------|-----------------|-----------------|-------------------------|
|                            | 1 <sup>ST</sup>             | 2 <sup>ND</sup> | 3 <sup>RD</sup> |                         |
| Lot Line Setbacks, Minimum |                             |                 |                 | 23.304.030–<br>Setbacks |
| Front                      | 20 ft.                      | 20 ft.          | 20 ft.          |                         |

|                              |        |        |        |                                                                      |
|------------------------------|--------|--------|--------|----------------------------------------------------------------------|
| Rear                         | 20 ft. | 20 ft. | 20 ft. |                                                                      |
| Interior                     | 4 ft.  | 4 ft.  | 6 ft.  |                                                                      |
| Street Side                  | 10 ft. | 10 ft. | 10 ft. |                                                                      |
| Building Separation, Minimum | 8 ft.  | 12 ft. | 16 ft. | 23.304.040–<br>Building<br>Separation in<br>Residential<br>Districts |

**TABLE 23.202-8: R-2H LOT COVERAGE STANDARDS**

|                          | STANDARD BASED ON BUILDING HEIGHT |           |           | SUPPLEMENTAL STANDARDS   |
|--------------------------|-----------------------------------|-----------|-----------|--------------------------|
|                          | 1 STORY                           | 2 STORIES | 3 STORIES |                          |
| Lot Coverage, Maximum    |                                   |           |           | 23.304.120– Lot Coverage |
| Interior and Through Lot | 45%                               | 40%       | 35%       |                          |
| Corner Lot               | 50%                               | 45%       | 40%       |                          |

Section 14. That the title BMC Section 23.202.090 is amended to read as follows:

**23.202.090 R-2A Residential Multi-Unit 2A District**

Section 15. That BMC Section 23.202.090(A) is amended to read as follows:

A. **District Purpose.** The purpose of the Residential Multi-Unit 2A (R-2A) district is to:

1. Implement the General Plan by facilitating the development of residential areas characterized by a range of housing types;
2. Make available housing for persons who desire apartment-type accommodations with open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air; and

Section 16. That BMC Section 23.202.090(D) is amended to read as follows:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.202-9: R-2A Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-11: R-2AH Setback and Building Separation Standards, and Table 23.202-12: R-2AH Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2A district are noted in Table 23.202-9: R-2A Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-11: R-2AH Setback and Building Separation Standards, and Table 23.202-12: R-2AH Lot Coverage Standards.

**TABLE 23.202-9: R-2A DEVELOPMENT STANDARDS**

| BASIC STANDARDS                                                           |                     | SUPPLEMENTAL STANDARDS         |
|---------------------------------------------------------------------------|---------------------|--------------------------------|
| Lot Area, Minimum                                                         |                     |                                |
| New Lots                                                                  | 5,000 sq. ft.       | 23.304.010 - Lot Requirements  |
| Usable Open Space, per 1,000 sq. ft. gross residential floor area Minimum | 150 sq. ft          | 23.304.090 – Usable Open Space |
| Main Building Height                                                      |                     | 23.304.050 – Building Height   |
| New Buildings and Additions, Maximum [1]                                  | 35 ft. or 3 stories |                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |        |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------|
| Within 15 ft. of Rear Property Line, Maximum                                                                                                                                                                                                                                                                                                                                                                                                                      | 22 ft. |                                  |
| Residential Density (du/acre)                                                                                                                                                                                                                                                                                                                                                                                                                                     |        | 23.106.100 – Residential Density |
| Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 20     |                                  |
| Maximum                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 70     |                                  |
| Lot Line Setbacks, Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                        |        | 23.304.030 – Setbacks            |
| Front [2]                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5 ft.  |                                  |
| Rear [2]                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 5 ft.  |                                  |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 4 ft.  |                                  |
| Street Side                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4 ft.  |                                  |
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                      | 5 ft.  |                                  |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                                                                                                                             | 60%    | 23.304.120 – Lot Coverage        |
| <p>Notes:</p> <p>[1] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.</p> <p>[2] Front and rear setbacks must add up to at least 20 feet.</p> |        |                                  |

**TABLE 23.202-10: R-2AH DEVELOPMENT STANDARDS**

| BASIC STANDARDS   |                   | SUPPLEMENTAL STANDARDS        |
|-------------------|-------------------|-------------------------------|
| Lot Area, Minimum |                   |                               |
| New Lots          | 5,000 sq. ft.     | 23.304.010 - Lot Requirements |
| Per Dwelling Unit | 1,650 sq. ft. [1] |                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                     |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------|
| Usable Open Space, per Dwelling Unit, Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                      | 400 sq. ft                                                          | 23.304.090 – Usable Open Space                                     |
| Main Building Height, Average                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                     |                                                                    |
| New Buildings and Non-Residential Additions                                                                                                                                                                                                                                                                                                                                                                                                                                        | 28 ft. and 3 stories [2]                                            | 23.210.020 – Hillside Overlay Zone<br>23.304.050 – Building Height |
| Residential Additions, Height                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                     |                                                                    |
| Average                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 14 ft. or highest existing portion of roof, whichever is lower. [3] |                                                                    |
| Maximum                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 20 ft. [4]                                                          |                                                                    |
| <p>Notes:</p> <p>[1] One additional dwelling unit is allowed for a remaining lot area between 1,300 and 1,650 square feet.</p> <p>[2] Average Building Height 35 ft. with an AUP.</p> <p>[3] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.</p> <p>[4] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).</p> |                                                                     |                                                                    |

**TABLE 23.202-11: R-2AH SETBACK AND BUILDING SEPARATION STANDARDS**

|                            | STANDARDS BY BUILDING STORY |                 |                 | SUPPLEMENTAL STANDARDS  |
|----------------------------|-----------------------------|-----------------|-----------------|-------------------------|
|                            | 1 <sup>ST</sup>             | 2 <sup>ND</sup> | 3 <sup>RD</sup> |                         |
| Lot Line Setbacks, Minimum |                             |                 |                 | 23.304.030–<br>Setbacks |
| Front                      | 15 ft.                      | 15 ft.          | 15 ft.          |                         |
| Rear                       | 15 ft.                      | 15 ft.          | 15 ft.          |                         |

|                              |       |        |        |                                                                      |
|------------------------------|-------|--------|--------|----------------------------------------------------------------------|
| Interior                     | 4 ft. | 4 ft.  | 6 ft.  | 23.304.040–<br>Building<br>Separation in<br>Residential<br>Districts |
| Street Side                  | 6 ft. | 8 ft.  | 10 ft. |                                                                      |
| Building Separation, Minimum | 8 ft. | 12 ft. | 16 ft. |                                                                      |

**TABLE 23.202-12: R-2AH LOT COVERAGE STANDARDS**

|                           | STANDARD BASED ON BUILDING HEIGHT |           |           | SUPPLEMENTAL STANDARDS |
|---------------------------|-----------------------------------|-----------|-----------|------------------------|
|                           | 1 STORY                           | 2 STORIES | 3 STORIES |                        |
| Lot Coverage, Maximum     |                                   |           |           | 23.304.120             |
| Interior and Through Lots | 45%                               | 40%       | 35%       |                        |
| Corner Lots               | 50%                               | 45%       | 40%       |                        |

Section 17. That BMC Section 23.202.100(E)(2) is amended to read as follows:

2. **Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in Table 23.202-13: R-3 Development Standards.

Section 18. That the title of Table 23.202-11: R-3 Development Standards within BMC Section 23.202.100 is amended to read as follows:

**TABLE 23.202-13: R-3 DEVELOPMENT STANDARDS**

Section 19. That the BMC Sections 23.202.110(E)(1) and (2) are amended to read as follows:

**E. Development Standards.**

1. **Basic Standards.** See Table 23.202-14: R-4 Lot and Height Standards, Table 23.202-15: R-4 Setback and Building Separation Standards, and Table 23.202-16: R-4 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-14: R-4 Lot and Height Standards, Table 23.202-15: R-4 Setback and Building Separation Standards, and Table 23.202-16: R-4 Lot Coverage Standards.

Section 20. That the title of Table 23.202-12: R-4 Lot and Height Standards within BMC Section 23.202.110 is amended to read as follows:

**TABLE 23.202-14: R-4 LOT AND HEIGHT STANDARDS**

Section 21. That the title of Table 23.202-13: R-4 Setback and Building Separation Standards within BMC Section 23.202.110 is amended to read as follows:

**TABLE 23.202-15: R-4 SETBACK AND BUILDING SEPARATION STANDARDS**

Section 22. That the title of Table 23.202-14: R-4 Lot Coverage Standards within BMC Section 23.202.110 is amended to read as follows:

**TABLE 23.202-16: R-4 LOT COVERAGE STANDARDS**

Section 23. That BMC Section 23.202.120(D)(1) and (2) be amended to read as follows:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.202-17: R-5 Lot and Height Standards, Table 23.202-18: R-5 Setback and Building Separation Standards, and Table 23.202-19: R-5 Lot Coverage Standards.

2. **Supplemental Standards.** Supplemental development standards that apply in the R-5 district are noted in Table 23.202-17: R-5 Lot and Height Standards, Table 23.202-18: R-5 Setback and Building Separation Standards, and Table 23.202-19: R-5 Lot Coverage Standards.

Section 24. That the title of Table 23.202-15: R-5 Lot and Height Standards within BMC Section 23.202.120 is amended to read as follows:

**TABLE 23.202-17: R-5 LOT AND HEIGHT STANDARDS**

Section 25. That the title of Table 23.202-16: R-5 Setback and Building Separation Standards within BMC Section 23.202.120 is amended to read as follows:

**TABLE 23.202-18: R-5 SETBACK AND BUILDING SEPARATION STANDARDS**

Section 26. That the title of Table 23.202-17: R-5 Lot Coverage Standards within BMC Section 23.202.120 is amended to read as follows:

**TABLE 23.202-19: R-5 LOT COVERAGE STANDARDS**

Section 27. That BMC Section 23.202.130(E)(1) and (2) are amended to read as follows:

**E. Development Standards.**

1. **Basic Standards.** See Table 23.202-20: R-S Development Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-S district are noted in Table 23.202-20: R-S Development Standards.

Section 28. That the title of Table 23.202-18: R-S Development Standards within BMC Section 23.202.130 is amended to read as follows:

**TABLE 23.202-20: R-S DEVELOPMENT STANDARDS**

Section 29. That BMC Section 23.202.140(E)(1) is amended to read as follows:

1. **Basic Standards.** See Table 23.202-21: R-SMU Development Standards.

Section 30. That the title of Table 23.202-19: R-SMU Development Standards within BMC Section 23.202.140 is amended to read as follows:

**TABLE 23.202-21: R-SMU DEVELOPMENT STANDARDS**

Section 31. That BMC Section 23.202.150(D) is amended to read as follows:

- D. **Ground-floor Uses.** See Table 23.202-22: Permitted Street-Facing Ground Floor Uses.

Section 32. That the title of Table 23.202-20: Permitted Street-Facing Ground Floor Uses within BMC Section 23.202.150 is amended to read as follows:

**TABLE 23.202-22: PERMITTED STREET-FACING GROUND FLOOR USES**

Section 33. That BMC Section 23.202.150(F)(1) and (2) are amended to read as follows:

1. **Basic Standards.** See Table 23.202-23.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-23.

Section 34. That the title of Table 23.202-21 within BMC Section 23.202.150 is amended to read:

**TABLE 23.202-23: R-BMU DEVELOPMENT STANDARDS**

Section 35. That the lines “Single-Family,” “Two Family,” and “Multi-Family” in Table 23.204-1: Allowed Land Uses in Commercial Districts within BMC Section 23.204.020 are amended to read as follows:

|                                                                                                                                                                                                                                                     |                             |            |            |            |             |             |            |             |              |            |             |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|------------|------------|-------------|-------------|------------|-------------|--------------|------------|-------------|---------------------------------|
| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see <a href="#">23.204.020(B)</a><br>[#] = Table Note<br>Permit Requirement<br>* Use-Specific Regulations Apply | <b>COMMERCIAL DISTRICTS</b> |            |            |            |             |             |            |             |              |            |             | <b>USE-SPECIFIC REGULATIONS</b> |
|                                                                                                                                                                                                                                                     | <b>C-C</b>                  | <b>C-U</b> | <b>C-N</b> | <b>C-E</b> | <b>C-NS</b> | <b>C-SA</b> | <b>C-T</b> | <b>C-SO</b> | <b>C-DMU</b> | <b>C-W</b> | <b>C-AC</b> |                                 |
| <b>Residential Uses</b>                                                                                                                                                                                                                             |                             |            |            |            |             |             |            |             |              |            |             |                                 |
| Single-Family Residential                                                                                                                                                                                                                           | UP(H)                       | UP(PH)*    | UP(PH)     | UP(PH)     | UP(PH)      | UP(PH)      | UP(PH)*    | UP(PH)      | UP(PH)       | UP(PH)     | UP(PH)      | 23.204.060.B.3;<br>23.302.070.H |
| Multi- Unit Residential                                                                                                                                                                                                                             | UP(PH)                      | UP(PH)*    | UP(PH)     | UP(PH)     | UP(PH)      | UP(PH)      | UP(PH)*    | UP(PH)      | UP(PH)       | UP(PH)     | UP(PH)      | 23.204.060.B.3;<br>23.302.070.H |

Section 36. That the lines “Single Family,” “Two Family,” “Multi-Unit Family” and “Mixed Use Residential” in Table 23.206-1: Allowed Land Uses in Manufacturing Districts within BMC Section 23.206.020 are amended to read as follows:

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>-- = Permitted with an AUP, see<br>23.206.020(B)<br>NP = Not Permitted<br>[#] = Floor Area Permit Requirement<br>* Use-Specific Standards Apply | MANUFACTURING DISTRICTS |    |       |                    | Use-Specific Standards<br>Applies to uses with an<br>asterisk following the permit<br>requirement (e.g., ZC*) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----|-------|--------------------|---------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                      | M                       | MM | MU-LI | MU-R               |                                                                                                               |
| <b>Residential Uses</b>                                                                                                                                                                                                              |                         |    |       |                    |                                                                                                               |
| Single-Family Residential                                                                                                                                                                                                            | NP                      | NP | NP    | AUP                |                                                                                                               |
| Multi-Unit Residential                                                                                                                                                                                                               | NP                      | NP | NP    | ZC*                | 23.206.090(B) (8)                                                                                             |
| Mixed-Use Residential                                                                                                                                                                                                                | NP                      | NP | NP    | <u>UP(PH)</u><br>* | 23.206.090(B)(7)                                                                                              |

Section 37. That BMC Section 23.206.090(B)(7) to (9) are amended to read as follows:

**7. Mixed-Use Residential.** To approve an AUP or Use Permit to establish or expand of a mixed-use residential building in the MU-R district, the review authority must find that the specific combination of proposed residential and non-residential uses will not be hazardous or detrimental to persons living and/or working on the site or within the project vicinity.

**8. Noticing for New Dwelling Units.** This section applies to proposed new dwelling units that are eligible for approval with a Zoning Certificate, as indicated in Table 23.206-1 Allowed Land Uses in Manufacturing Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

Section 38. That Table 23.206-14- MU-R Development Standards within Section 23.206.090 is amended to read as follows:

**TABLE 23.206-14: MU-R DEVELOPMENT STANDARDS**

| BASIC STANDARDS                                   |                          | SUPPLEMENTAL STANDARDS           |
|---------------------------------------------------|--------------------------|----------------------------------|
| Lot Area, Minimum                                 |                          | 23.304.020 – Lot Requirements    |
| New Lot                                           | No minimum               |                                  |
| Per Live/Work Unit                                | 1,250 sq. ft.            |                                  |
| Lot Width, Minimum                                | 40 ft.                   |                                  |
| Usable Open Space, Minimum                        |                          | 23.304.090 – Usable Open Space   |
| Per 1,000 sq. ft. of gross residential floor area | 150 sq. ft.              |                                  |
| Per Live/Work Unit                                | 40 sq. ft.               |                                  |
| Floor Area Ratio, Maximum, Non-Residential        | 1.5 [1]                  | 23.106.050 - Floor Area Ratio    |
| Residential Density (DU/acre)                     |                          | 23.106.100 – Residential Density |
| Minimum                                           | 20                       |                                  |
| Maximum                                           | 70                       |                                  |
| Main Building Height, Maximum                     |                          | 23.304.050 - Building Height     |
| Live/work                                         | 28 ft. and 3 stories [2] |                                  |
| Residential or mixed-use [3]                      | 35 ft. or 3 stories      |                                  |
| Within 15 ft. of rear property line               | 22 ft.                   |                                  |
| All other uses                                    | 35 ft. and 2 stories [4] |                                  |
| Lot Line Setbacks, Minimum                        |                          | 23.304.030 – Setbacks            |
| Front                                             | 5 ft.                    |                                  |
| Rear                                              | No minimum [5]           |                                  |
| Interior Side                                     | No minimum               |                                  |
| Street Side                                       | 5 ft.                    |                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--|
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 5 ft.       |  |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No maximum. |  |
| <p>Notes:</p> <p>[1] Maximum 1.5 for buildings with 50 percent or more live/work floor area</p> <p>[2] Maximum 35 ft. with a Use Permit.</p> <p>[3] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories. Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.</p> <p>[4] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.</p> <p>[5] Minimum 5 ft. if rear of lot abuts a street.</p> |             |  |

Section 39. That Table 23.210-1: H Overlay Zone Maximum Allowed Height within Section 23.210.020 is amended to read as follows:

**TABLE 23.210-1: H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT**

| UNDERLYING BASE DISTRICT      | ALLOWED HEIGHT                                                                                   |         | MAXIMUM STORIES |
|-------------------------------|--------------------------------------------------------------------------------------------------|---------|-----------------|
|                               | AVERAGE                                                                                          | MAXIMUM |                 |
| New Buildings                 |                                                                                                  |         |                 |
| R-1, R-2, R-2A                | 28 ft.                                                                                           | 35 ft.  | 3 stories       |
| R-3, R-4, R-5, R-S, C-N, C-NS | 35 ft.                                                                                           | 35 ft.  | 3 stories       |
| Residential Additions         | As required by the base district or the highest existing portion of the roof, whichever is lower | 20 ft.  | N/A             |

Section 40. That BMC Section 23.304.030(B)(1) is amended to read as follows:

1. **Corner Lots with a Rear Lot Line Abutting a Key Lot.** For corner lots in the R-1, R-2 and R-2A districts with a rear lot line abutting a key lot, the minimum street side setback is either:
  - (a) One-half the front setback required or existing on the key lot, whichever is less; or
  - (b) Four feet if the corner lot maintains 50 feet or more rear setback.

Section 41: That Table 23.304-1 Allowed Setback Reductions in Residential District within BMC Section 23.304.030 is amended to read:

**TABLE 23.304-1: ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS**

| DISTRICT WHERE ALLOWED          | WHEN ALLOWED                    | MINIMUM SETBACK WITH REDUCTION | REQUIRED PERMIT | REQUIRED ADDITIONAL FINDINGS [1]                                                                                                                                                          |
|---------------------------------|---------------------------------|--------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Front Setback Reductions</b> |                                 |                                |                 |                                                                                                                                                                                           |
| ES-R                            | On any lot                      | No minimum.                    | UP(PH) [2]      | The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose. |
| <b>Rear Setback Reductions</b>  |                                 |                                |                 |                                                                                                                                                                                           |
| ES-R [3]                        | On any lot                      | No minimum                     | UP(PH) [2]      | The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose. |
| R-1                             | On a lot less than 100 ft. deep | 20% of lot depth [4]           | ZC              | None                                                                                                                                                                                      |

| DISTRICT WHERE ALLOWED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | WHEN ALLOWED                                                 | MINIMUM SETBACK WITH REDUCTION                                                                | REQUIRED PERMIT | REQUIRED ADDITIONAL FINDINGS [1]                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R-2, R-2A, R-3, R-4, R-5 [4]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | On a lot with two or more main buildings with dwelling units | No minimum                                                                                    | AUP             | No additional findings                                                                                                                                                                    |
| <b>Side Setback Reductions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                              |                                                                                               |                 |                                                                                                                                                                                           |
| ES-R [3]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Any lot                                                      | No minimum                                                                                    | UP(PH) [2]      | The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose. |
| R-1, R-2, R-2A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Lot width less than 40 ft.                                   | 10% of lot width or 3 ft., whichever is greater                                               | ZC              | None                                                                                                                                                                                      |
| R-2H, R-2AH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Lot width less than 40 ft.                                   | First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 4 ft. | ZC              | None                                                                                                                                                                                      |
| <p>Notes:</p> <p>[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.</p> <p>[2] Fire Department must review and approve reduced setbacks in respect to fire safety.</p> <p>[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.</p> <p>[4] The resulting rear setback becomes the total setback required for the front and rear to add up to. Front and rear setbacks may not be less than 5 ft.</p> <p>[5] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.</p> |                                                              |                                                                                               |                 |                                                                                                                                                                                           |

Section 42. That the line “R-1A” in Table 23.304-4: Permits Required for Building

Separation in Residential Districts within BMC Section 23.304.040 is removed.

Section 43. That BMC Section 23.322.100(C)(1) is amended to read as follows:

1. General. The following requirements apply to required on-site loading spaces in all districts except for the R-1, R-2, R-2A districts.

(a) *Dimensions.* A required loading space must be at least 12 feet wide and 25 feet long with a minimum vertical clearance of 14 feet.

(b) *Location.* A required loading spaces must be located on the same lot as the structure or use the space is designed to serve.

(c) *Parking Spaces.* A required parking space may not be used to satisfy the requirements for an off-street loading space.

(d) *Access and Paving.* A required loading space must have adequate means of access from a street or alley. Both the space and access driveway must be paved with a durable, dustless material that is usable under all weather conditions.

Section 44. That BMC Section 23.324.050(D)(3)(a) is amended to read as follows:

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

Section 45. That BMC Section 23.326.030(B)(1)(c) is amended to read as follows:

(c) The demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Residential Units.

Section 46. That BMC Section 23.326.030(B)(2) is amended to read as follows:

2. A Single-Family Dwelling without sitting tenants may be demolished with a Zoning Certificate, if the demolition is part of a development project that would result in a net increase in residential density.

Section 47. That BMC Section 23.406.020(E) is amended to read as follows:

E. Review and Action

1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.

2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.
3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

Section 48. That BMC Section 23.502.020(M)(17) and (18) are amended to read as follows:

17. **Multi-Family Dwelling.** A building, group of buildings, or portion of a building used or designed as two\_or more dwelling units.
18. **Multi-Family Residential.** A residential use that includes two or more units, excluding ADUs and Junior ADUs, on a single lot.
19. **Municipal Animal Shelter.** A City-owned facility providing services for humane animal care with programs and services focused on maximizing opportunities for animal adoption. Supporting facilities may include medical care (including spay/neuter), kennels, exercise areas and adoption centers.

Section 49. That BMC Section 23.502.020(R) is amended to read as follows:

R. "R" Terms.

1. *Receiving Lot.* See Lot, Receiving.
2. *Recycled Materials Processing.* A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.
3. *Recycling Redemption Center.* A facility, use, or structure for the collection of recyclable goods, including beverage containers and newspapers.
4. *Related Equipment.* All equipment necessary for or related to the provision of personal wireless services. Such equipment may include, but is not limited to, cable, conduit and connectors, equipment pads, equipment shelters, cabinets, buildings and access ladders.
5. *Religious Assembly.* A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

6. *Repair Service, Non-Vehicle.* An establishment that provides repair and maintenance services for household appliance, home electronics, office equipment, furniture and other similar items. Excludes vehicle repair.

7. *Research and Development.* An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

8. *Resident.* A person whose primary residence is in Berkeley.

9. *Residential Care Facility.* See Community Care Facility.

10. *Residential Hotel.* See Hotel, Residential.

11. *Residential Addition.* See Addition, Residential.

12. *Residential Districts.* The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.

13. *Residential Hotel Room.* A room which is:

- (a) Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;
- (b) Not a complete dwelling unit, as defined in this chapter; and
- (c) Not a Tourist Hotel Room, as defined in this chapter.

14. *Residential Use.* Any legal use of a property as a place of residence, including but not limited to dwelling units, group living accommodations, and residential hotels.

15. *Retail, General.* A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores,

stationery, cards and paper goods stores toy stores and variety stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.

16. *Retaining Wall.* A wall designed to contain and resist the lateral displacement of soil and of which such soil is at a higher elevation on one side of the wall.

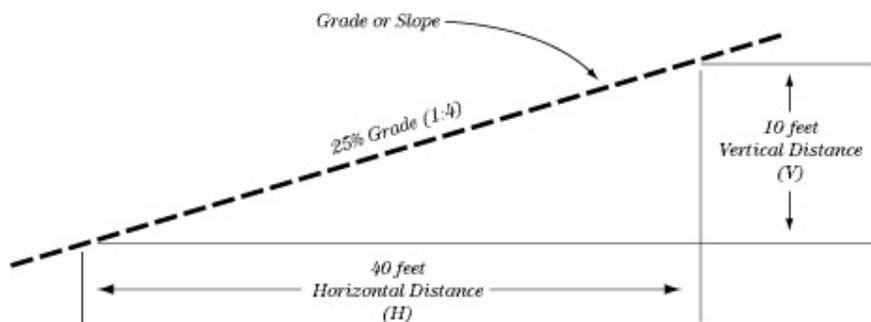
17. *Review Authority.* The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

18. *Rooming House.* A building used for residential purposes, other than a hotel, where lodging for 5 or more persons, who are not living as a single household, is provided for compensation, whether direct or indirect. In determining the number of persons lodging in a rooming house, all residents shall be counted, including those acting as manager, landlord, landlady or building superintendent. See also Boarding House.

Section 50. That BMC Section 23.502.020(S)(21) through 23.502.020(S)(36) is amended to read as follows:

- 21. **Single-Family Residential.** A residential use that includes only one single-family dwelling, excluding ADUs and Junior ADUs, on a single lot.
- 22. **Single Residential Occupancy (SRO) Room.** A room for residential or sleeping purposes in a residential hotel which is designed for occupancy of one person only.
- 23. **Skateboard Ramp.** A ramp, platform, course or facility used for skateboard riding and made of wood or other solid material.
- 24. **Slope.** The steepness of a site, measured as the ratio of the vertical distance to the horizontal distance between the highest and lowest points of the site. See Figure 23.502-5: Grade or Slope.

**FIGURE 23.502-5: GRADE OR SLOPE**



- 25. **Small Vehicle Sales and Service.** An establishment which sells or leases long-term new, used, or pre-owned motorized vehicles other than passenger automobiles and trucks which are characterized by fewer than four wheels or

a minimal frame. Types of vehicles sold or leased by this use include motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles designed or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

26. **Smoke Shop.** An establishment engaged primarily in the sale of tobacco and/or tobacco-related products.

27. **Solar Energy Device/Equipment.** Any solar collector or other solar energy device or any structural design feature of a building of which the primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or the generation of electricity.

28. **Sorority House.** A building used for group living accommodations by an organization recognized by the UC Berkeley, or other institution of higher learning.

29. **Source Lot.** See Lot, Source.

30. **Story.** See Section 23.106.060 (Story)

31. **Street.** A public or private thoroughfare which provides principal means of access to abutting lots, including but not limited to, avenue, place, way, manor, drive, circle, lane, court, boulevard, highway, road and any other thoroughfare except an alley or a path as defined in this chapter.

32. **Street Line.** The boundary between a lot and an adjacent street.

33. **Structural Alteration.** Any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders or creation or enlargement of a window or door, change of a roofline or roof shape, including creating, enlarging or extending a dormer.

34. **Structural Alteration, Public Safety.** Any structural alteration or physical change to a building that provides greater safety to the public or occupants by strengthening the building against seismic activity, which does not result in new floor area except that created by necessary structural improvements or physical changes as required under Municipal Code Chapter 19.38 and 19.39.

35. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this chapter.

(a) **Accessory Structure.** A detached structure, other than an accessory building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential accessory structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and

wheelchair ramps. Non-residential accessory structures include, but are not limited to, storage buildings, garages, sheds and other outbuildings.

- (b) **Subterranean Structure.** A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet above the pre-existing grade. Such structures are either separated from a building or connected to a building only by a passageway or hallway with no openings to finished grade except for a doorway.
- (c) **Temporary Structure.** A tent, tent-house, trailer, mobile office, mobile home or other movable structure or other temporary structure whose construction does not require a building permit.

36. **Studio.** See Art/Craft Studio.

37. **Supportive Housing.** As defined in Health and Safety Code 50675.14(b)(2), housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code 50675.14(b)(3) and is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Section 51. That BMC Section 23.502.020(T)(14) is removed.

Section 52. The effective date of this Ordinance shall be November 1, 2025.

Section 53: The Zoning Map, as referenced in BMC Section 23.108.030, shall be amended to rezone all parcels currently zoned R-1A to R-2, as shown in Attachment A of this Ordinance.

Section 54: Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Attachment A: Zoning Map Changes

At a special meeting of the Council of the City of Berkeley held on June 26, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

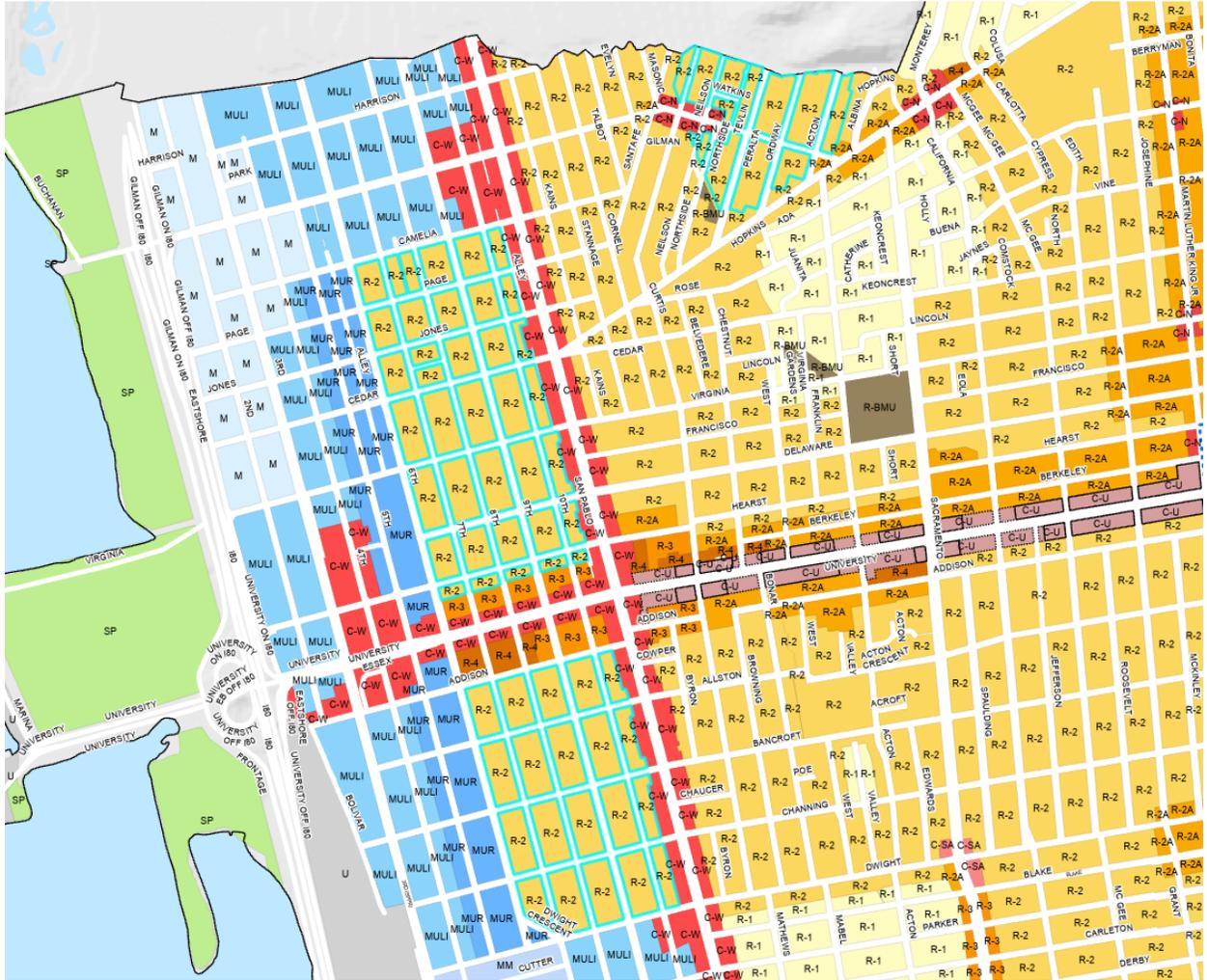
Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

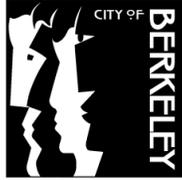
### Attachment A Zoning Map Changes

The zoning map below reflects the elimination of the R-1A zoning district and the redesignation of R-1A parcels as R-2 parcels. All affected parcels are outlined in light blue.



1831812.1





## AGENDA

### BERKELEY CITY COUNCIL MEETING

Tuesday, July 8, 2025

6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE  
DISTRICT 6 – BRENT BLACKABY  
DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](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/1600604713>. 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: 160 060 4713**. 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](mailto: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.*

**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

- Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63) to Suspend Effective Date Until March 2026**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,974–N.S to amend the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63) to suspend the effective date until March 1, 2026.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, (510) 981-6998

## Consent Calendar

- 2. FY 2026 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,975–N.S. setting the FY 2026 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06695 (6.695 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.10132 (10.132 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. FY 2026 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,976–N.S. setting the FY 2026 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1299 (12.99 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. FY 2026 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,977–N.S. adopting the FY 2026 Annual Appropriations Ordinance (AAO) in the amount of \$829,213,359 (gross appropriations) and \$687,764,462 (net appropriations).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager, (510) 981-7000
- 5. At-Will Designation: Assistant City Attorney**  
**From: City Attorney**  
**Recommendation:** Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will and adopt a Resolution amending the Unrepresented Employee Manual and all other pertinent documents to effectuate the change.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950

## Consent Calendar

### 6. **Contracts for Financial Consulting Services**

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms that provide temporary governmental financial consulting services as required by the Finance Department.

1. Contract No. 32200214 Amendment: RLH & Associates. in an amount not to exceed \$300,000; and

2. Contract No. 32500185 Amendment: Ezer Consulting, LLC in an amount not to exceed \$150,000; and

3. Contract: GD Financials in an amount not to exceed \$150,000

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

### 7. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 8, 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

### 8. **Grant Application: California Fire Safe Council (CFSC) Grant to Continue Funding an Alameda County Coordinator**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or his designee to apply for and accept a grant, and any amendments for not more than \$225,000 per year in Fiscal Year (FY) 25, FY26 and FY27, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

### 9. **Amend SEIU-CSU MOU Exhibits A-D with Updated Hourly Pay Rates**

**From: City Manager**

**Recommendation:** Adopt a Resolution amending the Service Employees International Union (SEIU) Local 1021, Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association ("Union") Memorandum of Understanding ("MOU") Exhibits A, B, C, and D (Salary Ranges) with updated hourly pay rates.

**Financial Implications:** See report

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

## Consent Calendar

- 10. Amend SEIU-MC Section 32 Probationary Period for Public Safety Dispatcher I and Public Safety Dispatcher II**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical (“Union”) Memorandum of Understanding (“MOU”) Section 32 Probationary Period for Public Safety Dispatcher I (“PSD I”) and Public Safety Dispatcher II (“PSD II”).  
**Financial Implications:** See report  
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
- 11. Construction Contract: Team Ghilotti for the South Cove West Lot Repaving Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the rescoped South Cove West Lot Repaving Project (Bid Specification No. 25-11687-C); and 2. Accepting the bid of TEAM GHILOTTI as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with TEAM GHILOTTI, for the South Cove West Lot Repaving Project, in an amount not to exceed \$1,884,641, which includes a contract amount consisting of base bid of \$1,667,141, additive alternative A2 in the amount of \$50,500, and a 10% contingency in the amount of \$167,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 12. Lease Amendment with Yoonaco, Inc. (Hana Japan) at 235 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the City’s improved property lease with Yoonaco, Inc. (Hana Japan) for property at 235 University Ave to extend the initial lease term through June 30, 2026, replace the five-year extension option with a one-year extension option, maintain the rent at the current rate of \$7,868 per month for the lease term, and remove the daily operating requirement for the first floor of the property.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

### 13. **Contracts for Plan Checking Services**

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments for plan checking services for three-year terms with the following firms:

1. Coastland | DCCM for an amount not to exceed \$1,000,000
2. Telesis Engineers for an amount not to exceed \$1,500,000
3. West Coast Code Consultants for an amount not to exceed \$2,000,000

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

### 14. **Contract No. 32810081 Amendment: FirstCarbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the existing contract with FirstCarbon Solutions, Inc. for the Solid Waste & Recycling Transfer Station Replacement Project compliance with the California Environmental Quality Act. The Contract will be increased from \$650,000 to \$725,000.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

### 15. **Contracts: Don's Tire Service Inc. and Morgan Tire of Sacramento Inc.**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to:

1. Execute a contract with any amendments with Don's Tire Service Inc. to provide tire services for a three-year period from August 1, 2025, to August 1, 2028, in an amount not to exceed \$400,000, with an option to extend for two additional one-year terms, with service rates to be adjusted annually in accordance with the Consumer Price Index.
2. Execute a contract with any amendments with Morgan Tire of Sacramento Inc. to provide tire services for a three-year period from August 1, 2025, to August 1, 2028, in an amount not to exceed \$400,000, with an option to extend for two additional one-year terms, with service rates to be adjusted annually in accordance with the Consumer Price Index.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

- 16. Contract: Kept Companies Inc. dba Fleetwash Inc. for Vehicle Washing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kept Companies Inc., dba Fleetwash Inc., to provide vehicle washing services for a three-year period from July 1, 2025 to July 1, 2028 in an amount not to exceed \$300,000, with an option to extend for two additional one-year terms with service rates to be adjusted annually in accordance with the Consumer Price Index.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 17. Contract: Kerex Engineering, Inc. for FY 2025 Drainage Improvements (Specification No. 23-11561-C & 25-11677-C)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Approving plans and specifications for the FY 2025 Drainage Improvements Project;  
2. Accepting the bid of Kerex Engineering, Inc. as the lowest responsive and responsible bidder; and  
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until project completion, in accordance with the approved plans and specifications in an amount not to exceed \$4,397,236.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 18. Contract: Technology, Engineering, and Construction, Inc. for Tank Maintenance, Repairs, and Certification Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Technology, Engineering, and Construction, Inc. doing business as TEC Accutite, to provide underground and aboveground tank maintenance and certification at various City facilities and locations for a total not to exceed of \$200,000 for a three-year term with an option of two one-year extensions, for a maximum term of five years.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

**19. Contract: United Storm Water, Inc. for On-Call Storm Water Maintenance  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with United Storm Water Inc. to provide on-call stormwater maintenance at various City facilities and locations for a total not to exceed of \$200,000, with an option of two one-year extensions, for a maximum term of five years.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

**20. Intent to Vacate A Portion of Carleton Street From Westerly Terminus  
Extending 381.23 Feet Easterly  
From: City Manager**

**Recommendation:** Adopt a Resolution declaring intent to vacate a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street, and conveying the City's interests in the vacated right of way to Bayer Healthcare LLC ("Bayer") for the purposes of relieving the City of associated maintenance costs and improving Bayer's site circulation and security.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

**21. Purchase Order: SCL, Safety-Kleen Systems Inc. and Lube Buster Inc. for  
Vehicle Lubricant Materials  
From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to:

1. Execute a purchase order with SCL to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028, in an amount not to exceed \$140,000 with an option to extend for two additional one-year terms, with an annual service rates to be adjustment in accordance with the Consumer Price Index.
2. Execute a purchase order with Safety-Kleen Systems Inc. to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028, in an amount not to exceed \$140,000 with an option to extend for two additional one-year terms, with an annual service rates adjustment in accordance with the Consumer Price Index.
3. Execute a purchase order with Lube Buster Inc. to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028 in an amount not to exceed \$140,000, with an option to extend for two additional one-year terms, with an annual rates adjustment in accordance with the Consumer Price Index.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

### 22. Reinstating Street Sweeping on the 2900 Block of Regent Street

**From: City Manager**

**Recommendation:** Adopt a Resolution to reinstate mechanical street sweeping on the 2900 block of Regent Street, between Russell Street and Webster Street, in response to a community member petition per recommendation by the City's Transportation and Infrastructure Commission.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

### 23. Appointment of Patricia Fontana-Narell to the Mental Health Commission

**From: Mental Health Commission**

**Recommendation:** Adopt a Resolution approving the recommendation for appointment of Patricia Fontana-Narell to the Mental Health Commission. Patricia Fontana-Narell will be a representative of the Special Public Interest Category, family member, beginning her 3-year term on July 9, 2025 and end on July 8, 2028.

**Financial Implications:** None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

## Council Consent Items

### 24. Letter in Support of Continued Funding for Berkeley

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

**Recommendation:** Adopt a letter in support of expanding funding for the Berkeley Rides for Seniors & The Disabled (BRSD) to continue open enrollment for Berkeley residents and distribute to Supervisor Nikki Fortunato Bas.

**Financial Implications:** None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

### 25. Port Chicago Alliance: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

**From: Councilmember Taplin (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, to support the Port Chicago Alliance in celebration and execution of Port Chicago Remembrance Weekend.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## 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.*

## Action 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.*

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

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

## Action Calendar – Public Hearings

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

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

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

### **26. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:

3.24.110 Landmarks, historic districts and structures of merit- Designation – Criteria for consideration

23.106.030 Floor Area, Gross

23.202.030 Additional Permit Requirements (Residential)

23.204.030 Additional Permit Requirements (Commercial Districts)

23.206.030 Additional Permit Requirements (Manufacturing Districts)

23.302.020 General Use Regulations

23.304.070 Unenclosed Accessory Structures in Residential Districts

23.326.030 Demolition of Residential Units

23.326.050 Demolition of Accessory Buildings

23.326.070 Demolition of Non-Residential Buildings

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – Public Hearings

27. **\*\*\*Removed from the Agenda by the City Manager\*\*\* Approval and Levy of 2018 Clean Stormwater Fee in FY 2026**  
**From: City Manager**  
Contact: Terrance Davis, Public Works, (510) 981-6300

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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](mailto: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](mailto: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](mailto: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 June 26, 2025.

A handwritten signature in black ink, appearing to read "Mark Numainville".

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](#).

Daylighting

1. Mark Brucker

SB 692

2. Molly Miller

Escalation Request

3. Ahmed Elghiyati (2)

Further Building

4. Kit Vanbuskirk

Measure FF

5. Commission on Aging

Platform Screen Doors

6. June Ruyle

EMBER

- 7. Kelly Kenny
- 8. Berkeley FireSafe Council
- 9. Barbara Freeman (2)

New Parking Meters

10. Judith L. Bloom

AC Transit Feedback

11. Omowale Fowles

Wyman's Jewelz

12. Ivory Lewis

39th Annual Berkeley Juneteenth Festival

13. Delores Nochi Cooper

Formal Complaint

14. Jamie Passanisi

Kala Art Institute

15. Ellen Lake

Ohlone Park

- 16. Nicolas Alexander
- 17. Sahil Shah
- 18. Erik Dreher
- 19. Kristin Leimkuhler
- 20. Bonnie Borucki
- 21. Ellen Lewis
- 22. Isaac Nicholson
- 23. Rebecca Wolf-Prusan
- 24. James Loza
- 25. Dan Cutter

Encampments

- 26. Molly Miller
- 27. Stephen Most
- 28. Eric Friedman
- 29. Elana Auerbach

Homelessness Concerns

30. David Freeling

Streets, Bikes, Bollards, Etc.

- 31. Diana
- 32. Shirley Kirsten (3)
- 33. Nicole Adams
- 34. Ciara Corrales

Safety Concerns

- 35. Sheila Goldmacher
- 36. James McFadden
- 37. Paola Laverde

Model House

- 38. Gael Alcock (2)

Cannabis Tax

- 39. Jim Wilk (2)

Children's Hospital Oakland

- 40. Aladrian Hillmon

Fuel Break

- 41. Bob Flasher

Ashby BART Housing

- 42. Gregory Kalkanis

Spam Concern

- 43. Amina & Chris

Traffic Laws

- 44. Molly Reno

Protest Concern

- 45. Raymond Barglow (2)

Public Facilities

- 46. Lori Roth
- 47. Leon Berkowitz

Venture Capital

- 48. David Lerman

Youth Advisory Collective

- 49. Layla Jurow

RV Regulations

50. Eric Friedman

Homeless Policy Concern

51. David Lerman

E-Scooter

52. Robert Borghese (9)

URL's

53. Barbara Freeman

Supplemental Communications and Reports

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

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

ORDINANCE NO. 7,974-N.S.

AMENDING CHAPTER 13.63 OF THE BERKELEY MUNICIPAL CODE PROHIBITING THE SALE OR USE OF COORDINATED PRICING ALGORITHMS TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

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

Section 1. That Berkeley Municipal Code 13.63 is amended to read as follows:

Chapter 13.63

PROHIBITION ON THE SALE OR USE OF COORDINATED PRICING ALGORITHMS TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

Sections:

13.63.010 Findings and Purpose

13.63.020 Definitions

13.63.030 Use and Sale of Coordinated Pricing Algorithms Prohibited

13.63.040 Remedies

13.63.050 Undertaking for the General Welfare

13.63.060 Severability

13.63.070 Effective Date

13.63.010 Findings and purpose.

The Council hereby finds and determines that the adoption of this chapter is necessary to the promotion of the public health, safety, and welfare.

A. In recent years, a number of new software programs, often referred to as “algorithmic devices”, have threatened to destabilize rental housing markets in cities nationwide, including the City of Berkeley.

B. These programs enable landlords to indirectly coordinate with one another through the sharing of non-public competitively sensitive data in order to artificially inflate rents and vacancy rates for rental housing. Participating landlords provide vast amounts of proprietary data to the programs, which in turn set or provide recommendations for rent and occupancy levels.

C. More and more landlords in U.S. cities now pool their data and pricing decisions using such software.

D. The software has contributed to double-digit rent increases (over the last nine years, median rents have increased 19% in the East Bay), higher vacancy rates, and higher rates of eviction, and has generally distorted markets so that rents and vacancy rates have increased in tandem.

E. Often used by large corporate landlords, the software fuels the consolidation of corporate and private equity ownership of rental housing, at the expense of landlords large and small who are willing to play by the normal rules. Landlords using these tools are not engaging in appropriate market behavior. And the companies developing and selling these tools to Berkeley landlords are not doing so either, and are contributing to these problems.

F. A 2022 class action lawsuit filed in the U.S. District Court in the Western District of Washington at Seattle (one of over 20 private class action lawsuits that have been consolidated into one case) accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as “conduits of the cartel” by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

G. Numerous antitrust lawsuits have been filed against certain of these companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. These include a lawsuit filed by the District of Columbia Attorney General in November 2023, a lawsuit filed by the Arizona Attorney General in February 2024, and more than 20 federal private class action lawsuits filed nationwide that have been consolidated in the federal court in the Middle District of Tennessee. In August 2024, The United States Department of Justice, alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

H. Instead of waiting for court processes which may take years to resolve, this ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents on residential dwelling units in the city of Berkeley, to bring immediate relief to Berkeley tenants, as well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

I. This Chapter is not intended to prevent the development or sale of software to help landlords manage their units generally or through the use of public data. Nor does this Chapter regulate the amount of rent that a landlord may charge. This Chapter solely regulates the use and sale of the algorithmic devices that analyze and share non-public data, to prevent the harms described above.

13.63.020 Definitions.

A. “Coordinated pricing algorithm” means any analytical or computation processes that use data to recommend or predict the price of consumer goods or services in direct or indirect coordination with one or more competitors, including through a third-party vendor such as a software program that uses one or more algorithms to perform calculations of competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising landlords whether to leave their units vacant or on the amount of rent that landlords may obtain from tenants. “Coordinated pricing algorithm” includes a product that incorporates a coordinated pricing algorithm, but does not

include (a) any report published by a trade association that receives renter data and publishes it in an aggregated and anonymous manner or (b) a product used for the purpose of establishing rent or income limits in accordance with the affordable housing guidelines of a local government, the state, the federal government, or other political subdivision.

B. "Competitor data" means information, including information about actual rent prices, occupancy rates, lease start and end dates, and similar data, regardless whether the information is attributable to a specific competitor or anonymized, and regardless whether it is derived from or otherwise provided by another person that competes in the same market or a related market.

13.63.030 Use and sale of coordinated pricing algorithms prohibited.

A. It shall be unlawful to sell, license, or otherwise provide to city of Berkeley landlords any coordinated pricing algorithm that sets, recommends, or advises on rents or occupancy levels that may be achieved for residential dwelling units in the city of Berkeley.

B. It shall be unlawful for a landlord to use a coordinated pricing algorithm described in subsection A when setting rents or occupancy levels for residential dwelling units in the city of Berkeley. Each separate month that a violation exists or continues, and each separate residential dwelling unit for which the landlord used the coordinated pricing algorithm, shall constitute a separate and distinct violation.

13.63.040 Remedies.

A. The City Attorney may file a civil action for violations of section 13.63.030, subsections A and/or B, for damages, injunctive relief, restitution/return of illegal profits, and/or civil penalties of up to \$1,000 per violation. The court shall award reasonable attorney's fees and costs to the city Attorney if the City Attorney is the prevailing party in such a civil action.

B. A tenant may file a civil action for violations of section 13.63.030, subsection B, for injunctive relief, money damages, and/or civil penalties of up to \$1,000 per violation. The court shall award reasonable attorney's fees and costs to the tenant if the tenant is the prevailing party in such a civil action. A lease provision that limits a prevailing tenant from obtaining attorneys' fees shall not be enforceable against a tenant's claim for attorneys' fees that arises under this subsection 13.63.040 B.

13.63.050 Undertaking for the general welfare.

In enacting and implementing this Chapter 13.63, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

13.63.060 Severability.

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be

affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

13.63.070 Effective Date.

The provisions of this Chapter shall not take effect until March 1, 2026.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 24, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

ORDINANCE NO. 7,975-N.S.

SETTING THE FISCAL YEAR 2026 SPECIAL TAX RATE TO FUND FIRE PROTECTION AND EMERGENCY RESPONSE AND PREPAREDNESS (MEASURE GG) IN THE CITY OF BERKELEY

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

Section 1. The FY 2026 Tax Rate for the Fire Protection and Emergency Response and Preparedness (Measure GG) is set at:

- \$0.06695 per square foot of improvements for dwellings
- \$0.10132 per square foot of improvements for all other properties

Section 2. The cost to taxpayers during FY 2026 will be \$80.34 for a 1,200 square foot dwelling and \$200.85 for a 3,000 square foot dwelling.

Section 3. This tax rate will result in estimated total collections of \$6,326,071

Section 4. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 24, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

ORDINANCE NO. 7,976-N.S.

SETTING THE FISCAL YEAR 2026 SPECIAL TAX RATE TO FUND FIREFIGHTING, EMERGENCY MEDICAL RESPONSE AND WILDFIRE PREVENTION (MEASURE FF) IN THE CITY OF BERKELEY

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

Section 1. The FY 2026 tax rate to provide for the costs incurred for the firefighting, emergency medical response and wildfire prevention (Measure FF) is set at 0.1299 per square foot of improvements.

Section 2. The cost to taxpayers during FY 2026 will be \$155.88 for a 1,200 square foot dwelling and \$389.70 for a 3,000 square foot dwelling.

Section 3. This tax rate will result in estimated total collections of \$10,969,060.

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

At a regular meeting of the Council of the City of Berkeley held on June 24, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

ORDINANCE NO. 7,977-N.S.

ADOPTING THE ANNUAL APPROPRIATIONS ORDINANCE BASED ON THE ADOPTED BUDGET FOR FISCAL YEAR 2026 AS PROPOSED BY THE CITY MANAGER AND PASSED BY THE CITY COUNCIL

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 2026 submitted by the City Manager and passed by the City Council be adopted as follows and as summarized in Exhibit A:

A. General Fund (Funds 001-099)	331,696,543
B. Special Funds (Funds 100-199)	150,661,423
C. Grant Funds (Funds 300-399)	53,055,771
D. Capital Projects Funds (Funds 500-550)	34,219,807
E. Debt Service Fund (Funds 551-599)	15,010,855
F. Enterprise Funds (Funds 600-669)	161,658,442
G. Internal Service Funds (Funds 146, 670-699)	66,742,557
H. Trust Funds (Funds 701-759)	213,777
H. Successor Agency (Funds 760-769)	57,120
I. Agency Funds (Funds 771-799)	6,880,057
J. Other Funds (Funds 800-899)	9,017,005
<u>K. Total</u>	
Total General Fund	331,696,543
Add: Total Other Than General Fund	497,516,815
Gross Revenue Appropriated	829,213,359
Less: Dual Appropriations	-77,331,186
Less: Revolving/Internal Service Funds	-64,117,711
Net Revenue Appropriated	687,764,462

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; PERS Savings Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; IT Cost Allocation Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; Marina Fund; Measure U1; and Sick Leave Entitlement Fund.
- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); and Health State Aid Realignment Fund; Measure U1.
- c. From GF-Payroll Deduction Trust Fund to Employee Training Fund; General Fund
- d. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- e. From Measure FF – Public Safety Fund to Paramedic Tax Fund
- f. From Capital Improvement Fund to Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- g. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- h. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- i. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- j. To Catastrophic Loss Fund from Permit Service Center Fund.
- k. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- l. 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.
- m. 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.

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

- s. 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.

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

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 June 24, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

Attachment for Annual Appropriations Ordinance - Fiscal Year 2026

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	822,177
Equipment Replacement Fund	6,536,146
Equipment Maintenance Fund	10,385,092
Building Maintenance Fund	5,518,650
Central Services Fund	411,006
Workers' Compensation Fund	11,601,193
Public Liability Fund	3,760,097
Information Technology Fund	18,731,443
Subtotal Revolving/Internal Service Funds	<u>\$ 57,765,803</u>

DUAL APPROPRIATIONS - WORKING BUDGET

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

Transfers to the General Fund

<u>Indirect Cost Reimbursement</u>	
CDBG Fund	176,194
Street Light Assessment District Fund	115,708
One-Time Grant: No Cap Exp	78,545
Zero Waste Fund	2,658,265
Marina Enterprise Fund	452,819
Sanitary Sewer Fund	1,099,804
Clean Storm Water Fund	178,513
Permit Service Center Fund	2,187,182
Unified Program (CUPA) Fund	89,070
Subtotal Transfers to General Fund:	<u>\$ 7,036,100</u>

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	13,730,788
Transfer to Marina Fund from General Fund	1,173,626
Transfer to Equipment Replacement Fund from General Fund	1,759,380
Transfer to Public Liability Fund from General Fund	3,446,161
Transfer to Catastrophic Loss Fund from General Fund	6,278,457
Transfer to IT Cost Allocation Fund from General Fund	71,335
Transfer to Police Employee Retiree Health Assistance Plan from General Fund	400,136
Transfer to Sick Leave Entitlement Fund from General Fund	201,501
Transfer to Employee Training Fund from GF Payroll Deduction Trust Fund	750,000
Transfer to General Fund from GF Payroll Deduction Trust Fund	6,000,000
Transfer to General Fund from Measure U1 Fund	2,500,000
Transfer to GF Payroll Deduction Trust Fund from PERS Fund	6,000,000
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 Berkeley Repertory Theater Debt Service Fund from CIP Fund	499,802
Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund	402,613
Transfer to Equipment Replacement Fund from Capital Improvement Fund (CIP)	678,030
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 General Fund from Workers Compensation Fund	5,187,019
Transfer to General Fund from IT Cost Allocation Fund	6,466,414
Transfer to GF Payroll Deduction Trust Fund from Sick Leave Entitlement Fund	273,854
Transfer to First Source Fund from Parks Tax Fund	26,925
Transfer to First Source Fund from Capital Improvement Fund	26,925
Transfer to First Source Fund from Marina Fund	2,175
Transfer to Public Art Fund from Parks Tax Fund	68,119
Transfer to Public Art Fund from Capital Improvement Fund	141,357
Transfer to Public Art Fund from Marina Fund	3,806
Subtotal Transfers to Other Funds:	<u>70,295,086</u>
Sub-Total Dual Appropriations	<u>\$ 77,331,186</u>
Grand Total Dual Appropriations	\$ 141,448,897

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	FY 2026 Adopted
11	General Fund Discretionary	311,435,259
13	GF - Payroll Deduction Trust	6,750,000
16	Measure U1 - Housing	13,511,284
101	Library - Tax	29,382,885
102	Library - Trans Based	4,000,000
103	Library - Grants	99,884
104	Library - Friends & Gift	222,150
105	Library - Foundation	200,000
106	Asset Forfeiture	61,000
107	Special Tax Measure E	1,882,839
108	Workforce Investment	58,692
110	Sec 108 Loan Gty Asst.	1,183,612
111	Fund Raising Activities	54,789
113	Gilman Sports Field	335,382
115	Animal Shelter	52,480
116	Paramedic Tax	4,894,321
119	Domestic Violence Prev - Vit Stat	32,490
120	Affordable Housing Mitigation	1,925,568
121	Affordable Child Care	13,275
122	Inclusionary Housing Program	438,731
123	Condo Conversion	534,833
125	Playground Camp	4,387,369
126	State-Prop 172 Pub.Safety	448,976
127	State Transportation Tax	7,686,498
128	CDBG	3,076,701
129	Rental Housing Safety Program	2,804,807
130	Measure B - Local St & Road	61,882
131	Measure B - Bike & Pedestrian	-
132	Measure B - Paratransit	17,016
133	Measure F Alameda County VRF St & Rd	462,227
134	Measure BB - Local St & Road	7,657,298
135	Meaure BB - Bike & Pedestrian	1,762,862
136	Measure BB - Paratransit	967,484
138	Parks Tax	24,534,028
139	Streets and Open Space Improvement (SOSIP)	250,000
140	Measure GG - Fire Prep Tax	6,289,268
142	Streetlight Assesment District	3,284,660
143	Berkeley Bus Ec Dev	156,387
146	Employee Training	822,177
147	UC Settlement	5,871,394
148	Cultural Trust	-
149	Private Party Sidewalks	100,000
150	Public Art Fund	64,367

SUMMARY OF APPROPRIATIONS BY FUND

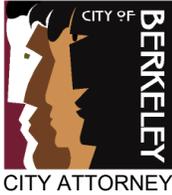
ERMA Fund #	Fund	FY 2026 Adopted
152	Vital & Health Statistics Trust Fund	30,292
154	PERS Savings	6,000,000
156	Hlth State Aid Realign Trust	6,844,776
157	Tobacco Cont.Trust	382,250
158	Mental Health State Aid Realign	6,335,939
159	Citizens Option Public Safety Trust	272,448
161	Alameda Cty Abandoned Vehicle Abatement	101,285
164	Measure FF - Public Safety	12,976,348
165	Fair Elections	664,752
166	Measure FF - Street Repair	975,000
301	Operating Grants - Federal	155,304
302	Operating Grants - State	7,723,545
306	Capital Grants - State	750,000
307	Capital Grants - Local	100,000
309	OTS DUI Enforcement Education Prg.	149,321
310	HUD/Home	2,524,030
311	ESG	452,137
312	Health (General)	2,733,843
313	Target Case Management Linkages	1,491,747
315	Mental Health Service Act	11,265,993
316	Health (Short/Doyle)	7,235,143
317	EPSDT Expansion Proposal	669,282
318	Alcoholic Bev Ctr OTS/UC	60,237
319	Youth Lunch	50,838
320	Sr. Nutrition Title III	262,905
321	CFP Title X	-
324	BUSD Grant	216,871
325	Vector Control	485,945
326	Alameda County Grants	1,115,784
327	Senior Supportive Social Services	118,794
328	Family Care Support Program	112,253
329	CA Integrated Waste Management	5,244
331	Housing Mitigation	1,362,494
333	CALHOME	221,240
334	CSBG	291,358
336	One-Time Grant: No Cap Exp	758,064
339	MTC	752,827
340	FEMA	2,869,444
341	Alameda Cty Waste Mgt.	345,000
343	State Dept Conserv/Recylg	32,000
347	Shelter+Care HUD	7,334,881
348	Shelter+Care County	1,041,448
349	JAG Grant	60,759

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	FY 2026 Adopted
350	Bioterrorism Grant	307,040
354	ARPA - Local Fiscal Recovery Fund	-
501	Capital Improvement Fund	18,155,130
502	Phone System Replacement	449,408
503	FUND\$ Replacement	3,065,223
504	PEG-Public, Education & Government	267,210
511	Measure T1 - Infra & Facil.	4,106,327
512	Measure O	8,176,509
552	09 Measure FF Debt Service	1,330,513
553	2015 GORBS	2,043,981
554	2012 Lease Revenue Bonds BJPFA	499,849
555	2015 GORBS - 2002 G.O. Refunding Bonds	378,696
556	2015 GORBS (2007, Series A)	142,312
557	2015 GORBS (2008 Measure I)	479,416
558	2010 COP (Animal Shelter)	140,085
559	Measure M GO Street & Water Imps	1,639,250
560	Infrastructure & Facilities Measure T1	3,755,881
561	Measure O - Housing Bonds	4,600,873
601	Zero Waste	61,614,928
608	Marina Operation	7,663,273
611	Sewer	33,533,465
612	Private Sewer Lateral FD	80,849
616	Clean Storm Water	8,598,338
621	Permit Service Center	27,883,725
622	Unified Program (CUPA)	1,021,938
627	Off Street Parking	7,203,523
631	Parking Meter	10,178,760
636	Building Purchases and Management	3,879,644
671	Equipment Replacement	6,536,146
672	Equipment Maintenance	10,385,092
673	Building Maintenance Fund	5,518,650
674	Central Services	411,006
676	Workers Compensation	11,788,212
678	Public Liability	3,760,097
679	Catastrophic Loss	3,447,023
680	IT Cost Allocation	24,896,332
706	Police Medical Trust Fund	48,281
721	Retiree Medical Trust Fund - BHA	2,970
722	Retiree Medical Trust Fund - IBEW	2,563
723	Retiree Medical Trust Fund - Local 1	22,595
724	Retiree Medical Trust Fund - Z1 Mgmt.	4,000
725	Retiree Medical Trust Fund - Z2 To Z6	12,000
726	Retiree Medical Trust Fund - Local 535	32,191

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund #	Fund	FY 2026 Adopted
727	Retiree Medical Trust Fund - Local 790	37,106
731	Police EE Retiree Health Ast Plan	6,500
736	Fire Medical Trust Fund	45,571
762	Successor Agency - Savo DSF	57,120
776	Thousand Oaks Underground	100,096
777	Measure H - School Tax	500,000
778	Measure Q - CFD#1 Dis. Fire Protect Bond	107,904
779	Spl Tax Bds. CFD#1 ML-ROOS	778,589
780	Sick Leave Entitlement	322,955
781	Berkeley Tourism BID	2,209,676
782	Elmwood Business Improvement District	59,950
783	Solano Ave BID	40,445
784	Telegraph Avenue Bus. Imp. District	826,643
785	North Shattuck BID	334,076
786	Downtown Berkeley Prop & Improv. District	1,599,725
801	Rent Board	9,017,005
GROSS EXPENDITURE:		829,213,359
	Dual Appropriations	(77,331,186)
	Revolving & Internal Service Funds	(64,117,711)
NET EXPENDITURE:		<u>687,764,462</u>



CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Farimah Faiz Brown, City Attorney
Submitted By: Farimah Faiz Brown, City Attorney
Subject: At-Will Designation: Assistant City Attorney

RECOMMENDATION

Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will and adopt a Resolution amending the Unrepresented Employee Manual and all other pertinent documents to effectuate the change.

FISCAL IMPACT

There is no direct fiscal impact at this time.

CURRENT SITUATION AND ITS EFFECTS

The unrepresented classification of Assistant City Attorney is designated as career, even though the job responsibilities revolve around legal work under the City Attorney in a manner aligned with their work priorities and strategic plan. The classification of Assistant City Attorney was designed to mirror that of Assistant City Manager, which is an at-will position; however, the class was established without the intended exemption from career status.

BACKGROUND

These requests were considered by the Personnel Board at its meeting of June 2, 2025, and approved unanimously.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONAL FOR RECOMMENDATION

The nature of the Assistant City Attorney classification – which is unrepresented – warrants the designation as at-will, given how aligned the work must be with the policies and strategies of the City Attorney they perform legal work under.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Farimah F. Brown, City Attorney, (510) 981-6950
Janelle Rodrigues, Director of Human Resources, (510) 981-6807

Attachments:
1: Ordinance
2: Resolution

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

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04.120 TO UPDATE SECTION 4.04.120
EXEMPTIONS FROM CAREER SERVICE (AT-WILL EMPLOYEES)

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

Section 1. That Section 4.04.120(A) of the Berkeley Municipal Code is amended to read as follows:

4.04.120 Exemption from career service (At-will employees).

The provisions of this chapter shall apply to all positions in the service of the City except:

- A. The City Manager, Assistant City Manager, Deputy City Manager, Assistant City Attorney, Assistant to the City Manager, Assistant to the City Attorney, Police Review Commission Officer, Police Review Commission Investigator, Budget Manager, Assistant to the Mayor, Capital Improvement Programs Manager, Economic Development Manager, and Legislative Aide, and Employee Relations Manager;
- B. Assistant, Associate and Senior Management Analyst when appointed to the City Manager's Department or to the budget unit of the Management and Administrative Services Agency; and Secretary to the Mayor, Administrative Secretary and Secretary when appointed to the Mayor's office;
- C. All department heads, health officer, and supervising psychiatrist;
- D. Persons employed seasonally in the summer camps;
- E. Persons employed as reserve or emergency employees during the period of national emergency as provided in the ordinance creating such employment;
- F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in accordance with this chapter and the rules established hereunder for positions in the career service. All employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda agreements.

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

DESIGNATING THE UNREPRESENTED CLASSIFICATION OF
ASSISTANT CITY ATTORNEY AS AT-WILL

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

WHEREAS, the unrepresented classification of Assistant City Attorney is currently designated as career, even though the job responsibilities revolve around legal and analytical support for the City Attorney in a manner aligned with their work priorities and strategic plan; and

WHEREAS, the Assistant City Attorney was designed to mirror that of the Assistant City Manager, which is an at-will classification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that upon the effective date of the accompanying Ordinance amending Berkeley Municipal Code 4.04.120(A) to designate the unrepresented classification Assistant City Attorney as at will, the Unrepresented Employee Manual and all other pertinent documents shall be amended to effectuate the change.



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Contracts: Financial Consulting Services

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms that provide temporary governmental financial consulting services as required by the Finance Department.

1. Contract No. 32200214 Amendment: RLH & Associates. in an amount not to exceed \$300,000; and
2. Contract No. 32500185 Amendment: Ezer Consulting, LLC in an amount not to exceed \$150,000; and
3. Contract: GD Financials in an amount not to exceed \$150,000

FISCAL IMPACTS OF RECOMMENDATION

The following outlines the not to exceed amount for each of the contracts recommended to the City Council for approval:

- RLH and Associates - \$300,000
- Ezer Consulting, LLC - \$150,000
- GD Financials - \$150,000

The source of funds for all of these contracts is the General Fund.

CURRENT SITUATION AND ITS EFFECTS

There are several projects that are in progress or about to commence in the Finance Department including new GASB implementation and fiscal continuing disclosures. Two managerial positions remain unfilled and there are other nine positions vacant as well. The quantity and importance of the department's projects, combined with the unfilled positions, requires the assistance of a temporary consultant that will help to augment available resources until these vacant positions are filled.

Some examples of forthcoming projects include:

Provide technical guidance with difficult, professional financial tasks; research issues, perform complex financial analyses; and support the preparation of comprehensive reports, including the Annual Financial Report in a Government Accounting Standards Board (GASB – Statement 34) compliant environment;

Study and evaluate new GASB – Statements that needs to be implemented, and provide a written summary for presentation to the Director of Finance; and in training format for delivery to Accounting department staff;

Review and perform edits of the complete Annual Financial Report, using the Governmental Finance Officers Association (GFOA) checklist;

Act in an advisory capacity to the Accounting Division to: conduct or support financial studies; develop and review reports of findings, alternatives and recommendations; and ensure the timely, accurate and professional completion of necessary financial reports, research, analyses, plans and publications;

Perform investment research and provide investment alternatives based on the City's investment policies;

Provide advice as to the effect of current and proposed state legislation, assist in the identification of financing alternatives and recommend adjustments where appropriate;

Assist City staff with potential refunding and new money issues, including but not limited to analyses and evaluations of underwriting proposals, financing structure, pricing rating and insurance proposals, reserve fund (re)investment, assistance with preparation and review of related documents, and coordination of financing schedules;

Assist with all necessary review and analysis of Bond offerings and implementation of Bond Measures as required by the Director of Finance;

Provide other financial services as requested which may include bond debt refinancing, and new debt issuance for major projects and help with the preparation of bond rating agency calls;

Attend and participate in meetings with independent auditors as well as the Single Audit meeting with City departmental staff as needed; and

Perform any other professional Accounting and Financial services as requested by the Director of Finance.

BACKGROUND

A combination of factors has made hiring for the eleven open positions in the Finance Department difficult. The labor market has a shortage of governmental financial staff, in part due to the pandemic, and also due to the number of agencies throughout the state that are hiring for similar financial positions. When the Department has recruited to fill vacant positions, including the currently open General Services Manager and Accounting Manager positions, applicants did not possess the required levels of knowledge, skills, and abilities for managing the projects in demand. Additionally, the Finance Department attempted a temporary fill of these positions and was unable to source fully-qualified financial managers after reviewing dozens of resumes through several rounds of temporary recruitments. While the vacant managerial positions strain the Department's ability to manage projects it is also the quantity of Finance Department vacancies that effect our ability to compile the data, run analyses, and write the necessary financial reports needed for the aforementioned projects.

Given the challenges in filling vacant positions, the Finance Department chose to administer a Request for Proposals to the open market to ensure an individual or firm could be contracted to manage the list of projects. The projects in need of managing are numerous and require a highly-skilled governmental financial manager to move them forward.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Much of the work to be done can be accomplished remotely, thereby reducing any contribution to vehicle start-ups and freeway or city street congestion. Additionally, drafts and final reporting can be submitted electronically which reduces the impact of purchasing consumable items, such as paper and toner.

RATIONALE FOR RECOMMENDATION

Request for Proposals number 21-11441-C was developed by the Finance Department and RLH & Associates was deemed to be the best value to the City. Additionally, A proposal for Financial Services and Staffing Augmentation was developed and two proposals were received in response, Ezer Consulting and GD Financials. Staff reviewed the proposals and determined that both Ezer Consulting and GD Financials are highly qualified and capable of delivering the services and project support needed by the City.

ALTERNATIVE ACTIONS CONSIDERED

The Finance Department enlisted the services of a temporary staffing agency to source the broader market for governmental financial managers. Those efforts did not produce a list of candidates meeting department requirements.

CONTACT PERSON

Henry Oyekanmi, Director of Finance 510-981-7324

Attachments:

1. Resolution – Contract No. 32200214 Amendment: RHL & Associates
2. Resolution – Contract No. 32500185 Amendment: Ezer Consulting, LLC
3. Resolution – Contract: GD Financials

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

CONTRACT NO. 32200214 AMENDMENT: RLH & ASSOCIATES TO PROVIDE
CONSULTING SERVICES

WHEREAS, the Finance Department is faced with numerous important projects impacting accounting, revenue, investing, forecasting, and reporting, while at the same time having difficulty filling the open position that would manage these projects to completion; and

WHEREAS, there are municipal financial consultants in the market with knowledge and experience to handle and complete these projects; and

WHEREAS, the City administered Request for Proposals specification number 21-14441-C seeking a governmental finance department consultant; and

WHEREAS, two responses received to this Request for Proposals, were subsequently reviewed, scored, and ranked by the RFP review committee, and a recommendation was put forward to the Director of Finance; and

WHEREAS, RLH & Associates earned the most points from the review committee, and offered the most beneficial pricing to the City.

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. 32200214 with RLH & Associates to provide consulting services as needed by the Finance Department for an additional amount of \$300,000, for a total contract amount not to exceed \$450,000, and extending the term through June 30, 2028.

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

CONTRACT NO. 32500185 AMENDMENT: EZER CONSULTING, LLC TO PROVIDE
CONSULTING SERVICES

WHEREAS, the Finance Department is faced with numerous important projects impacting accounting, revenue, investing, forecasting, and reporting, while at the same time having difficulty filling the open position that would manage these projects to completion; and

WHEREAS, there are municipal financial consultants in the market with knowledge and experience to handle and complete these projects; and

WHEREAS, a Proposal for Financial Services and Staffing Augmentation was developed and two proposals were received in response. Ezer Consulting and GD Financials. Staff reviewed the proposals and the two proposals were accepted and services provided by both consultants.

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. 32500185 with Ezer Consulting, LLC to provide consulting services as needed by the Finance Department for an additional amount of \$150,000, for a total contract amount not to exceed \$200,000, and extending the term through June 30, 2028.

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

CONTRACT: GD FINANCIALS TO PROVIDE CONSULTING SERVICES

WHEREAS, the Finance Department is faced with numerous important projects impacting accounting, revenue, investing, forecasting, and reporting, while at the same time having difficulty filling the open position that would manage these projects to completion; and

WHEREAS, there are municipal financial consultants in the market with knowledge and experience to handle and complete these projects; and

WHEREAS, a Proposal for Financial Services and Staffing Augmentation was developed and two proposals were received in response, Ezer Consulting and GD Financials. Staff reviewed the proposals and the two proposals were accepted and services provided by both consultants.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a professional services contract, including any amendments, with GD Financials to provide consulting services as needed by the Finance Department for a not to exceed amount of \$150,000 for an initial term of three years, budgeted in the General Fund.



Office of the City Manager

CONSENT CALENDAR
July 8, 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 July 8, 2025

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$1,210,000**

<u>PROJECT</u>	<u>Fund</u>	<u>Source</u>	<u>Amount</u>
Desk Audits, Classification & Compensation Studies, Investigations and Skelly Meetings	011	General Fund	\$250,000
Fire Department Administrative Surge Staffing	164	Measure FF – Public Safety	\$960, 000 (over four FYs)
Total:			\$1,210,000

CURRENT SITUATION AND ITS EFFECTS

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

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 8, 2025
 - a. Looking for a vendor that will assist the Human Resources department with Desk Audits, Classifications and Compensation Studies, Investigations and Skelly Meetings.
 - b. Fire Department Administrative Staffing Surge.

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
25-11741-C	Desk Audits, Classification & Compensation Studies, Investigations and Skelly Meetings	7/9/25	8/7/2025	The City is looking for a vendor that will assist the Human Resources department with Desk Audits, Classifications and Compensation Studies, Investigations and Skelly Meetings	\$250,000.00 for a 5 year contract	011-34-341-000-0000-000-412-612990	Human Resources	Benita Torres 510-981-6809
Dept Total					\$250,000			
25-11742-C	Fire Department Administrative Surge Staffing	7/9/25	8/7/2025	1. Fill intrerim vacancies in established classifications. 2. Provide subject matter experts for specialized initiatives. 3. Support divisions during peak workload periods. 4. Facilitate knowledge transfer in technical areas	\$960,000 (over four FYs)	164-72-742-834-0000-000-422-612990	Fire/Suppression	David Sprauge 510-981-3473
Dept Total					\$960,000			
TOTAL					\$1,210,000			



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Grant Application: California Fire Safe Council (CFSC) Grant to continue funding an Alameda County Coordinator

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to apply for and accept a grant, and any amendments for not more than \$225,000 per year in Fiscal Year (FY) 25, FY26 and FY27, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.

FISCAL IMPACTS OF RECOMMENDATION

The Fire Department (Department) will apply for and receive no more than \$225,000 each FY. There is no requirement for matching funds, and this grant will have no negative impact on the City's budget.

CURRENT SITUATION AND ITS EFFECTS

The Department requested and received funding for a County Coordinator for Alameda County in FY24. The CFSC requires that applicants request a new grant for the program every one to two fiscal years. The Department is seeking approval to continue providing this service to the region and thus, is proposing to re-apply for another award.

This grant supports the City's Strategic Plan's goals and objectives as follows:

- Goal 1: Create a resilient, safe, connected, and prepared City
- Goal 2: Be a customer-focused organization that provides excellent, timely, easily- accessible service and information to the community.

During the second year of the program Alameda County Residents will benefit from the following expanded services:

1. Build a census of all active wildfire mitigation groups, contact points, collaboration efforts, and projects in Alameda County.

2. Analyze gaps in county-wide wildfire resiliency and emergency preparedness and develop recommendations to fill these needs.
3. Develop mechanisms to improve outreach and coordination efforts, such as group formation, funding plans, governance structures, and state/regional/local planning efforts.

BACKGROUND

California Fire Safe Council funds county coordinator positions and Alameda County is one of six counties that did not have a Coordinator position prior to FY25.

The position is housed within Department and actively coordinates and collaborates with county-wide community groups, fire councils, HOAs, and other mitigation support groups. This grant may also fund a third-party contractor to manage planning activities, fund technology-related costs, and travel costs for the coordinator's training.

The Alameda County Board of Supervisors passed a resolution in support of the Department hosting this regional position.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Ensuring the Department is maximizing available resources and working with other county coordinators to collaborate on regional mitigation activities will help sustain the local environment and mitigate the potential of fire, mudslides, and other catastrophic impacts associated with the overgrowth of vegetation and loss of habitat post-wildfire.

RATIONALE FOR RECOMMENDATION

The Department identified this opportunity several years ago; however, no other jurisdiction applied on behalf of Alameda County. Approving this funding will allow the Department to continue to support improved communication and collaboration to reduce wildfire risk throughout Alameda County.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Shanalee Gallagher, Principal Program Manager, 510-981-3473

Attachments:

1: Resolution

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

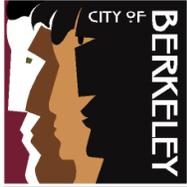
GRANT APPLICATION: CALIFORNIA FIRE SAFE COUNCIL (CFSC) GRANT TO ESTABLISH AN ALAMEDA COUNTY COORDINATOR

WHEREAS, the California Fire Safe Council funds County Coordinator positions and Alameda County was one of six counties that did not have a Coordinator position; and

WHEREAS, the Berkeley Fire Department applied for and received funding from the California Fire Safe Council (CFSC) in FY24 to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning; and

WHEREAS, Department is seeking authority to reapply for the grant in Fiscal Year (FY) 25, FY26 and FY27 to continue providing this important service to the region.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his designee is authorized to apply for and accept a grant, and any amendments for not more than \$225,000 per year in FY25, FY26 and FY27, from the California Fire Safe Council (CFSC) Grant to contract a county coordinator to serve Alameda County communities, provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.



CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Amend SEIU-CSU MOU Exhibits A-D with Updated Hourly Pay Rates

RECOMMENDATION

Adopt a Resolution amending the Service Employees International Union (SEIU) Local 1021, Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (“Union”) Memorandum of Understanding (“MOU”) Exhibits A, B, C, and D (Salary Ranges) with updated hourly pay rates.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact using the compounded methodology and the additive methodology on the current impacted employees represents approximately \$7,500 annually.

CURRENT SITUATION AND ITS EFFECTS

During the last round of labor negotiations with SEIU-CSU, in addition to 6% Cost of Living Adjustments (COLAs), the City authorized various equity increases for certain public health classifications including:

- Advanced Practice Provider;
- Public Health Nurse;
- Mental Health Nurse;
- Psychiatrist;
- Registered Nurse; and
- Senior Public Health Nurse.

The COLAs and the equity increases were authorized to occur on the same date, December 8, 2024. The City and Union have entered into a non-precedent setting side letter agreement to apply the equity increases first, followed by the six percent (6%) COLA increase to the newly adjusted “equity” salary in order to determine the new pay rate. Impacted employees shall receive compensation retroactive to December 8, 2024, for the discrepancy in pay.

BACKGROUND

Historically, when COLAs and equity increases occur on the same date, the City has used the additive methodology (adding COLA and equity together) rather than the compounding (applying one after the other). The City and Union have met and conferred and reached agreement on this Side Letter Agreement to the Memorandum of Understanding concerning the public health equity increases

negotiated in the 2024 round of bargaining and the methodology for their calculation in relation to the concurrent Cost of Living Adjustment (COLA) of six percent (6%). The parties agree that this arrangement and method of calculation will not set a precedent.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The City and Union have entered into a non-precedent setting side letter agreement to apply the equity increases before the COLA.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Janelle Rodrigues, Director of Human Resources, (510) 981-6807.

ATTACHMENTS

1. Resolution
 - Exhibit A: Side Letter
 - Exhibit B: *Exhibits A-D, Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association, Memorandum of Understanding*

RESOLUTION NO. ##,###-N.S.
AMEND SEIU-CSU MOU EXHIBITS A, B, C, AND D (SALARY RANGES)
WITH UPDATED HOURLY PAY RATES

WHEREAS, during the last round of labor negotiations with Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association ("Union"), in addition to 6% Cost of Living Adjustments (COLAs), the City authorized various equity increases for certain public health classifications; and

WHEREAS, the COLAs and the equity increases were authorized to occur on the same date, December 8, 2024; and

WHEREAS, historically, when COLAs and equity increases occur on the same date, the City has used the additive methodology (adding COLA and equity together) rather than the compounding (applying one after the other); and

WHEREAS, the City and Union have met and conferred and reached agreement on this Side Letter Agreement to the Memorandum of Understanding concerning the public health equity increases negotiated in the 2024 round of bargaining and the methodology for their calculation in relation to the concurrent COLA of six percent (6%); and

WHEREAS, the City and Union have entered into a non-precedent setting side letter agreement to apply the equity increases first, followed by the six percent (6%) COLA increase to the newly adjusted "equity" salary in order to determine the new pay rate; and

WHEREAS, impacted employees shall receive compensation retroactive to December 8, 2024, for the discrepancy in salaries.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the equity increases for certain public health classifications will be applied first, followed by the six percent (6%) COLA increase to the newly adjusted "equity" salary in order to determine the new pay rate; and

BE IT FURTHER RESOLVED that the Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association, Memorandum of Understanding, will be updated with attached Salary Range Exhibits A – D.

EXHIBIT A

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF BERKELEY AND
SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1021 COMMUNITY SERVICES AND
PART-TIME RECREATION ACTIVITY LEADERS**

The parties to this Side Letter Agreement are the City of Berkeley (the “City”) and Service Employees International Union Local 1021 Community Services and Part-Time Recreation Activity Leaders (the “SEIU CSU”).

The City and SEIU CSU have met and conferred and reached agreement on this Side Letter Agreement to the Memorandum of Understanding concerning the public health equity increases negotiated in the 2024 round of bargaining and the methodology for their calculation in relation to the concurrent Cost of Living Adjustment (COLA) of six percent (6%).

The parties hereby concur on the following provisions:

1. The concurrent equity salary increases, along with the initial COLA increase of the contract effective upon ratification, shall be calculated on a compound basis. The equity increases will be applied first, followed by the six percent (6%) COLA increase to the newly adjusted “equity” salary in order to determine the new pay rate.
2. All impacted employees shall receive retroactive compensation for the period between the ratification of the contract and the ratification of this Side Letter Agreement accounting for the discrepancy in salaries.
3. The parties agree that this arrangement and method of calculation will not set a precedent.
4. The SEIU CSU Memorandum of Understanding will be updated with attached Salary Range Exhibits A – D.
5. This side letter shall sunset with the current contract and will expire on June 26, 2027.

WHEREFORE, the parties, by and through their authorized agents and representatives, hereby agree to the terms of this Side Letter Agreement, contingent upon the adoption or ratification of this Agreement by the City Council of the City of Berkeley and the 2024-2027 Memorandum of Understanding being fully signed by SEIU CSU and the City.

AGREED TO FOR THE CITY:

AGREED TO FOR THE UNION:

Paul Buddenhagen
City Manager

Julio Corral
Labor Representative, SEIU CSU

APPROVED AS TO FORM:

Farimah Faiz Brown
City Attorney

**Exhibit A – Salary Ranges as of December 8, 2024
(6.0% Salary Increase)**

JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2000	L	Accountant I	N	41.5770	43.3596	45.1147	46.9982	49.0745		
2002	L	Accountant II	N	51.8351	54.0977	56.5435	58.9705	61.5508		
2088	L	ADA Program Coordinator	N	57.0202	60.0018	62.9834	65.9651	68.9467		
2009	L	Applications Programmer Analyst I	N	50.4061	52.5550	54.9140	57.3329	59.8118		
2010	L	Applications Programmer Analyst II	N	55.0040	57.4328	60.0217	62.7303	65.5693		
2012	L	Architect	E	62.5306	65.5193	68.6876	71.9860	75.3942		
2030	L	Assistant Architect	E	53.5947	56.0436	58.7222	61.5812	64.6094		
2034	G1	Assistant Environmental Health Specialist	N	0.0000	0.0000	44.0493	46.4081	48.2568		
9012	L	Assistant Inspector	N	39.9705	41.7033	43.5978	45.4355	47.4193		
2038	L	Assistant Management Analyst	N	41.5505	43.3498	45.1083	46.9676	49.0469		
5004	G1	Assistant Mental Health Clinician	N	34.9636	36.2028	37.3626	38.6718	40.6212		
2042	L	Assistant Planner	N	41.8099	43.6492	45.4087	47.3277	49.3767		
2018	L	Associate Management Analyst	N	51.8351	54.0976	56.5435	58.9705	61.5509		
2022	L	Associate Planner	N	50.4863	52.7151	54.8540	57.3028	59.9316		
2052	L	Auditor I	N	41.5770	43.3596	45.1147	46.9982	49.0745		
2054	L	Auditor II	N	51.8351	54.2808	56.6014	59.0377	61.5509		
2056	IA	Automation Librarian	N	50.2464	52.5851	55.0638	57.7026	60.5315		
2058	G1	Behavioral Health Clinician I	E	44.4807	46.3460	48.2478	50.1867	52.1713		
2060	G1	Behavioral Health Clinician II	E	48.9922	50.9402	52.9521	55.0655	57.2248		
3000	L	Building Inspector I (Certified)	N	49.3465	51.4856	53.8245	56.0933	58.5423		
3004	L	Building Inspector II	N	50.8458	53.0452	55.4538	57.7926	60.3215		
3005	L	Building Inspector II (Certified)	N	52.8951	55.1640	57.6729	60.1119	62.7404		
3008	L	Building Plans Examiner	N	52.8951	55.1640	57.6729	60.1119	62.7404		
2066	L	Buyer	N	44.4491	46.4282	48.2673	50.2863	52.4551		
9000	IA	Central Library Circulation Supervisor	N	39.3513	41.0203	42.7899	44.6389	46.9577		
2070	G1	Clinical Psychologist	E	54.1944	56.3034	58.5321	60.8214	63.2700		
3015	L	Code Enforcement Officer I	N	39.0816	40.9008	42.7995	44.7991	46.8976		
3014	L	Code Enforcement Officer II	N	47.4477	49.4966	51.7454	53.9245	56.2932		
2073	L	Community Development Project Coordinator	E	53.9744	56.5632	59.3521	62.2606	65.2592		
5012	G1	Community Health Worker	N	0.0000	32.2050	32.9343	33.7542	35.4234		
5014	G1	Community Health Worker Specialist	N	34.9636	36.2028	37.3626	38.6718	40.6212		
2074	L	Community Services Specialist I	N	41.5770	43.3596	45.1147	46.9982	49.0745		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2076	L	Community Services Specialist II	N	51.8351	54.0976	56.5435	58.9705	61.5509		
2096	L	Emergency Services Coordinator	N	51.8368	54.1079	56.5380	58.9675	61.5559		
2100	L	Environmental Compliance Specialist	E	56.1407	58.1255	60.3123	62.7196	65.0532		
2104	G1	Epidemiologist	N	44.6465	46.8770	49.2191	51.6798	54.2660		
4029	L	Field Representative	N	0.0000	0.0000	38.7714	40.3408	42.1598		
3022	L	Fire and Life Safety Plans Examiner	N	58.2925	60.8112	63.5698	66.2586	69.1972		
7004	L	Fire Prevention Inspector	N	47.4477	49.4966	51.7454	53.9245	56.2932		
2108	G1	Hazardous Mat Specialist II	N	56.1434	58.1223	60.3111	62.7202	65.0591		
2106	G1	Hazardous Materials Specialist I	N	49.4364	51.1658	53.0951	55.2041	57.2927		
2110	G1	Health Educator	E	48.9050	50.7990	52.7717	54.8319	57.0064		
9013	L	Housing Inspector I (Certified)	N	44.4118	46.3369	48.4421	50.4838	52.6880		
3025	L	Housing Inspector II (Certified)	N	49.3465	51.4856	53.8245	56.0933	58.5423		
2120	L	Information Systems Specialist	N	47.1546	49.1942	51.3901	53.6231	55.9660		
3028	L	Information Systems Support Technician	N	39.1415	40.6109	42.1199	43.6993	45.3287		
2124	L	Landscape Architect	E	60.3088	63.0627	66.0766	69.3122	72.7208		
2127	K1	Legislative Aide	N	41.5520	43.6296	45.7708	48.0074	50.3606	52.8304	55.4168
2127	K1	Legislative Aide (Cont. Step 8 - 14)		58.1304	60.9818	63.9604	67.098	70.384	73.8396	77.4648
2131	IB	Librarian I	N	40.6309	42.5600	44.7087	46.6980	48.7170		
2133	IB	Librarian II	N	44.7087	46.6980	48.7170	50.9858	53.1747		
4037	IB	Library Aide	N	24.4083	25.5679	26.6674	27.8071	28.5667		
4039	IB	Library Assistant	N	29.6362	30.9254	32.2748	33.6439	35.2234		
2135	IA	Library Literacy Program Coordinator	N	42.8197	44.7289	46.6779	48.8069	50.9359		
2129	IA	Library Special Services Coordinator	E	48.1374	50.4361	52.8751	55.3440	57.9926		
4041	IB	Library Specialist I	N	33.4543	34.8834	36.3928	37.9322	39.9215		
4043	IB	Library Specialist II	N	35.2234	37.1126	38.6919	40.2909	42.3104		
6036	G1	Mealsite Coordinator	N	0.0000	0.0000	31.0452	31.7750	32.5343		
9007	G3	Mental Health Nurse	N	67.9927	71.3923	74.9620	78.7100	82.6487		
2139	G3	Advanced Practice Provider	E	71.9384	74.8028	77.8949	81.1060	84.4654		
6040	G1	Mini Bus Driver	N	0.0000	0.0000	31.3852	32.6043	33.9440		
2141	G1	Nutritionist	E	43.5096	45.2287	46.9378	48.7170	50.7159		
3032	L	Permit Specialist	N	37.0824	38.8519	40.5909	42.4900	44.4791		
3034	L	Planning Technician	N	37.3151	39.2804	41.3454	43.5180	45.8055		
2151	G1	Psychiatrist	E	123.6801	129.8622	136.3567	143.1782	150.3339		
2153	G3	Public Health Nurse	E	66.2635	68.6375	71.4011	74.3824	77.2975		
6047	R1	Recreation Activity Leader	N	0.0000	0.0000	27.6306	30.4445	33.9076		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
6048	R2	Recreation Activity Leader (R2)	N	0.0000	0.0000	27.0470	29.6598	33.0708		
2157	G1	Registered Environmental Health Specialist	N	50.3612	52.1162	54.1098	56.2417	58.3646		
2159	G3	Registered Nurse	E	0.0000	64.1848	66.4016	68.6700	71.1411		
2161	L	Revenue Development Specialist I	N	41.5755	43.3643	45.1147	47.0108	49.0758		
2163	L	Revenue Development Specialist II	N	51.8368	54.1079	56.5380	58.9675	61.5559		
2169	G1	Senior Behavioral Health Clinician	E	53.4760	55.6357	57.7026	59.9906	62.4255		
3036	L	Senior Building Inspector	N	58.2925	60.8112	63.5698	66.2586	69.1972		
3038	L	Senior Building Plans Examiner	N	58.2925	60.8112	63.5698	66.2586	69.1972		
5048	G1	Senior Community Health Specialist	N	36.7229	38.0121	39.2316	40.5608	42.6299		
2177	G1	Senior Environmental Health Specialist	N	52.8882	54.7439	56.7930	59.0627	61.2861		
4069	L	Senior Field Representative	N	0.0000	0.0000	41.9503	43.7994	45.5884		
2181	L	Senior Health Management Analyst	N	53.4649	56.0334	58.7721	61.6807	64.6392		
9015	L	Senior Housing Inspector (Certified)	N	54.2809	56.6342	59.2069	61.7027	64.3965		
2187	L	Senior Information Systems Specialist	N	51.9877	54.3028	56.7473	59.3105	61.9570		
2189	IB	Senior Librarian	N	46.7479	48.7670	50.9161	53.2551	55.5637		
3042	L	Senior Permit Specialist	N	40.1050	42.1258	44.2217	46.4428	49.4079		
2195	L	Senior Planner	E	58.0526	60.6510	63.4200	66.2087	69.1674		
2197	G3	Senior Public Health Nurse	E	68.8153	71.4536	74.1735	77.3249	80.2965		
6057	G1	Senior Service Aide	N	0.0000	0.0000	28.1469	29.1760	30.3356		
6059	G1	Senior Service Assistant	N	0.0000	0.0000	35.9434	36.8828	37.7724		
2199	G1	Social Services Specialist	N	41.5755	43.3641	45.1146	47.0107	49.0757		
6071	R2	Sports Field Monitor (R2)	N	23.5532	0.0000	0.0000	0.0000	0.0000		
6073	R2	Sports Official (R2)	N	23.5532	26.8538	30.7246	34.5468	38.3932		
6072	R1	Sports Official	N	23.6068	27.5563	31.5057	35.4542	39.4185		
2207	IA	Supervising Librarian	E	53.2647	55.7336	58.3625	61.1614	64.1698		
5002	IA	Supervising Library Assistant	N	36.1230	37.6223	39.2612	40.9506	44.4559		
4000	G1	Vector Control Technician	N	0.0000	0.0000	36.9116	38.1889	39.3678		

**Exhibit B – Salary Ranges as of First Full Pay Period in July 2025
(4.0% Salary Increase)**

JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2000	L	Accountant I	N	43.2401	45.0940	46.9193	48.8781	51.0375		
2002	L	Accountant II	N	53.9085	56.2616	58.8052	61.3293	64.0128		
2088	L	ADA Program Coordinator	N	59.3010	62.4019	65.5027	68.6037	71.7046		
2009	L	Applications Programmer Analyst I	N	52.4223	54.6572	57.1106	59.6262	62.2043		
2010	L	Applications Programmer Analyst II	N	57.2042	59.7301	62.4226	65.2395	68.1921		
2012	L	Architect	E	65.0318	68.1401	71.4351	74.8654	78.4100		
2030	L	Assistant Architect	E	55.7385	58.2853	61.0711	64.0444	67.1938		
2034	G1	Assistant Environmental Health Specialist	N	0.0000	0.0000	45.8113	48.2644	50.1871		
9012	L	Assistant Inspector	N	41.5693	43.3714	45.3417	47.2529	49.3161		
2038	L	Assistant Management Analyst	N	43.2125	45.0838	46.9126	48.8463	51.0088		
5004	G1	Assistant Mental Health Clinician	N	36.3621	37.6509	38.8571	40.2187	42.2460		
2042	L	Assistant Planner	N	43.4823	45.3952	47.2250	49.2208	51.3518		
2018	L	Associate Management Analyst	N	53.9085	56.2615	58.8052	61.3293	64.0129		
2022	L	Associate Planner	N	52.5058	54.8237	57.0482	59.5949	62.3289		
2052	L	Auditor I	N	43.2401	45.0940	46.9193	48.8781	51.0375		
2054	L	Auditor II	N	53.9085	56.4520	58.8655	61.3992	64.0129		
2056	IA	Automation Librarian	N	52.2563	54.6885	57.2664	60.0107	62.9528		
2058	G1	Behavioral Health Clinician I	E	46.2599	48.1998	50.1777	52.1942	54.2582		
2060	G1	Behavioral Health Clinician II	E	50.9519	52.9778	55.0702	57.2681	59.5138		
3000	L	Building Inspector I (Certified)	N	51.3204	53.5450	55.9775	58.3370	60.8840		
3004	L	Building Inspector II	N	52.8796	55.1670	57.6720	60.1043	62.7344		
3005	L	Building Inspector II (Certified)	N	55.0109	57.3706	59.9798	62.5164	65.2500		
3008	L	Building Plans Examiner	N	55.0109	57.3706	59.9798	62.5164	65.2500		
2066	L	Buyer	N	46.2271	48.2853	50.1980	52.2978	54.5533		
9000	IA	Central Library Circulation Supervisor	N	40.9254	42.6611	44.5015	46.4245	48.8360		
2070	G1	Clinical Psychologist	E	56.3622	58.5555	60.8734	63.2543	65.8008		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
3015	L	Code Enforcement Officer I	N	40.6449	42.5368	44.5115	46.5911	48.7735		
3014	L	Code Enforcement Officer II	N	49.3456	51.4765	53.8152	56.0815	58.5449		
2073	L	Community Development Project Coordinator	E	56.1334	58.8257	61.7262	64.7510	67.8696		
5012	G1	Community Health Worker	N	0.0000	33.4932	34.2517	35.1044	36.8403		
5014	G1	Community Health Worker Specialist	N	36.3621	37.6509	38.8571	40.2187	42.2460		
2074	L	Community Services Specialist I	N	43.2401	45.0940	46.9193	48.8781	51.0375		
2076	L	Community Services Specialist II	N	53.9085	56.2615	58.8052	61.3293	64.0129		
2096	L	Emergency Services Coordinator	N	53.9103	56.2722	58.7995	61.3262	64.0181		
2100	L	Environmental Compliance Specialist	E	58.3863	60.4505	62.7248	65.2284	67.6553		
2104	G1	Epidemiologist	N	46.4324	48.7521	51.1879	53.7470	56.4366		
4029	L	Field Representative	N	0.0000	0.0000	40.3223	41.9544	43.8462		
3022	L	Fire and Life Safety Plans Examiner	N	60.6242	63.2436	66.1126	68.9089	71.9651		
7004	L	Fire Prevention Inspector	N	49.3456	51.4765	53.8152	56.0815	58.5449		
2108	G1	Hazardous Mat Specialist II	N	58.3891	60.4472	62.7235	65.2290	67.6615		
2106	G1	Hazardous Materials Specialist I	N	51.4139	53.2124	55.2189	57.4123	59.5844		
2110	G1	Health Educator	E	50.8612	52.8310	54.8826	57.0252	59.2867		
9013	L	Housing Inspector I (Certified)	N	46.1883	48.1904	50.3798	52.5032	54.7955		
3025	L	Housing Inspector II (Certified)	N	51.3204	53.5450	55.9775	58.3370	60.8840		
2120	L	Information Systems Specialist	N	49.0408	51.1620	53.4457	55.7680	58.2046		
3028	L	Information Systems Support Technician	N	40.7072	42.2353	43.8047	45.4473	47.1418		
2124	L	Landscape Architect	E	62.7212	65.5852	68.7197	72.0847	75.6296		
2127	K1	Legislative Aide	N	43.2141	45.3748	47.6016	49.9277	52.3750	54.9436	57.6335
2127	K1	Legislative Aide (Cont. Step 8 - 14)		60.4556	63.4211	66.5188	69.7819	73.1994	76.7932	80.5634
2131	IB	Librarian I	N	42.2561	44.2624	46.4970	48.5659	50.6657		
2133	IB	Librarian II	N	46.4970	48.5659	50.6657	53.0252	55.3017		
4037	IB	Library Aide	N	25.3846	26.5906	27.7341	28.9194	29.7094		
4039	IB	Library Assistant	N	30.8216	32.1624	33.5658	34.9897	36.6323		
2135	IA	Library Literacy Program Coordinator	N	44.5325	46.5181	48.5450	50.7592	52.9733		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2129	IA	Library Special Services Coordinator	E	50.0629	52.4535	54.9901	57.5578	60.3123		
4041	IB	Library Specialist I	N	34.7925	36.2787	37.8485	39.4495	41.5184		
4043	IB	Library Specialist II	N	36.6323	38.5971	40.2396	41.9025	44.0028		
6036	G1	Mealsite Coordinator	N	0.0000	0.0000	32.2870	33.0460	33.8357		
9007	G3	Mental Health Nurse	N	70.7125	74.2480	77.9605	81.8584	85.9547		
2139	G3	Advanced Practice Provider	E	74.8159	77.7949	81.0107	84.3502	87.8440		
6040	G1	Mini Bus Driver	N	0.0000	0.0000	32.6406	33.9085	35.3018		
2141	G1	Nutritionist	E	45.2500	47.0378	48.8153	50.6657	52.7445		
3032	L	Permit Specialist	N	38.5657	40.4060	42.2145	44.1896	46.2583		
3034	L	Planning Technician	N	38.8077	40.8516	42.9992	45.2587	47.6377		
2151	G1	Psychiatrist	E	128.6273	135.0567	141.8110	148.9054	156.3472		
2153	G3	Public Health Nurse	E	68.9140	71.3830	74.2571	77.3577	80.3894		
6047	R1	Recreation Activity Leader	N	0.0000	0.0000	28.7358	31.6623	35.2639		
6048	R2	Recreation Activity Leader (R2)	N	0.0000	0.0000	28.1289	30.8462	34.3936		
2157	G1	Registered Environmental Health Specialist	N	52.3756	54.2008	56.2742	58.4914	60.6992		
2159	G3	Registered Nurse	E	0.0000	66.7522	69.0576	71.4168	73.9867		
2161	L	Revenue Development Specialist I	N	43.2385	45.0989	46.9193	48.8912	51.0388		
2163	L	Revenue Development Specialist II	N	53.9103	56.2722	58.7995	61.3262	64.0181		
2169	G1	Senior Behavioral Health Clinician	E	55.6150	57.8611	60.0107	62.3902	64.9225		
3036	L	Senior Building Inspector	N	60.6242	63.2436	66.1126	68.9089	71.9651		
3038	L	Senior Building Plans Examiner	N	60.6242	63.2436	66.1126	68.9089	71.9651		
5048	G1	Senior Community Health Specialist	N	38.1918	39.5326	40.8009	42.1832	44.3351		
2177	G1	Senior Environmental Health Specialist	N	55.0037	56.9337	59.0647	61.4252	63.7375		
4069	L	Senior Field Representative	N	0.0000	0.0000	43.6283	45.5514	47.4119		
2181	L	Senior Health Management Analyst	N	55.6035	58.2747	61.1230	64.1479	67.2248		
9015	L	Senior Housing Inspector (Certified)	N	56.4521	58.8996	61.5752	64.1708	66.9724		
2187	L	Senior Information Systems Specialist	N	54.0672	56.4749	59.0172	61.6829	64.4353		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2189	IB	Senior Librarian	N	48.6178	50.7177	52.9527	55.3853	57.7862		
3042	L	Senior Permit Specialist	N	41.7092	43.8108	45.9906	48.3005	51.3842		
2195	L	Senior Planner	E	60.3747	63.0770	65.9568	68.8570	71.9341		
2197	G3	Senior Public Health Nurse	E	71.5679	74.3118	77.1404	80.4179	83.5083		
6057	G1	Senior Service Aide	N	0.0000	0.0000	29.2728	30.3430	31.5490		
6059	G1	Senior Service Assistant	N	0.0000	0.0000	37.3811	38.3581	39.2833		
2199	G1	Social Services Specialist	N	43.2385	45.0987	46.9192	48.8911	51.0387		
6071	R2	Sports Field Monitor (R2)	N	24.4953	25.2302	25.9871	0.0000	0.0000		
6073	R2	Sports Official (R2)	N	24.4953	27.9280	31.9536	35.9287	39.9289		
6072	R1	Sports Official	N	24.5511	28.6586	32.7659	36.8724	40.9952		
2207	IA	Supervising Librarian	E	55.3953	57.9629	60.6970	63.6079	66.7366		
5002	IA	Supervising Library Assistant	N	37.5679	39.1272	40.8316	42.5886	46.2341		
4000	G1	Vector Control Technician	N	0.0000	0.0000	38.3881	39.7165	40.9425		

**Exhibit C – Salary Ranges as of First Full Pay Period in July 2026
(2.5% Salary Increase)**

JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2000	L	Accountant I	N	44.3211	46.2214	48.0923	50.1001	52.3134		
2002	L	Accountant II	N	55.2562	57.6681	60.2753	62.8625	65.6131		
2088	L	ADA Program Coordinator	N	60.7835	63.9619	67.1403	70.3188	73.4972		
2009	L	Applications Programmer Analyst I	N	53.7329	56.0236	58.5384	61.1169	63.7594		
2010	L	Applications Programmer Analyst II	N	58.6343	61.2234	63.9832	66.8705	69.8969		
2012	L	Architect	E	66.6576	69.8436	73.2210	76.7370	80.3703		
2030	L	Assistant Architect	E	57.1320	59.7424	62.5979	65.6455	68.8736		
2034	G1	Assistant Environmental Health Specialist	N	0.0000	0.0000	46.9566	49.4710	51.4418		
9012	L	Assistant Inspector	N	42.6085	44.4557	46.4752	48.4342	50.5490		
2038	L	Assistant Management Analyst	N	44.2928	46.2109	48.0854	50.0675	52.2840		
5004	G1	Assistant Mental Health Clinician	N	37.2712	38.5922	39.8285	41.2242	43.3022		
2042	L	Assistant Planner	N	44.5694	46.5301	48.4056	50.4513	52.6356		
2018	L	Associate Management Analyst	N	55.2562	57.6680	60.2753	62.8625	65.6132		
2022	L	Associate Planner	N	53.8184	56.1943	58.4744	61.0848	63.8871		
2052	L	Auditor I	N	44.3211	46.2214	48.0923	50.1001	52.3134		
2054	L	Auditor II	N	55.2562	57.8633	60.3371	62.9342	65.6132		
2056	IA	Automation Librarian	N	53.5627	56.0557	58.6981	61.5110	64.5266		
2058	G1	Behavioral Health Clinician I	E	47.4164	49.4048	51.4321	53.4991	55.6147		
2060	G1	Behavioral Health Clinician II	E	52.2257	54.3022	56.4470	58.6998	61.0016		
3000	L	Building Inspector I (Certified)	N	52.6034	54.8836	57.3769	59.7954	62.4061		
3004	L	Building Inspector II	N	54.2016	56.5462	59.1138	61.6069	64.3028		
3005	L	Building Inspector II (Certified)	N	56.3862	58.8049	61.4793	64.0793	66.8813		
3008	L	Building Plans Examiner	N	56.3862	58.8049	61.4793	64.0793	66.8813		
2066	L	Buyer	N	47.3828	49.4924	51.4530	53.6052	55.9171		
9000	IA	Central Library Circulation Supervisor	N	41.9485	43.7276	45.6140	47.5851	50.0569		
2070	G1	Clinical Psychologist	E	57.7713	60.0194	62.3952	64.8357	67.4458		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
3015	L	Code Enforcement Officer I	N	41.6610	43.6002	45.6243	47.7559	49.9928		
3014	L	Code Enforcement Officer II	N	50.5792	52.7634	55.1606	57.4835	60.0085		
2073	L	Community Development Project Coordinator	E	57.5367	60.2963	63.2694	66.3698	69.5663		
5012	G1	Community Health Worker	N	0.0000	34.3305	35.1080	35.9820	37.7613		
5014	G1	Community Health Worker Specialist	N	37.2712	38.5922	39.8285	41.2242	43.3022		
2074	L	Community Services Specialist I	N	44.3211	46.2214	48.0923	50.1001	52.3134		
2076	L	Community Services Specialist II	N	55.2562	57.6680	60.2753	62.8625	65.6132		
2096	L	Emergency Services Coordinator	N	55.2581	57.6790	60.2695	62.8594	65.6186		
2100	L	Environmental Compliance Specialist	E	59.8460	61.9618	64.2929	66.8591	69.3467		
2104	G1	Epidemiologist	N	47.5932	49.9709	52.4676	55.0907	57.8475		
4029	L	Field Representative	N	0.0000	0.0000	41.3304	43.0033	44.9424		
3022	L	Fire and Life Safety Plans Examiner	N	62.1398	64.8247	67.7654	70.6316	73.7642		
7004	L	Fire Prevention Inspector	N	50.5792	52.7634	55.1606	57.4835	60.0085		
2108	G1	Hazardous Mat Specialist II	N	59.8488	61.9584	64.2916	66.8597	69.3530		
2106	G1	Hazardous Materials Specialist I	N	52.6992	54.5427	56.5994	58.8476	61.0740		
2110	G1	Health Educator	E	52.1327	54.1518	56.2547	58.4508	60.7689		
9013	L	Housing Inspector I (Certified)	N	47.3430	49.3952	51.6393	53.8158	56.1654		
3025	L	Housing Inspector II (Certified)	N	52.6034	54.8836	57.3769	59.7954	62.4061		
2120	L	Information Systems Specialist	N	50.2668	52.4411	54.7818	57.1622	59.6597		
3028	L	Information Systems Support Technician	N	41.7249	43.2912	44.8998	46.5835	48.3203		
2124	L	Landscape Architect	E	64.2892	67.2248	70.4377	73.8868	77.5203		
2127	K1	Legislative Aide	N	44.2945	46.5092	48.7916	51.1759	53.6844	56.3172	59.0743
2127	K1	Legislative Aide (Cont. Step 8 - 14)		61.967	65.0066	68.1818	71.5264	75.0294	78.713	82.5775
2131	IB	Librarian I	N	43.3125	45.3690	47.6594	49.7800	51.9323		
2133	IB	Librarian II	N	47.6594	49.7800	51.9323	54.3508	56.6842		
4037	IB	Library Aide	N	26.0192	27.2554	28.4275	29.6424	30.4521		
4039	IB	Library Assistant	N	31.5921	32.9665	34.4049	35.8644	37.5481		
2135	IA	Library Literacy Program Coordinator	N	45.6458	47.6811	49.7586	52.0282	54.2976		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2129	IA	Library Special Services Coordinator	E	51.3145	53.7648	56.3649	58.9967	61.8201		
4041	IB	Library Specialist I	N	35.6623	37.1857	38.7947	40.4357	42.5564		
4043	IB	Library Specialist II	N	37.5481	39.5620	41.2456	42.9501	45.1029		
6036	G1	Mealsite Coordinator	N	0.0000	0.0000	33.0942	33.8722	34.6816		
9007	G3	Mental Health Nurse	N	72.4803	76.1042	79.9095	83.9048	88.1035		
2139	G3	Advanced Practice Provider	E	76.6863	79.7398	83.0360	86.4590	90.0401		
6040	G1	Mini Bus Driver	N	0.0000	0.0000	33.4566	34.7562	36.1843		
2141	G1	Nutritionist	E	46.3813	48.2137	50.0357	51.9323	54.0631		
3032	L	Permit Specialist	N	39.5298	41.4162	43.2699	45.2943	47.4148		
3034	L	Planning Technician	N	39.7779	41.8729	44.0742	46.3902	48.8286		
2151	G1	Psychiatrist	E	131.8429	138.4331	145.3562	152.6280	160.2559		
2153	G3	Public Health Nurse	E	70.6369	73.1676	76.1135	79.2917	82.3992		
6047	R1	Recreation Activity Leader	N	0.0000	0.0000	29.4542	32.4539	36.1455		
6048	R2	Recreation Activity Leader (R2)	N	0.0000	0.0000	28.8321	31.6174	35.2534		
2157	G1	Registered Environmental Health Specialist	N	53.6850	55.5558	57.6811	59.9537	62.2167		
2159	G3	Registered Nurse	E	0.0000	68.4210	70.7841	73.2022	75.8364		
2161	L	Revenue Development Specialist I	N	44.3195	46.2264	48.0923	50.1135	52.3148		
2163	L	Revenue Development Specialist II	N	55.2581	57.6790	60.2695	62.8594	65.6186		
2169	G1	Senior Behavioral Health Clinician	E	57.0054	59.3076	61.5110	63.9500	66.5456		
3036	L	Senior Building Inspector	N	62.1398	64.8247	67.7654	70.6316	73.7642		
3038	L	Senior Building Plans Examiner	N	62.1398	64.8247	67.7654	70.6316	73.7642		
5048	G1	Senior Community Health Specialist	N	39.1466	40.5209	41.8209	43.2378	45.4435		
2177	G1	Senior Environmental Health Specialist	N	56.3788	58.3570	60.5413	62.9608	65.3309		
4069	L	Senior Field Representative	N	0.0000	0.0000	44.7190	46.6902	48.5972		
2181	L	Senior Health Management Analyst	N	56.9936	59.7316	62.6511	65.7516	68.9054		
9015	L	Senior Housing Inspector (Certified)	N	57.8634	60.3721	63.1146	65.7751	68.6467		
2187	L	Senior Information Systems Specialist	N	55.4189	57.8868	60.4926	63.2250	66.0462		
2189	IB	Senior Librarian	N	49.8332	51.9856	54.2765	56.7699	59.2309		

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
3042	L	Senior Permit Specialist	N	42.7519	44.9061	47.1404	49.5080	52.6688		
2195	L	Senior Planner	E	61.8841	64.6539	67.6057	70.5784	73.7325		
2197	G3	Senior Public Health Nurse	E	73.3571	76.1696	79.0690	82.4283	85.5961		
6057	G1	Senior Service Aide	N	0.0000	0.0000	30.0046	31.1016	32.3377		
6059	G1	Senior Service Assistant	N	0.0000	0.0000	38.3156	39.3171	40.2654		
2199	G1	Social Services Specialist	N	44.3195	46.2262	48.0922	50.1134	52.3147		
6071	R2	Sports Field Monitor (R2)	N	25.1077	25.8609	26.6368	0.0000	0.0000		
6073	R2	Sports Official (R2)	N	25.1077	28.6262	32.7524	36.8269	40.9271		
6072	R1	Sports Official	N	25.1649	29.3751	33.5850	37.7942	42.0201		
2207	IA	Supervising Librarian	E	56.7802	59.4120	62.2144	65.1981	68.4050		
5002	IA	Supervising Library Assistant	N	38.5071	40.1054	41.8524	43.6533	47.3900		
4000	G1	Vector Control Technician	N	0.0000	0.0000	39.3478	40.7094	41.9661		

**Exhibit D – Salary Ranges as of First Full Pay
Period in January 2027 (2.0% Salary Increase)**

JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2000	L	Accountant I	N	45.2075	47.1458	49.0541	51.1021	53.3597	0	0
2002	L	Accountant II	N	56.3613	58.8215	61.4808	64.1198	66.9254	0	0
2088	L	ADA Program Coordinator	N	61.9992	65.2411	68.4831	71.7252	74.9671	0	0
2009	L	Applications Programmer Analyst I	N	54.8076	57.1441	59.7092	62.3392	65.0346	0	0
2010	L	Applications Programmer Analyst II	N	59.8070	62.4479	65.2629	68.2079	71.2948	0	0
2012	L	Architect	E	67.9908	71.2405	74.6854	78.2717	81.9777	0	0
2030	L	Assistant Architect	E	58.2746	60.9372	63.8499	66.9584	70.2511	0	0
2034	G1	Assistant Environmental Health Specialist	N	0.0000	0.0000	47.8957	50.4604	52.4706	0	0
9012	L	Assistant Inspector	N	43.4607	45.3448	47.4047	49.4029	51.5600	0	0
2038	L	Assistant Management Analyst	N	45.1787	47.1351	49.0471	51.0689	53.3297	0	0
5004	G1	Assistant Mental Health Clinician	N	38.0166	39.3640	40.6251	42.0487	44.1682	0	0
2042	L	Assistant Planner	N	45.4608	47.4607	49.3737	51.4603	53.6883	0	0
2018	L	Associate Management Analyst	N	56.3613	58.8214	61.4808	64.1198	66.9255	0	0
2022	L	Associate Planner	N	54.8948	57.3182	59.6439	62.3065	65.1648	0	0
2052	L	Auditor I	N	45.2075	47.1458	49.0541	51.1021	53.3597	0	0
2054	L	Auditor II	N	56.3613	59.0206	61.5438	64.1929	66.9255	0	0
2056	IA	Automation Librarian	N	54.6340	57.1768	59.8721	62.7412	65.8171	0	0
2058	G1	Behavioral Health Clinician I	E	48.3647	50.3929	52.4607	54.5691	56.7270	0	0
2060	G1	Behavioral Health Clinician II	E	53.2702	55.3882	57.5759	59.8738	62.2216	0	0
3000	L	Building Inspector I (Certified)	N	53.6555	55.9813	58.5244	60.9913	63.6542	0	0
3004	L	Building Inspector II	N	55.2856	57.6771	60.2961	62.8390	65.5889	0	0
3005	L	Building Inspector II (Certified)	N	57.5139	59.9810	62.7089	65.3609	68.2189	0	0
3008	L	Building Plans Examiner	N	57.5139	59.9810	62.7089	65.3609	68.2189	0	0
2066	L	Buyer	N	48.3305	50.4822	52.4821	54.6773	57.0354	0	0
9000	IA	Central Library Circulation Supervisor	N	42.7875	44.6022	46.5263	48.5368	51.0580	0	0
2070	G1	Clinical Psychologist	E	58.9267	61.2198	63.6431	66.1324	68.7947	0	0

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SEIU Local 1021 Community Services & PTRLA

JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
3015	L	Code Enforcement Officer I	N	42.4942	44.4722	46.5368	48.7110	50.9927	0	0
3014	L	Code Enforcement Officer II	N	51.5908	53.8187	56.2638	58.6332	61.2087	0	0
2073	L	Community Development Project Coordinator	E	58.6874	61.5022	64.5348	67.6972	70.9576	0	0
5012	G1	Community Health Worker	N	0.0000	35.0171	35.8102	36.7016	38.5165	0	0
5014	G1	Community Health Worker Specialist	N	38.0166	39.3640	40.6251	42.0487	44.1682	0	0
2074	L	Community Services Specialist I	N	45.2075	47.1458	49.0541	51.1021	53.3597	0	0
2076	L	Community Services Specialist II	N	56.3613	58.8214	61.4808	64.1198	66.9255	0	0
2096	L	Emergency Services Coordinator	N	56.3633	58.8326	61.4749	64.1166	66.9310	0	0
2100	L	Environmental Compliance Specialist	E	61.0429	63.2010	65.5788	68.1963	70.7336	0	0
2104	G1	Epidemiologist	N	48.5451	50.9703	53.5170	56.1925	59.0045	0	0
4029	L	Field Representative	N	0.0000	0.0000	42.1570	43.8634	45.8412	0	0
3022	L	Fire and Life Safety Plans Examiner	N	63.3826	66.1212	69.1207	72.0442	75.2395	0	0
7004	L	Fire Prevention Inspector	N	51.5908	53.8187	56.2638	58.6332	61.2087	0	0
2108	G1	Hazardous Mat Specialist II	N	61.0458	63.1976	65.5774	68.1969	70.7401	0	0
2106	G1	Hazardous Materials Specialist I	N	53.7532	55.6336	57.7314	60.0246	62.2955	0	0
2110	G1	Health Educator	E	53.1754	55.2348	57.3798	59.6198	61.9843	0	0
9013	L	Housing Inspector I (Certified)	N	48.2899	50.3831	52.6721	54.8921	57.2887	0	0
3025	L	Housing Inspector II (Certified)	N	53.6555	55.9813	58.5244	60.9913	63.6542	0	0
2120	L	Information Systems Specialist	N	51.2721	53.4899	55.8774	58.3054	60.8529	0	0
3028	L	Information Systems Support Technician	N	42.5594	44.1570	45.7978	47.5152	49.2867	0	0
2124	L	Landscape Architect	E	65.5750	68.5693	71.8465	75.3645	79.0707	0	0
2127	K1	Legislative Aide	N	45.1804	47.4394	49.7674	52.1994	54.7581	57.4435	60.2558
2127	K1	Legislative Aide (Cont. Step 8 - 14)		63.2063	66.3067	69.5454	72.9569	76.53	80.2873	84.2291
2131	IB	Librarian I	N	44.1788	46.2764	48.6126	50.7756	52.9709	0	0
2133	IB	Librarian II	N	48.6126	50.7756	52.9709	55.4378	57.8179	0	0
4037	IB	Library Aide	N	26.5396	27.8005	28.9961	30.2352	31.0611	0	0
4039	IB	Library Assistant	N	32.2239	33.6258	35.0930	36.5817	38.2991	0	0

City of Berkeley

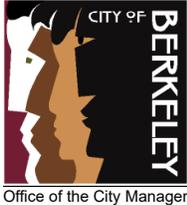
SEIU Local 1021 Community Services & PTRLA

JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
2135	IA	Library Literacy Program Coordinator	N	46.5587	48.6347	50.7538	53.0688	55.3836	0	0
2129	IA	Library Special Services Coordinator	E	52.3408	54.8401	57.4922	60.1766	63.0565	0	0
4041	IB	Library Specialist I	N	36.3755	37.9294	39.5706	41.2444	43.4075	0	0
4043	IB	Library Specialist II	N	38.2991	40.3532	42.0705	43.8091	46.0050	0	0
6036	G1	Mealsite Coordinator	N	0.0000	0.0000	33.7561	34.5496	35.3752	0	0
9007	G3	Mental Health Nurse	N	73.9299	77.6262	81.5077	85.5829	89.8656	0	0
2139	G3	Advanced Practice Provider	E	78.2200	81.3346	84.6967	88.1882	91.8409	0	0
6040	G1	Mini Bus Driver	N	0.0000	0.0000	34.1257	35.4513	36.9080	0	0
2141	G1	Nutritionist	E	47.3089	49.1780	51.0364	52.9709	55.1444	0	0
3032	L	Permit Specialist	N	40.3204	42.2445	44.1353	46.2002	48.3631	0	0
3034	L	Planning Technician	N	40.5735	42.7104	44.9557	47.3180	49.8052	0	0
2151	G1	Psychiatrist	E	134.4798	141.2018	148.2634	155.6806	163.4610	0	0
2153	G3	Public Health Nurse	E	72.0496	74.6310	77.6358	80.8775	84.0472	0	0
6047	R1	Recreation Activity Leader	N	0.0000	0.0000	30.0433	33.1030	36.8684	0	0
6048	R2	Recreation Activity Leader (R2)	N	0.0000	0.0000	29.4087	32.2497	35.9585	0	0
2157	G1	Registered Environmental Health Specialist	N	54.7587	56.6669	58.8347	61.1528	63.4610	0	0
2159	G3	Registered Nurse	E	0.0000	69.7894	72.1998	74.6662	77.3531	0	0
2161	L	Revenue Development Specialist I	N	45.2059	47.1509	49.0541	51.1158	53.3611	0	0
2163	L	Revenue Development Specialist II	N	56.3633	58.8326	61.4749	64.1166	66.9310	0	0
2169	G1	Senior Behavioral Health Clinician	E	58.1455	60.4938	62.7412	65.2290	67.8765	0	0
3036	L	Senior Building Inspector	N	63.3826	66.1212	69.1207	72.0442	75.2395	0	0
3038	L	Senior Building Plans Examiner	N	63.3826	66.1212	69.1207	72.0442	75.2395	0	0
5048	G1	Senior Community Health Specialist	N	39.9295	41.3313	42.6573	44.1026	46.3524	0	0
2177	G1	Senior Environmental Health Specialist	N	57.5064	59.5241	61.7521	64.2200	66.6375	0	0
4069	L	Senior Field Representative	N	0.0000	0.0000	45.6134	47.6240	49.5691	0	0
2181	L	Senior Health Management Analyst	N	58.1335	60.9262	63.9041	67.0666	70.2835	0	0

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JOB CLASS	REP UNIT	CLASSIFICATION TITLE	FLSA	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
9015	L	Senior Housing Inspector (Certified)	N	59.0207	61.5795	64.3769	67.0906	70.0196	0	0
2187	L	Senior Information Systems Specialist	N	56.5273	59.0445	61.7025	64.4895	67.3671	0	0
2189	IB	Senior Librarian	N	50.8299	53.0253	55.3620	57.9053	60.4155	0	0
3042	L	Senior Permit Specialist	N	43.6069	45.8042	48.0832	50.4982	53.7222	0	0
2195	L	Senior Planner	E	63.1218	65.9470	68.9578	71.9900	75.2072	0	0
2197	G3	Senior Public Health Nurse	E	74.8243	77.6930	80.6503	84.0769	87.3080	0	0
6057	G1	Senior Service Aide	N	0.0000	0.0000	30.6047	31.7236	32.9845	0	0
6059	G1	Senior Service Assistant	N	0.0000	0.0000	39.0819	40.1034	41.0707	0	0
2199	G1	Social Services Specialist	N	45.2059	47.1507	49.0540	51.1157	53.3610	0	0
6071	R2	Sports Field Monitor (R2)	N	25.6099	26.3782	27.1695	0.0000	0.0000	0	0
6073	R2	Sports Official (R2)	N	25.6099	29.1987	33.4074	37.5634	41.7456	0	0
6072	R1	Sports Official	N	25.6682	29.9626	34.2567	38.5501	42.8605	0	0
2207	IA	Supervising Librarian	E	57.9158	60.6002	63.4587	66.5021	69.7731	0	0
5002	IA	Supervising Library Assistant	N	39.2772	40.9075	42.6894	44.5264	48.3378	0	0
4000	G1	Vector Control Technician	N	0.0000	0.0000	40.1348	41.5236	42.8054	0	0



Office of the City Manager

CONSENT CALENDAR

July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Amend SEIU-MC Section 32 *Probationary Period* for Public Safety Dispatcher I and Public Safety Dispatcher II

RECOMMENDATION

Adopt a resolution amending the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical (“Union”) Memorandum of Understanding (“MOU”) Section 32 *Probationary Period* for Public Safety Dispatcher I (“PSD I”) and Public Safety Dispatcher II (“PSD II”).

FISCAL IMPACTS OF RECOMMENDATION

There will be no direct fiscal impact as a result of this change.

CURRENT SITUATION AND ITS EFFECTS

At its June 2, 2025, meeting, the Personnel Board approved revisions to the Public Safety Dispatcher I and Public Safety Dispatcher II job class specifications that clarified the different functions of each classification.

Public Safety Dispatcher I: Changes include focusing its primary duties to reflect Call Taking and Records Management; removing its designation as a “trainee” classification; and making it a stand-alone career classification with a probationary period based solely upon completing the Call Taking and Records Management training and successfully demonstrating competency in those areas.

Public Safety Dispatcher II: Changes include clarifying the scope of duties to include the duties of Police Dispatch and Fire Dispatch, as well as all duties of Public Safety Dispatcher I (Call Taking and Records Management).

Although the “trainee” designation is being removed, Public Safety Dispatcher I employees will still have the opportunity to take the remaining training components, “Police Dispatch” and “Fire Dispatch” in order to qualify for the promotional opportunity to become a Public Safety Dispatcher II.

Due to this delineation between the classifications, and the change in the scope and time for training, the City and Union have agreed to amend the current language of the MOU to reduce the probationary period to 12 months each (reduced from 15 months each), subject to authorization by City Council. This amendment will align the probationary period with neighboring municipalities and clarify existing language to separately delineate the probationary periods for the two classifications.

Amend SEIU-MC Section 32 *Probationary Period*
for Public Safety Dispatcher I and Public Safety Dispatcher II

CONSENT CALENDAR
July 8, 2025

BACKGROUND

Currently, the classification of Public Safety Dispatcher I has been used as a training position for entry-level employees to promote into the journey-level Public Safety Dispatcher II. New Public Safety Dispatcher I employees need to successfully complete all four training components (Call Taking, Records Management, Police Dispatch, and Fire Dispatch) within 15 months in order to successfully complete probation. Many employees were able to successfully complete the first two training components (Call Taking and Records Management) but faced challenges completing the last two components (Police Dispatch and Fire Dispatch). This resulted in a large number of probationary releases, a high vacancy rate, and mandatory overtime, while the City continually seeks to onboard new dispatchers through running continuous recruitments, continuous screening, bi-monthly testing, and rigorous onboarding and training.

To address the dispatch crisis, a team consisting of Police, Fire, Human Resources, and the City Manager's Office has been assembled. One of the first ideas to diffuse the crisis was to separate call taking and records management as stand-alone functions. This led to delineating the PSD I and PSD II functions, with the PSD I classification acting as first-line triage to field non-Police and non-Fire dispatch calls, which will provide relief and allow PSD II employees to focus on Police and Fire dispatching.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The City seeks to amend the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical ("Union") Memorandum of Understanding ("MOU") Section 32 Probationary Period for Public Safety Dispatcher I and II to align with current staffing model, align with neighboring municipalities, and clarify existing MOU language.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Janelle Rodrigues, Director of Human Resources, (510) 981-6807.

ATTACHMENTS

1. Resolution
Exhibit A: Side Letter

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

AMEND SEIU-MC SECTION 32 *PROBATIONARY PERIOD*
FOR PUBLIC SAFETY DISPATCHER I AND PUBLIC SAFETY DISPATCHER II

WHEREAS, the Service Employees International Union (“SEIU”) Local 1021, Maintenance and Clerical (“Union”) Memorandum of Understanding (“MOU”) Section 32 *Probationary Period* for Public Safety Dispatcher I and Public Safety Dispatcher II outlines a probationary period of 15 months for each classification; and

WHEREAS, at its June 2, 2025, meeting, the Personnel Board considered proposed revisions to the Public Safety Dispatcher I and Public Safety Dispatcher II job class specifications that clarified the different functions of each classification, and approved them by unanimous vote; and

WHEREAS, these changes included revising the Public Safety Dispatcher I classification to remove its designation as a “trainee” classification, change its primary duties to reflect “call taking” and “records management; make it a stand-alone career classification with a probationary period based solely upon completing the “call taking” and “records management” training and successfully demonstrating competency as a solo call taker; and

WHEREAS, due to this delineation, the City and Union have entered into a side letter agreement to amend the current language of the MOU to reduce the probationary period to 12 months each (reduced from 15 months each), which will align the probationary period with neighboring municipalities, and clarify existing language to separately probationary period for each of the two classifications.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Public Safety Dispatcher I and Public Safety II Dispatcher classifications shall each serve a probationary period of 12 months; and

BE IT FURTHER RESOLVED that Section 32 *Probationary Period* be revised to reflect that the Public Safety Dispatcher I and Public Safety II Dispatcher classifications shall each serve a probationary period of 12 months.

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

The parties to this Side Letter Agreement are the City of Berkeley (the "City") and Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical (the "Union"), regarding the agreement as follows:

SECTION 32: PROBATIONARY PERIOD

32.1 Length

Original and promotional appointments from employment lists shall be tentative and subject to a probationary period of six (6) months (and a minimum of 1,040 hours) actual work exclusive of all leave and light duty and shall be completed within a one (1) year period. However, time spent on workers' compensation leave or on modified duty as a result of an industrial injury shall not be considered as actual service and shall not be included as time served toward completion of the probationary period. In recognition of the safety and training requirements of several non-sworn paraprofessional classifications in the Police Department, the probationary period for those classifications is as follows:

32.1.1 For the classification of Community Service Officer, the probationary period shall be nine (9) months (and a minimum of 1,560 hours).

32.1.2 Employees who are hired in either the classification of Public Safety Dispatcher I and Public Safety Dispatcher II shall each be twelve (12) months (and a minimum of 2080 hours actual work). As a result, upon promotion into the classification of the classification of Public Safety Dispatcher I or Public Safety Dispatcher II, employees shall serve a new probationary period of twelve (12) months, fifteen (15) months (and a minimum of 2,600/2080 hours actual work).

32.1.3 The hours counted for Community Service Officer probation will be for actual service exclusive of all leave and light duty completed within eighteen (18) months.

32.1.4 The hours counted for Public Safety Dispatcher I and Public Safety Dispatcher II probation will be for actual service exclusive of all leave and light duty completed within twenty-four (24) months.

32.1.1 For the classification of Community Service Officer, the probationary period shall be nine (9) months (and a minimum of 1,560 hours).

Probationary employees who are granted military leaves of absence shall complete the balance of their probationary period within a period of six (6) months following their return to City service. No provision of this Section shall be interpreted to preclude the City from establishing new classifications which may require a probationary period of more than six (6) months.

The Union and City agree that, notwithstanding the probationary periods listed above, the probation periods for current Public Safety Dispatcher II employees **Kathleen Senter (17076) Christina Freund (17200), and Anjelia Maloney (17394)** will end upon the adoption or ratification of this Agreement by the City Council of the City of Berkeley, even if they have not yet reached the end of their probationary period for that classification. This is non-precedent setting.

All other Public Safety Dispatcher I and II employees will serve the new probation periods as outlined above.

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

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

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



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Scott Ferris, Director, Department of Parks, Recreation, and Waterfront
Subject: Construction Contract: Team Ghilotti for the South Cove West Lot Repaving Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the rescoped South Cove West Lot Repaving Project (Bid Specification No. 25-11687-C); and
2. Accepting the bid of TEAM GHILOTTI as the lowest responsive and responsible bidder on the Project; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with TEAM GHILOTTI, for the South Cove West Lot Repaving Project, in an amount not to exceed \$1,884,641, which includes a contract amount consisting of base bid of \$1,667,141, additive alternative A2 in the amount of \$50,500, and a 10% contingency in the amount of \$167,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the FY 2025 CIP-Internal Loan (Fund 011), State Coastal Conservancy Grant (Fund 606), CIP Fund (Fund 501) and Marina Fund (Fund 608). No other funding is required, and no other projects will be delayed due to this expenditure.

Construction Cost

TEAM GHILOTTI (lowest bid).....	\$1,667,141
Additive Alternative A1.....	\$50,500
10% Contingency.....	\$167,000
Total construction cost	\$1,884,641

Funding Sources

CIP Internal Loan.....	\$402,959.12
State Coastal Conservancy Grant.....	\$1,270,733.49
CIP Fund.....	\$16,023.00
Marina Fund.....	\$194,925.39
Total construction cost	\$1,884,641

CURRENT SITUATION AND ITS EFFECTS

South Cove West Lot Repaving Project (Project) is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

The City conducted a competitive Invitation For Bid (IFB) process in March, 2025, and opened bids on March 27, 2025. The City received six bids, with the lowest bid almost 30% over the City's estimate.

On May 6, 2025 City Council adopted Resolution 71,754–N.S. rejecting all bids and authorizing the City Manager to direct staff to re-scope and re-bid the project to reflect available funding.

The City conducted a competitive Invitation For Bid (IFB) process in May, 2025, and the bid opening was on May 29, 2025. Seven (7) bids were received from a low bid of \$1,667,141 to a high bid \$2,115,148.16 for the base bid work (see Attachment 2: Bid Abstract). The City has determined that Team Ghilotti meets the California public construction code definition of lowest responsive and responsible bidder. References for Team Ghilotti proved satisfactory. Staff therefore recommends the contract be awarded to Team Ghilotti.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. Contractor will submit a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the successful bidder and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement. Construction is expected to begin in late July 2025 and be completed by November 2025.

BACKGROUND

The South Cove West Parking Lot is a City-owned lot on state tidelands located on the south side of University Ave at the Berkeley Waterfront, with approximately 80 parking spaces for passenger vehicles. The gravel parking lot is adjacent to two non-profit sailing clubs (Cal Sailing Club and Cal Adventures) that provide a wide range of low-cost, free, volunteer-related, and summer camp activities along the shoreline to the general public, typically serving over 35,000 people per year. In addition, the parking lot serves the general public who visit the Berkeley Waterfront to access the waters of the Bay for sailing, windsurfing, kayaking, swimming, fishing, sight-seeing, visiting restaurants, and general outdoor recreation. The Berkeley Waterfront sees up to 300,000 person visits per year, and the parking lot is one of ten public lots that accommodate the visiting public.

The South Cove West Parking Lot is a key staging area at the Berkeley Waterfront for the general public for equitable access to the shoreline of the San Francisco Bay waters. It was originally constructed in the early 1970's when the current layout of the

Berkeley Waterfront was developed. By the 1990's, the asphalt surfacing had deteriorated into a badly-rutted uneven surface consisting of gravel and soil with no ADA accessible features. In addition, the original parking lot never had a formal stormwater drainage system that meets current stormwater requirements; as a result, it ponds badly during winter storms and untreated stormwater drains directly to the Bay, and it becomes a huge dust bowl during summer months creating bad local air quality, and vehicles often track gravel onto nearby University Ave and the South Cove East Parking Lot (newly-renovated) causing accelerated deterioration of those asphalt surfaces. This free public resource that provides enhanced equitable access to the waters of San Francisco Bay is in desperate need of renovation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit.

RATIONALE FOR RECOMMENDATION

This project is part of the City's ongoing effort to update and maintain the deteriorated infrastructure at the Berkeley Marina. The project will help the City advance Strategic Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

- 1: Resolution
- 2: Bid Abstract Summary

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

CONSTRUCTION CONTRACT: TEAM GHILOTTI FOR THE SOUTH COVE WEST
LOT REPAVING PROJECT

WHEREAS, The South Cove West Parking Lot is a key staging point for the Berkeley Waterfront, serving the general public, two non-profit sailing clubs, and Adventure Playground. The pavement condition at parking lot has deteriorated significantly over the recent decades, causing high sediments in stormwater runoff, bad air quality due to airborne dust particles, and a poor driving condition with no ADA accessible features; and

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

WHEREAS, the City conducted a competitive Invitation For Bid (IFB) process in March, 2025, and opened bids on March 27, 2025. The City received six bids, the lowest being almost 30% over the engineer's estimate; and

WHEREAS, the lowest bid exceeded the City's available budget for the project.

WHEREAS the Council of the City of Berkeley adopted Resolution 71,754–N.S. rejecting all bids at the May 7, 2025 council meeting; and authorized the City Manager is direct staff to re-scope and re-bid the project.

WHEREAS, the City conducted a competitive Invitation For Bid (IFB) process in process in May, 2025, and bid the opening was on May 29, 2025. Seven (7) bids were received from a low bid of \$1,667,141 to a high bid \$2,115,148.16 for the base bid work (see Attachment 2: Bid Abstract). The City has determined that Team Ghilotti meets the California public construction code definition of lowest responsible and responsible bidder. References for Team Ghilotti proved satisfactory; and

WHEREAS, Funding is available from the FY 2025 CIP-Internal Loan (Fund 011), State Coastal Conservancy Grant (Fund 606), CIP Fund (Fund 501) and Marina Fund (Fund 608). No other funding is required, and no other projects will be delayed due to this expenditure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to: approve the rescoped Plans and Specification No. 25-11687-C for the South Cove West Lot Repaving Project; execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with TEAM GHILOTTI for the South Cove West Lot Repaving Project in an amount not to exceed \$1,884,641, which includes a contract amount consisting of base bid of \$1,667,141, additive alternative A2 in the amount of \$50,500, and a 10% contingency in the amount of \$167,000 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 Abstract Summary



Internal

City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

[South Cove West Parking Lot Project](#)

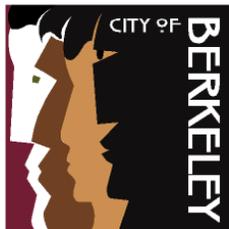
Spec. # 25-11687-C - Reissue

Bid Date: May 29, 2025

Bidders	Base Bid	Alt. #1	Alt. #2	Envelope B (SOO)	Bid Bond	Addenda	Req/Exp	Subcontractors	Non-Collusion	CERTS
1 Interstate Grading and Paving	\$ 1,961,000.00	\$ 111,300.00	\$ 55,000.00	X	X	X	X	X	X	X
2 Bay Cities Paving and Grading	\$ 1,683,835.70	\$ 75,319.48	\$ 46,622.54	X	X	X	X	X	X	X
3 Goodfellow Bros.	\$ 1,676,226.00	\$ 106,100.00	\$ 49,300.00	X	X	X	X	X	X	X
4 EE Gilbert Construction, Inc.	\$ 2,115,148.16	\$ 104,318.50	\$ 35,500.00	X	X	X	X	X		
5 Galeb Paving	\$ 1,753,155.00	\$ 128,000.00	\$ 52,000.00	X	X	X	X	X	X	X
6 Team Ghilotti	\$ 1,667,141.00	\$ 145,000.00	\$ 50,500.00	X	X	X	X	X	X	X
7 ERA Construction	\$ 1,983,191.22	\$ 90,000.00	\$ 35,000.00	X	X	X	X	X	X	X
8										
9										
10										

Bid Recorder: _____ Date _____
 Bid Opener: _____ Date _____
 Project Manager: _____ Date _____

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



Office of the City Manager

CONSENT CALENDAR
July 8, 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: Lease Amendment with Yoonaco, Inc. (Hana Japan) at 235 University Avenue

RECOMMENDATION

Adopt first reading of an Ordinance amending the City's improved property lease with Yoonaco, Inc. (Hana Japan) for property at 235 University Ave to extend the initial lease term through June 30, 2026, replace the five-year extension option with a one-year extension option, maintain the rent at the current rate of \$7,868 per month for the lease term, and remove the daily operating requirement for the first floor of the property.

FISCAL IMPACTS OF RECOMMENDATION

This amendment would allow the City to continue receiving rent from 235 University Avenue at the current rate of \$96,412 per year (\$7,868 per month) through June 30, 2026. If the tenant chooses to exercise their lease extension option, the City would continue to receive this revenue for an additional year through June 30, 2027. Revenue from this lease will be deposited into the Marina Fund, budget code 608-52-544-592-0000-000-000-461120.

Without this extension, the lease would transition into holdover effective July 1, 2025, and the rent would increase by 120% to \$9,441 per month. The current lease provides the tenant with the option to exercise a five-year lease extension that raises the rent to \$9,160 per month and increases annually by 3%. However, the tenant has communicated to City staff that they cannot afford the rent increase.

CURRENT SITUATION AND ITS EFFECTS

Yoonaco, Inc. holds the lease for the City-owned property at 235 University Avenue, which includes two levels of restaurant space. The tenant has been operating Hana Japan on the second floor of the property since 2006. The tenant attempted to reactivate the first floor with the Marina Seafood Dockside Patio restaurant, which opened in January 2024, but closed a year later in February 2025.

The current lease between the City and Yoonaco, Inc. started on July 1, 2020, and was set to expire on June 30, 2025. In anticipation of the lease expiring, City staff met with

the tenant to discuss whether to exercise the extension option. The tenant shared the restaurant's challenges and how the terms of the extension option were not feasible for their business. The tenant proposed the following changes to the lease that would allow them to continue their tenancy:

- Extend the initial term of the lease for one year beginning July 1, 2025 and expiring on June 30, 2026
- Replace the five-year option period with a one-year option period
- Maintain the rent at the current rate of \$7,868 per month (instead of raising the rent to \$9,160 per month)
- Removing the daily operating requirement on the first floor

The tenant is proposing a shorter lease term to give them the flexibility to respond to market pressures. The tenant expressed concerns about declining foot traffic, as well as a changing competitive landscape. A shorter lease term would allow the tenant to analyze the viability of their business.

Additionally, the tenant is asking to maintain the rent at the current rate through the proposed initial term and option period of the lease. The tenant cited unfavorable market conditions and rising operational and maintenance costs as reasons for keeping the rent at the current level.

Furthermore, the tenant is looking to reactivate the first floor as a catering and banquet rental, which would require the removal of the daily operating requirements as stipulated in the lease. The current lease requires the first floor to operate for six days per week for a minimum of four hours per day, which would be incongruent with the tenant's proposed business model.

BACKGROUND

Hana Japan is a restaurant that has been operating on the second floor of 235 University Avenue since 2006. On June 16, 2020, City Council approved a five-year lease with a five-year option period for Yoonaco, Inc., which operates Hana Japan (Ord. 7703-N.S.). The lease went into effect on July 1, 2020 and was set to expire on June 30, 2025. The tenant is current with all rent payments from the initial lease term and met the capital contributions required by the lease.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Lease revenue generated at the Waterfront is required to be reinvested into the public trust lands overseen by the City and supports the City's environmental/ecological educational programming at the Shorebird Park Nature Center, habitat maintenance at Cesar Chavez Park, and capital projects.

RATIONALE FOR RECOMMENDATION

Lease Amendment: 235 University Avenue,
Yoonaco, Inc. (Hana Japan)

CONSENT CALENDAR
July 8, 2025

The Marina Fund is experiencing significant pressure due to reduced rental revenue from Waterfront tenants. By amending the lease with the proposed terms, the City can continue to receive rental revenue from the property, while the tenant can continue operating their business with lease terms that are feasible for their business.

ALTERNATIVE ACTIONS CONSIDERED

The City could allow the lease to transition into holdover effective July 1, 2025, which would raise the rent by 120%. The tenant has communicated that their business cannot afford this rent increase. If the lease were to go into holdover, the tenant would be at risk of defaulting on the lease, ceasing operations, and leaving the property vacant. This would be detrimental to City finances, as the Marina Fund would lose more rent revenue and the property could sit vacant for an extended period, incurring significant maintenance costs and potentially becoming blighted.

CONTACT PERSON

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

Attachments:

1: Ordinance

Exhibit A: Amendment to Lease Agreement

ORDINANCE NO. -N.S.

LEASE AMENDMENT FOR YOONACO, INC. DBA HANA JAPAN AT 235 UNIVERSITY AVENUE

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

Section 1.

The City Manager is hereby authorized to enter into an Amendment to the Lease Agreement with Yoonaco, Inc. dba Hana Japan, for the property at 235 University Avenue. The terms of the amendment shall be on substantially the terms set forth in Exhibit A.

Section 2.

The initial term for the lease will be extended by one year, to expire on June 30, 2026. The five-year extension option will be replaced with a one-year extension. The rent will remain at \$7,868 per month for the initial term of the lease and through the one-year option period. The daily operating requirement for the first floor will be removed.

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

Exhibits

A: Amendment to Lease Agreement

**Exhibit A:
AMENDMENT TO LEASE AGREEMENT**

This Lease amendment (“Amendment”) is made on and entered into as of July 1, 2025, between the CITY OF BERKELEY (“Landlord”), a Charter City organized and existing under the laws of the State of California, and YOONACO, INC. DBA HANA JAPAN, a California Corporation (“Tenant”), who agree as follows:

This lease amendment is made with reference to the following facts and objectives:

- A. Per City Ordinance No. 7,703-N.S. approved on June 26, 2020, Landlord and Tenant entered into an Improved Property Lease which was effective on July 1, 2020 (“the Lease Agreement”).
- B. In the Lease Agreement, the Landlord and Tenant agreed to an Initial Term of five (5) years with a five (5)-year Option Period.
- C. Tenant requested one (1) additional year of tenancy with an option to extend the Lease Agreement for one (1) year, and to remove the existing five (5)-year option period.
- D. Tenant requested to maintain the current monthly rent payment of Seven Thousand Eight Hundred and Sixty-Eight DOLLARS (\$7,868) per month for the remainder of the Initial Term and for the Option Period of the Lease Agreement.
- E. Tenant requested to remove the daily operating requirement for the first floor of the Property.
- F. Per Ordinance No. 7,703-N.S., the City Manager is authorized to execute amendments to the lease.

Therefore, the Landlord and Tenant agree to amend the Lease Agreement as follows:

1. Basic Lease Information is amended with the following language:
 7. Initial Term: Six (6) Year(s), commencing as of July 1, 2020 (“Commencement Date”).

8. Rent:

Lease Period Beginning:	Monthly Rent Due	Yearly Rent Due
July 1, 2020 (2 months)	\$2,832.50	\$57,415
September 1, 2020 (10 months)	\$5,175	
July 1, 2021	\$5,330	\$63,963
July 1, 2022	\$7,416	\$88,992
July 1, 2023	\$7,638	\$91,662
July 1, 2024	\$7,868	\$94,412
July 1, 2025	\$7,868	\$94,412
Option Year Beginning:	Monthly Rent Due	Yearly Rent Due
July 1, 2026	\$7,868	\$94,412

2. Section 2. TERM is amended with the following language:
 - A. The Initial Term shall commence on the July 1, 2020 (“Lease Commencement Date”) and expire on June 30, 2026 (“Lease Expiration Date”).
 - B. Tenant is granted the option (“Extension Option”) to extend the initial term of this lease for an additional term of one (1) year (“Option Period”) provided all of the Extension Conditions are met.
3. Section 3. RENT: The schedule of monthly rent payment is amended to reflect changes in Basic Lease Information: 8. Rent, referenced above.
4. Section 5.F. USE OF PROPERTY is deleted and replaced with the following language:
 - F. The first floor commercial space may be subleased to a separate entity pursuant to Section 15.
5. In all other respects, the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, City and Tenant have executed this Amendment as of the date written on the first paragraph above.

CITY OF BERKELEY

BY:

APPROVED AS TO FORM:

City Manager
Dated: _____

City Attorney

REGISTERED BY:

ATTEST:

City Auditor

Deputy City Clerk

TENANT

By:
Title:

City of Berkeley Business License No.



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Contracts for Plan Checking Services

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments for plan checking services for three-year terms with the following firms:

1. Coastland | DCCM for an amount not to exceed \$1,000,000
2. Telesis Engineers for an amount not to exceed \$1,500,000
3. West Coast Code Consultants for an amount not to exceed \$2,000,000

FISCAL IMPACTS OF RECOMMENDATION

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

The amount requested per contract is a not-to-exceed (NTE) amount, which is expected to last for three years. Based on previous experience, staff expect that the aggregate amount spent on these as-needed services over the contracts' duration will be significantly less than the total NTE amounts. The average total spending on outside plan check services over the last three years was \$1.1 million per year. The average plan check revenues received by the City over the last three fiscal years was \$5.48 million per year. The expenditure code for plan checking services is 621-53-585-634-0000-000-472-612990- (Prof Svcs – Miscellaneous).

CURRENT SITUATION AND ITS EFFECTS

The City requires owners and contractors to obtain building permits prior to construction. Plan review must be performed before most building permits can be issued. Plan check contractor services vary with the volume and complexity of construction projects, and availability of in-house plan checkers.

In response to the City's release of a Request for Proposals (RFP) for plan checking services (Specification No. 25-11713-C (Reissue)), 18 proposals were received and

reviewed by a committee of Planning and Development Department staff. Proposals were judged on five criteria outlined in the RFP, and the firms Coastland | DCCM, Telesis Engineers, and West Coast Code Consultants received the highest rankings.

BACKGROUND

The Planning and Development Department has maintained contracts for outside plan check services since 1989, to ensure reasonable turnaround times for customers. The contracts are primarily used for plan review services on an as-needed basis for all types of projects, including new buildings, renovations and alterations of existing buildings, soft-story building retrofits, and high-rise buildings including special life safety provisions. Consultants may also review proposals and make recommendations to the Building Official on acceptance of alternative materials, designs and methods of construction per Section 104.11 of the California Building Code.

Telesis and West Coast Code Consultants have contracted with the City to provide plan checking services since 2001 and 2013, respectively, and have provided exemplary service. Due to high plan check activity over the most recent three-year period, it was necessary to extend the current contracts through September 30, 2025, and amend them with additional funds, to provide capacity while the Planning Department completed the new procurement process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The plan check firms will conduct their work remotely. The Building and Safety Division requires customers to submit plans electronically and conducts electronic plan check. As a result, work can be transferred swiftly to outside consultants without the need to transport plans, and all plan review processes are paperless.

RATIONALE FOR RECOMMENDATION

The services provided by the consultants allow the Building and Safety Division to maintain a turnaround time for plan review that meets the City's performance objectives and the needs of the community. Consultants can be used flexibly when volume is higher than staff can handle, and to maintain necessary services in the face of unforeseeable staff shortages. Consultants also provide special expertise when needed, such as reviews for the soft-story program, advanced building systems, customized construction, etc. Without this help, the review time would be increased substantially, particularly on large and complex projects, and special expertise would have to be contracted on a case-by-case basis, which would increase costs.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jesse Bright, Supervising Plan Check Engineer, Planning Department, 981-7523
David Lopez, Building Official, Planning Department, 981-7441

Attachments:

1. Resolution: Coastland | DCCM
2. Resolution: Telesis Engineers
3. Resolution: West Coast Code Consulting

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

CONTRACT: COASTLAND | DCCM FOR PLAN CHECKING SERVICES

WHEREAS, the City of Berkeley has utilized the services of private plan checking consultants since 1989 to provide expertise and the flexibility to respond to varying work demand; and

WHEREAS, there is a continuing need for flexibility to provide timely plan review when City staff are not available to provide the required services within the timeframe established to meet the City's performance requirements; and

WHEREAS, eighteen firms responded to a Request for Proposals released on April 15, 2025 (Specification No. 25-11713-C (Reissue)); and

WHEREAS, a selection committee reviewed the proposals and determined that the firms Coastland | DCCM, Telesis Engineers, and West Coast Code Consultants were the best qualified to provide the services needed; and

WHEREAS, the cost of the contracted service and overhead is fully recoverable in fees; and

WHEREAS, the contract has been entered in the Citywide contracts database and assigned; and

WHEREAS, funding for miscellaneous professional services is a baseline budget item (621-53-585-634-0000-000-472-612990-), set at \$1.37 million per year and any additional funding above the baseline will be available from the Fund 621 fund balance to be appropriated as part of a future amendment to the appropriations ordinance (AAO).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract, and any amendments, with Coastland | DCCM for plan checking services for a total contract period of three years in an amount not to exceed \$1,000,000 for the Planning and Development Department (from account 621-53-585-634-0000-000-472-612990-).

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

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

CONTRACT: TELESIS ENGINEERS FOR PLAN CHECKING SERVICES

WHEREAS, the City of Berkeley has utilized the services of private plan checking consultants since 1989 to provide expertise and the flexibility to respond to varying work demand; and

WHEREAS, there is a continuing need for flexibility to provide timely plan review when City staff are not available to provide the required services within the timeframe established to meet the City's performance requirements; and

WHEREAS, eighteen firms responded to a Request for Proposals released on April 15, 2025 (Specification No. 25-11713-C (Reissue)); and

WHEREAS, a selection committee reviewed the proposals and determined that the firms Coastland | DCCM, Telesis Engineers, and West Coast Code Consultants were the best qualified to provide the services needed; and

WHEREAS, the cost of the contracted service and overhead is fully recoverable in fees; and

WHEREAS, the contract has been entered in the Citywide contracts database and assigned; and

WHEREAS, funding for miscellaneous professional services is a baseline budget item (621-53-585-634-0000-000-472-612990-), set at \$1.37 million per year and any additional funding above the baseline will be available from the Fund 621 fund balance to be appropriated as part of a future amendment to the appropriations ordinance (AAO).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract, and any amendments, with Telesis Engineers for plan checking services for a total contract period of three years in an amount not to exceed \$1,500,000 for the Planning and Development Department (from account 621-53-585-634-0000-000-472-612990-).

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

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

CONTRACT: WEST COAST CODE CONSULTING FOR PLAN CHECKING SERVICES

WHEREAS, the City of Berkeley has utilized the services of private plan checking consultants since 1989 to provide expertise and the flexibility to respond to varying work demand; and

WHEREAS, there is a continuing need for flexibility to provide timely plan review when City staff are not available to provide the required services within the timeframe established to meet the City's performance requirements; and

WHEREAS, eighteen firms responded to a Request for Proposals released on April 15, 2025 (Specification No. 25-11713-C (Reissue)); and

WHEREAS, a selection committee reviewed the proposals and determined that the firms Coastland | DCCM, Telesis Engineers, and West Coast Code Consultants were the best qualified to provide the services needed; and

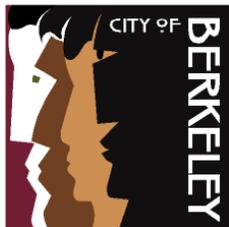
WHEREAS, the cost of the contracted service and overhead is fully recoverable in fees; and

WHEREAS, the contract has been entered in the Citywide contracts database and assigned; and

WHEREAS, funding for miscellaneous professional services is a baseline budget item (621-53-585-634-0000-000-472-612990-), set at \$1.37 million per year and any additional funding above the baseline will be available from the Fund 621 fund balance to be appropriated as part of a future amendment to the appropriations ordinance (AAO).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract, and any amendments, with West Coast Code Consulting for plan checking services for a total contract period of three years in an amount not to exceed \$2,000,000 for the Planning and Development Department (from account 621-53-585-634-0000-000-472-612990-).

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



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract No. 32810081 Amendment: FirstCarbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend the existing contract with FirstCarbon Solutions, Inc. for the Solid Waste & Recycling Transfer Station Replacement Project compliance with the California Environmental Quality Act. The Contract will be increased from \$650,000 to \$725,000.

SUMMARY

The City has contracted with FirstCarbon Solutions, Inc. (FCS), to conduct all required studies and solicit all regulatory and community input to comply with California Environmental Quality Act's (CEQA) requirements for the proposed Solid Waste & Recycling Transfer Station (SW&RTS) Replacement Project. The FCS's CEQA compliance work will include the two concepts developed by the SW&RTS Feasibility Study, Zero Waste Collaborative, Contract No. 10986. These concepts were reviewed at the Council's November 5, 2019, Work Session.

As part of the CEQA checklist review process, the City's Planning & Development Department (Planning) is the Lead Environmental Agency to receive, review and approve CEQA's resulting Environmental Impact Report (EIR). FCS will use the additional funds from this amendment to update site maps to reflect the State of California's electric vehicle (EV) infrastructure mandates. The updated maps will include the proposed locations for EV charging infrastructure. Additionally, the funding will support the completion of Phase I and II cultural resource and soil testing at the Transfer Station, in response to CEQA-related comments received. This additional funding will allow the project to move forward to complete the Environmental Impact Report (EIR). The existing contract has a not to exceed amount of \$650,000, and requires an increase of a new not to exceed amount of \$725,000 to fund the work necessary to complete this Application.

FISCAL IMPACTS OF RECOMMENDATION

The necessary funding necessary for this amendment is available in the FY2026 adopted budget in the Zero Waste Fund (Fund 601).

CURRENT SITUATION AND ITS EFFECTS

The replacement of the existing waste and recycling facilities is necessary for the City cannot meet its Zero Waste and 2009 Climate Action Plan goals. These facilities are beyond their projected and useful service life and do not meet environmental permitting requirements and safe operational standards, including seismic standards. The Public Works Department, as the Transfer Station Replacement Project's applicant, is required to file a Land Use Application with the Planning Department, which is the Lead Environmental Agency. To meet these City requirements, and CEQA, Public Works retained FCS to complete the Environmental Impact Study (EIR).

The Solid Waste & Recycling Transfer Station Replacement Project is in alignment with the Strategic Plan and will advance the City's goals to be a customer-focused organization with facilities that provide excellent, timely, easily accessible services and information to the community as well as provide state-of-the-art and well-maintained infrastructure, amenities, and facilities, and be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The current Transfer Station was built in 1983 and various recycling facilities added in the 1980s and 90s. These facilities handle all of the City's and its contracted vendors' curbside collected and self-haul refuse, dual stream recycling, and green/food waste materials on a 7.45-acre site. The current facilities are poorly integrated, and operations cannot be coordinated to provide the facilities' customers ease of use, easy access or drop-off of refuse, recyclable and organic waste materials. These facilities do not meet current seismic requirements; have not been upgraded or improved since their construction; have exceeded their useful and serviceable life; and are unable support the City's Zero Waste Goal. The stated goals of the SW&RTS Feasibility Study included the following:

- Solicit extensive community members' and stakeholders' ideas, direction.
 - Seven meetings were conducted throughout the City and resulted in forty plus (40+) hours of active public and stakeholder involvement,
- Put these community driven ideas on paper and solicit additional community members input and direction, and
- Produce a community driven and supported replacement facility.

This community member and stakeholder envisioned facility will allow the City to divert additional materials that are currently being landfilled for additional reuse or recycling.

At the November 5, 2019, Council Work Session, feedback was provided on the two concepts developed with this extensive general public input for the Solid Waste & Recycling Transfer Station (SW&RTS) Replacement Project, including:

- Fall Listening Sessions
 - November 7th, 2018 1:30 p.m. - 3:30 p.m.
 - Berkeley Central Library, 3rd Floor Community Room, 2090 Kittredge Street
 - November 28th, 2018 6 p.m. - 9 p.m.
 - South Berkeley Senior Center, 2939 Ellis Street
- January Charrette- All sessions held at: James Kenney Community Center, 1720 8th Street
 - January 16th, 2019 6:00 p.m. – 8:00 p.m.
 - Session 1: Ideas to paper
 - January 17th, 2019 6:00 p.m. – 8:00 p.m.
 - Session 2: Analyze first night's outcomes
 - January 18th, 2019 10:00 a.m. – 12:00 p.m.
 - Session 3: Recap
- Spring Workshops
 - March 14th, 2019 6:00 p.m. – 8:00 p.m.
 - James Kenney Community Center, 1720 8th Street
 - March 15th, 2019 2:00 p.m. – 4:00 p.m.
 - North Branch Public Library, 1170 The Alameda
 - May 22nd, 2019 5:00 p.m. - 7:00 p.m.
 - Berkeley Public Library - West Branch, 1125 University Avenue

The two concepts proposed for the site are:

- Concept A: Material Recovery Facility (MRF) & Transfer Station (TS) would be combined as one large building which would allow flexibility in both MRF & TS tipping floor footprint and usage.
- Concept B: Material Recovery Facility & Transfer Station in two separate buildings that would replicate existing MRF & TS tipping floor footprint and usage.

After all comments have been addressed in the EIR, the City's Planning Department will take an item to Council to adopt the EIR. Following the adoption of the EIR, the City will move towards project financing options, full design, and construction.

For the City to meet previous City and State legislated mandates, and waste reduction efforts, the City will need to replace aging facilities. To maximize these program services and infrastructure flexibility, these facilities need to be integrated and function seamlessly together. The original project scope included both concepts through the EIR.

Through a review process, the scope was narrowed to the most feasible project to construct, Concept A.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City's Zero Waste infrastructure is critical to aid in the reduction of material landfilled materials and promote recycling. This SW&RTS Replacement Project will support the City's efforts to continuously reduce waste volumes, increase diversion of waste from landfills, and move the City toward its Zero Waste Goal with sustainable and environmental compliant structures.

RATIONALE FOR RECOMMENDATION

FCS was awarded the Contract for CEQA Compliance for the SW&RTS Replacement Project and their CEQA efforts commenced July 1, 2021. The additional funding is needed to update site maps to reflect the State of California's electric vehicle (EV) infrastructure mandates, including the proposed locations for EV charging infrastructure. Additionally, the funding will support the completion of Phase I and II cultural resource and soil testing at the Transfer Station, in response to CEQA-related comments. This additional funding will allow the project to move forward to completion of the Environmental Impact Report (EIR).

ALTERNATIVE ACTIONS CONSIDERED

The alternative would be to issue a new RFP to update site maps to reflect the State of California's electric vehicle (EV) infrastructure mandates, including the proposed locations for EV charging infrastructure, and the completion of Phase I and II cultural resource and soil testing at the Transfer Station, in response to CEQA-related comments. This would delay the completion of the project and create the necessity of coordination by staff with two distinct consultants with deliverables on the same scope of work. Amending the existing contract not to exceed amount is the most expeditious, financially responsible and efficient route to complete the project.

CONTACT PERSON

Leticia Jaurequi, Solid Waste and Recycling Manager, Public Works, (510) 981-6362
Peni Basalusalu, Deputy Director, Public Works, (510) 981-6485

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE FOR THE SOLID WASTE & RECYCLING TRANSFER STATION REPLACEMENT PROJECT CONTRACT AMENDMENT

WHEREAS, July 24, 2018, City Council authorized retaining a third-party consultant to conduct a Solid Waste & Recycling Transfer Station Feasibility Study with robust and extensive community and business members' input; and

WHEREAS, November 5, 2019 City Council Work Session, the Council reviewed the two preliminary concepts to provide feedback and direction on the replacement of the Solid Waste & Recycling Transfer Station; and

WHEREAS, February 11, 2020, City Council authorized a Resolution to release a Request for Proposal for California Environmental Quality Act compliance for the Solid Waste & Recycling Transfer Station and subsequently, FirstCarbon Solutions, Inc. was selected as the most responsive and responsible bidder; and

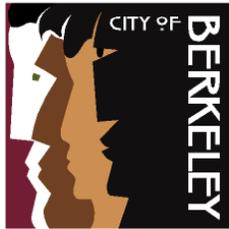
WHEREAS, October 13, 2020, City Council authorized Contract No. 32100081 with FirstCarbon Solutions, Inc. for the CEQA compliance for the Solid Waste & Recycling Replacement Project, Resolution No. 69,584 – N. S.; and

WHEREAS, November 30, 2021, City Council authorized the amendment of Contract No. 32100081 by Resolution No.70,131-N.S. for a new not-to-exceed amount of \$650,000; and;

WHEREAS, Without the replacement of the existing facilities, the City cannot meet its Zero Waste or 2009 Climate Action Plan goals. The existing facilities are beyond their projected and useful life; do not meet today's environmental permitting requirements and safe operational standards; and

WHEREAS, Funding for this Contract Amendment is necessary to continue moving forward with facility plans and will be appropriated in the FY 2026 adopted budget in Zero Waste Fund 601;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley authorizing the City Manager to amend Contract No. 32810081 with First Carbon Solutions, Inc. for California Environmental Quality Act (CEQA) compliance for the Solid Waste & Recycling Transfer Station (SW&RTS) Replacement Project increasing the Contract from \$650,000 to \$725,000.



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Terrance Davis, Director, Public Works
 Subject: Contracts: Don's Tire Service Inc. and Morgan Tire of Sacramento Inc.

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to:

1. Execute a contract with any amendments with Don's Tire Service Inc. to provide tire services for a three-year period from August 1, 2025, to August 1, 2028, in an amount not to exceed \$400,000, with an option to extend for two additional one-year terms, with service rates to be adjusted annually in accordance with the Consumer Price Index.
2. Execute a contract with any amendments with Morgan Tire of Sacramento Inc. to provide tire services for a three-year period from August 1, 2025, to August 1, 2028, in an amount not to exceed \$400,000, with an option to extend for two additional one-year terms, with service rates to be adjusted annually in accordance with the Consumer Price Index.

FISCAL IMPACTS OF RECOMMENDATION

The FY2026 Adopted Public Works Department Equipment Maintenance Fund (672) Budget includes funding for fleet vehicle maintenance, which is inclusive of the cost of tire replacement and repair services for City vehicles. Funding for future years is subject to Council's approval of the proposed citywide budget for Fiscal Years 2027-2028.

CURRENT SITUATION AND ITS EFFECTS

The current contract for tire repair and replacement services expires on June 30, 2025. To ensure and avoid disruption in fleet maintenance services, it is necessary to execute a new contract based on the results of the recent competitive solicitation. Tire replacement and repair services are critical to maintaining the safety, reliability, and operational readiness of the City's fleet.

The City conducted Request for Proposals Specification No. 25-11683-C, with a submission due date of April 10, 2025. The City received two proposals in response. The selection committee, composed of subject matter experts from Public Works evaluated the proposals.

The evaluation criteria used to rate the proposals were as follows: Project Approach (30%), Expertise and References (15%), Cost (25%), and Ability to Perform Services Listed in the Scope of Services (30%). Both Don's Tire Service Inc. and Morgan Tire of Sacramento Inc. were selected as the highest-scoring vendors.

These contracts will support the City's fleet and advance the City's Strategic Plan Priorities of advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The City's fleet includes a wide range of heavy-duty vehicles that operate daily and experience a high rate of tire wear and tear. The Public Works Department has historically spent a significant amount annually on tire services due to the operational demands of its diverse fleet. The requested not-to-exceed amount for each proposed contract is based on previous actual expenditures.

Don's Tire Service Inc. and Morgan Tire of Sacramento Inc. responded to the Request for Proposal and were selected after submitting the highest-scoring bids. The selected vendors have the adequate staff and equipment necessary to service the City. The new tire repair and replacement services will ensure clear guidelines and standardized prices for tire repair and replacement services, which is a significant expense. Don's Tire Service Inc. is a Berkeley based business and has provided consistent quality services for the City for many years. Morgan Tire is a new vendor to the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The replacement and repair services can have environmental impacts depending on how used tires are managed. The vendors selected follow all applicable environmental regulations regarding tire recycling and disposal per California Public Resources Code (PRC) §§ 42860-42895 Tire Recycling Act and California code of Regulations (CCR), Title 14, Division 7, Chapter 3 Waste Tire Regulations. The proper recycling of tires minimizes landfill waste, supports state sustainability goals, and aligns with CalRecycle's tire diversion initiatives. The use of new, properly maintained tires can also improve fuel efficiency and reduce emissions.

RATIONALE FOR RECOMMENDATION

The City requires reliable and responsive tire repair and replacement services to maintain the operational readiness of its fleet. With the expiration of the current contract on June 30, 2025, executing new contracts ensures ongoing service and prevents potential disruption to fleet-dependent City operations.

The new tire repair and replacement services contracts will address the City's needs, along with stabilized costs and fees. The selected tire repair and replacement service providers will be utilized on an as needed basis to ensure that the City has

Contract: Don's Tire Service Inc. and Morgan Tire of Sacramento Inc.
For Tire Replacement and Repair Services

CONSENT CALENDAR
July 8, 2025

adequate resources available for vehicle maintenance and repair.

ALTERNATIVE ACTIONS CONSIDERED

The City does not have the resources to repair and replace tires for City vehicles, so there are no viable alternatives at this time to contract services.

CONTACT PERSON

Joy Brown, Operations Manager, (510) 981-6629

Don Colbert, Sr. Equipment Maintenance Supervisor, (510) 981-6467

Sara Rubio, Associate Management Analyst, (510) 981-5372

Attachments:

1: Resolution

2: Resolution

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

CONTRACT: DON'S TIRE SERVICE INC. FOR TIRE REPAIR AND REPLACEMENT SERVICES

WHEREAS, the City conducted RFP Solicitation No. 25-11683-C with bids due no later than April 10, 2025; and

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

WHEREAS, Don's Tire Service Inc. and Morgan Tire of Sacramento Inc. were selected as the highest scoring vendors; and.

WHEREAS, funding is available in the FY2026 adopted budget in the Equipment Maintenance Fund (Fund 672). Funding for future years is subject to Council's approval of the proposed citywide budget for Fiscal Years 2027-2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Don's Tire Service Inc. and to provide tire repair and replacement services for three years, from August 1 2025 to August 1, 2028, for an amount not to exceed \$400,000 with the option to extend for two additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.

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

CONTRACT: MORGAN TIRE OF SACRAMENTO INC. FOR TIRE REPAIR AND REPLACEMENT SERVICES

WHEREAS, the City conducted RFP Solicitation No. 25-11683-C with bids due no later than April 10, 2025; and

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

WHEREAS, Don's Tire Service Inc. and Morgan Tire of Sacramento Inc. were selected as the highest scoring vendors.

WHEREAS, funding is available in the FY2026 adopted budget in the Equipment Maintenance Fund (Fund 672). Funding for future years is subject to Council's approval of the proposed citywide budget for Fiscal Years 2027-2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Morgan Tire of Sacramento Inc. to provide tire repair and replacement services for three years from August 1 2025 to August 1, 2028 for an amount not to exceed \$400,000 with the option to extend for two additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrance Davis, Director, Public Works
Subject: Contract: Kept Companies Inc. dba Fleetwash Inc. for Vehicle Washing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kept Companies Inc., dba Fleetwash Inc., to provide vehicle washing services for a three-year period from July 1, 2025 to July 1, 2028 in an amount not to exceed \$300,000, with an option to extend for two additional one-year terms with service rates to be adjusted annually in accordance with the Consumer Price Index.

FISCAL IMPACTS OF RECOMMENDATION

The FY25 Adopted Public Works Equipment Maintenance Fund (Fund 672) Budget has existing funding available to award this agreement.

CURRENT SITUATION AND ITS EFFECTS

The City’s fleet has specialized washing needs of the City’s fleet vehicles because of the potential for environmental contamination due to water runoff of mechanical oils and associated chemical waste. Given this, it is necessary to contract with an outside vendor that can meet required environmental standards and maintain a clean fleet. Kept Companies Inc., dba Fleetwash Inc., was selected for this purpose.

The City conducted Request for Proposals Specification No. 24-11651-C, with proposals due no later than March 26, 2025. The City received two proposals in response. The selection committee, composed of subject matter experts from Public Works, evaluated the bids.

The evaluation criteria used to rate the proposals were as follows: Project Approach (30%), Expertise and References (15%), Costs (25%), and Ability to Perform Services Listed in the Scope of Services (30%). Kept Companies Inc., dba Fleetwash Inc., was selected as the highest-scoring vendor.

This contract will support the City’s fleet and is in alignment with the City’s Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities and facilities.

Contracts: Kept Companies Inc. dba Fleetwash Inc. for Vehicle Washing Services

CONSENT CALENDAR
July 8, 2025

BACKGROUND

Kept Companies Inc., dba Fleetwash Inc., and SNJ Solutions LLC responded to the Request for Proposals. Kept Companies Inc. was selected after submitting the highest-scoring bid. The selected vendor has the adequate staff and equipment necessary to complete needed work for the City. The new contract will ensure clear guidelines and standardized pricing for vehicle washing services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The new vehicle washing services will achieve environmental compliance through zero-waste cleaning methods to minimize water runoff and chemical waste. The vendor uses recycled water and a closed-loop water reclamation system. All cleaning agents will be environmentally safe and biodegradable in accordance with California Occupational Safety and Health (Cal/OSHA) Standards, Environmental Protection Agency (EPA) Requirements, and California Regional Water Quality Control Board Regulations.

RATIONALE FOR RECOMMENDATION

The new washing services agreement will address the City's needs, while stabilizing costs and fees. The new contract will clearly address the legal guidelines and budgeted prices for as-needed vehicle washing services. The selected vehicle washing service provider will be utilized as needed to ensure the City has well-maintained and hygienic vehicles for City vehicle operators.

ALTERNATIVE ACTIONS CONSIDERED

The City does not have the resources to wash City vehicles with recycled water and a closed-loop water reclamation system to minimize water runoff and chemical waste. If this contract is not awarded, Public Works would have to invest in these resources and obtain the training required to perform this function. This is not a feasible or cost effective option with existing staffing and budget allocations.

CONTACT PERSON

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

Attachment:
1: Resolution

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

CONTRACT: KEPT COMPANIES INC. DBA FLEETWASH INC. FOR VEHICLE
WASHING SERVICES

WHEREAS, the City conducted RFB Solicitation No. 24-11651-C with bids due no later than March 26, 2025; and

WHEREAS, the City received two bids and a selection committee composed of subject matter experts from the Public Works Equipment Maintenance Division, and the Public Works Operations Division, evaluated the bids; and

WHEREAS, Kept Companies Inc. dba Fleetwash Inc. was selected as the highest scoring vendor; and

WHEREAS, funding is available in the FY26 baseline Equipment Maintenance budget (Fund 672) and services will be directly billed to the user departments.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Kept Companies Inc. dba Fleetwash Inc. to provide vehicle washing services for three years from July 1, 2025 to July 1, 2028 for an amount not to exceed \$300,000 with an option to extend for two additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Terrance Davis, Director, Public Works Department
 Subject: Contract: Kerex Engineering, Inc. for FY 2025 Drainage Improvements
 (Specification No. 23-11561-C & 25-11677-C)

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the FY 2025 Drainage Improvements Project;
2. Accepting the bid of Kerex Engineering, Inc. as the lowest responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until project completion, in accordance with the approved plans and specifications in an amount not to exceed \$4,397,236.

FISCAL IMPACTS OF RECOMMENDATION

The construction contract for the FY 2025 Drainage Improvement Project consists of two individual design projects:

- 1) Wildcat Canyon Drainage Improvements Project and,
- 2) FY 2024 Storm Drain Improvement Project.

Funding for the projects is available in the approved FY 2026 budget in the funds indicated below. No other funding is required, and no other projects will be delayed due to this expenditure.

Project	Clean Storm Water Fund (Fund 616)	Measure BB Sales Tax (Fund 134)
Wildcat Canyon Road Drainage Improvements Project (Specification No. 23-11561-C)	\$2,141,009	\$200,000
FY 2024 Storm Drain Improvements Project (Specification No. 25-11677-C)	\$2,056,227	---

Total construction funding: \$4,397,236	\$4,197,236	\$200,000
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Low bid by Contractor	\$3,997,487
10% Contingency	\$399,749
Total Not-To-Exceed Construction Cost	\$4,397,236

CURRENT SITUATION AND ITS EFFECTS

The FY 2025 Drainage Improvements construction contract is comprised of two separate design packages: The Wildcat Canyon Drainage Improvement Project and the FY 2024 Storm Drain Rehabilitation Project. City staff combined the separate design packages into a single construction bid package due to the similar nature of the work and to reduce the administrative work and staff resources required for execution of the work as separate construction contracts.

The FY 2025 Drainage Improvements Project was released for bids on May 9, 2025, and bids were opened on June 3, 2025 (see Attachment 3, Abstract of Bids). 3 bids were received, from a low of \$3,997,487 to a high of \$4,455,783. Kerex Engineer, Inc. (Kerex) of Martinez, CA, was the lowest responsive and responsible bidder, with a bid of \$3,997,487, and their references were found to be satisfactory. Staff recommends a contract for this project be awarded to Kerex. The engineer's estimate for the project was \$3,270,000. A combination of increased material and labor costs contributed to higher-than-expected construction bids.

The FY 2025 Drainage Improvements Project supports the City's Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities.

BACKGROUND

The FY 2024 Storm Drain Rehabilitation Project addresses urgent storm drain infrastructure repairs and drainage improvements at various locations. The project scope includes the rehabilitation of approximately 818 linear feet of storm drain pipes using open-cut excavation and trenchless methods like cured-in-place pipe lining and slip-lining; construction of catch basins and maintenance holes; construction and replacement of curb and gutter to mitigate uncontrolled ground water and storm runoff; and the replacement of approximately 641 linear feet of cross culverts at various locations throughout the City.

The Wildcat Canyon Drainage Improvement Project includes drainage improvements along the entire length of Wildcat Canyon Road within City limits. The project scope includes replacing drainage culverts, rehabilitating inlet structures, and installing energy dissipation at culvert outfalls to mitigate erosion. This project improves the roadway's resiliency to slides and erosion, prevents the formation of sinkholes caused by failing culverts, and makes the road safer for the public and emergency services vehicles.

The project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), per California Code of Regulations, Title 14, Division 6, Article 3, Chapter 3, Article 19, §15301 Existing Facilities, as work consists of repair, maintenance, and minor alteration of existing drainage facilities with negligible or no expansion of existing use. City staff have filed a Notice of Exemption with the Office of Planning and Research and the Alameda County Clerk.

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The projects involve rehabilitating existing storm drain pipes to improve their long-term resilience against increasingly intense storms driven by climate change. Ensuring their good repair decreases the chance of breakage. These infrastructure improvements mitigate uncontrolled ground water and storm runoff.

RATIONALE FOR RECOMMENDATION

The City conducted a public bid process and Kerex submitted the lowest, responsive, and responsible bid. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete this specialized construction work.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this project. Failure to rehabilitate the aging infrastructure would lead to further degradation and eventual failure, placing public infrastructure and adjacent private property at risk.

CONTACT PERSON

Wahid Amiri, Deputy Director, (510) 981-6396

Ronald A. Nevels, Manager of Engineering, (510) 981-6439

Ricardo Salcedo, Acting Supervising Civil Engineer, (510) 981-6407

Attachments:

- 1: Resolution
- 2: Location Map
- 3: Abstract of Bids

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

CONTRACT: KEREX ENGINEERING, INC. FOR FY 2025 DRAINAGE IMPROVEMENTS (SPECIFICATION NOS 23-11561-C & 25-11677-C)

WHEREAS, the FY 2025 Drainage Improvement Project (Project) is comprised of two sub-projects:

- Wildcat Canyon Road Drainage Improvements (Specification No. 23-11561-C) and
- FY 2024 Storm Drain Improvements (Specification No. 25-11677-C); and

WHEREAS, the work for Wildcat Canyon Road Drainage Improvements enhances the roadway's resiliency to slides and erosion, prevents the formation of sinkholes caused by failing culverts, and makes the road safer for the public and emergency services vehicles; and

WHEREAS, the FY 2024 Storm Drain Improvement Project is part of the City's ongoing Storm Drain Infrastructure Capital Improvement Program to rehabilitate deteriorated storm drain infrastructure and improve drainage; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this Project; and

WHEREAS, the Project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA), per California Code of Regulations, Title 14, §15301 Existing Facilities as work consists of repair, maintenance, and minor alteration of existing drainage facilities with negligible or no expansion of existing use; and

WHEREAS, an invitation for bids was duly advertised and Kerex Engineering, Inc., of Martinez, CA was the lowest responsive and responsible bidder; and

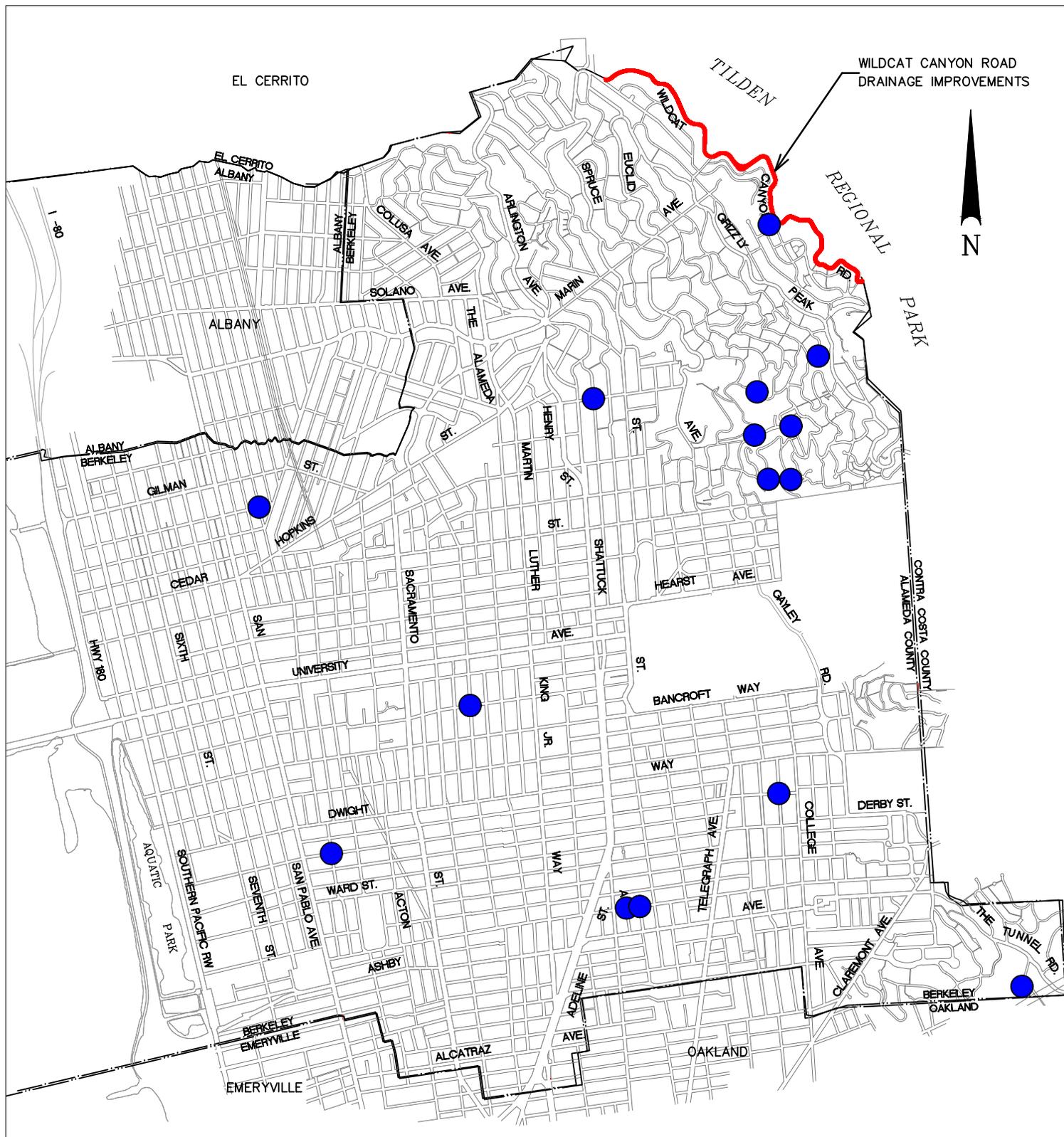
WHEREAS, funding is available in the FY 2026 budget in the Clean Storm Water (Fund 616) and Measure BB Sales Tax (Fund 134); and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Plans and Specifications No. 23-11561-C and 25-11677-C for FY 2025 Drainage Improvements Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders, until completion of the project in accordance with the approved plans and specifications with Kerex Engineering, Inc. for FY 2025 Drainage Improvements, in an amount not to exceed \$4,397,236, which includes a 10% contingency for unforeseen circumstances. A record signature copy of the said Agreement and any amendments to be on file in the Office of the City Clerk.

CITY OF BERKELEY, CALIFORNIA FY 2025 DRAINAGE IMPROVEMENTS PROJECT SPECIFICATION NOS. 23-11561-C AND 25-11677-C



LEGEND

- █ WILDCAT CANYON ROAD DRAINAGE IMPROVEMENTS
- FY 24 STORM DRAIN IMPROVEMENT SITE



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrance Davis, Director, Public Works
Subject: Contract: Technology, Engineering, and Construction, Inc. for Tank Maintenance, Repairs, and Certification Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Technology, Engineering, and Construction, Inc. doing business as TEC Accutite, to provide underground and aboveground tank maintenance and certification at various City facilities and locations for a total amount not to exceed \$200,000 for a three-year term with an option of two one-year extensions, for a maximum term of five years.

FISCAL IMPACTS OF RECOMMENDATION

This contract for tank maintenance and certification will not exceed \$200,000. Annual expenditures are anticipated to be approximately \$70,000. Funding in the amount of \$61,000 is available in FY 2026 adopted budget in the Equipment Maintenance Fund (Fund 672), \$6,000 is available in Fire Department General Fund (Fund 011), and \$3,000 Library-Tax Fund (Fund 101). This funding will cover required annual inspection and minor repair costs. Additional costs may include dispenser replacement and monitoring system replacement. Additionally, funding will be appropriated for the fiscal years (FY 2027 to FY 2028) in the Equipment Maintenance Fund during the annual budget process.

CURRENT SITUATION AND ITS EFFECTS

The City requires a contractor to provide fuel tank maintenance and certification at various locations on an as-needed basis for both above and underground storage tanks. This contractor must have the experience, qualifications and capacity to serve as the City's Designated Underground Storage Tank (UST) Operator and UST Technician. The contract includes the following tank maintenance services: monthly visual inspections; annual compliance inspections/monitoring certification and vapor recovery testing; triennial secondary containment and overfill protection testing; trouble shooting UST or Above Ground Tank (AST) problems; replacement or updating UST/AST equipment; performing minor repairs; provide annual employee training.

The City outsources these services to ensure that work is done by certified contractors with the appropriate expertise. The previous contract was also with TEC Accutite and has reached its maximum term and a new contract must be executed. Not executing a new contract will lead to non-compliance with Federal, State, and Local tank regulations and may result in subsequent fines and possible site closures.

Current tank locations include:

Public Safety Building (UST)
Zero Waste Transfer Station (UST, AST)
Corporation Yard (UST)
Central Library (UST)
Fire Stations 1-7 (AST)

On February 27, 2025, the City released Request for Proposal (RFP) #25-11712-C for tank maintenance and certification services. The solicitation was open for fifty-four days and the City received one response. As a result of the competitive proposal solicitation that was held for providing tank maintenance and certification services to various city locations and facilities, TEC Accutite was determined to be the most responsive and responsible bidder with pricing within the estimated budget. Extending or reissuing the RFP was not considered as the need for services is critical. Previous RFPs issued for this service received one bid which was TEC Accutite. This purchase will execute a three-year contract for with option to extend by two one-year extensions.

The Tank Maintenance and Certification contract is in alignment with the City’s Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and to be a global leader in protecting the environment.

BACKGROUND

The City requires a vendor who can provide staff that are International Code Council (ICC) certified to perform inspections and repairs on the City’s ASTs and USTs. All work needs to be performed in accordance with Title 23 Chapter 16 section 2715, Rule 461 subsection (e) and all other local, state, and federal regulatory requirements.

Additionally, these contracted services support compliance with regulations of Chapter 6.7 of Division 20 of the California Health and Safety Code, and in Title 23 of the California Code of Regulations which is enforced by the City’s Toxics Management Division.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

State and Federal requirements for environmental compliance and sustainability are put in place to ensure minimal environmental impact from City activities. Public Works addresses these requirements through contracting with vendors like TEC Accutite.

Failure to maintain the ASTs or USTs could result in contamination of surface or groundwaters by renewable diesel or used oil.

City employees do not have the required training or equipment to meet all compliance requirements. For this reason, the Public Works Department requires the expertise and services of outside contractors to ensure compliance. At the end of each contract period, the City must execute a new contract to remain in compliance.

RATIONALE FOR RECOMMENDATION

A contractor must be selected, as City staff do not have the equipment, capacity or appropriate training and certifications to ensure that the City complies with all state and federal requirements for underground and aboveground tank maintenance. Selecting a contractor ensures that all state and federal compliance issues are met and the City avoids fines and fees for non-compliance. The selection of a contractor additionally ensures that there are no negative environmental impacts from tanks that have not been appropriately maintained.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative actions were considered due to the nature of the need. The City went out to bid, exercised due diligence in evaluating the bids and satisfied the competitive process. Not executing contracts results in compliance issues and subsequent fines.

CONTACT PERSON

Robert Hernandez, Environmental Compliance Specialist, Department of Public Works
(510) 981-6644

Joy Brown, Operations Manager, Department of Public Works (510) 981-6629

Attachments:

- 1: Resolution
- 2: Abstract of Bid Worksheet

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

CONTRACT AWARD: TECHNOLOGY, ENGINEERING, AND CONSTRUCTION, INC., DBA TEC ACCUTITE, FOR TANK MAINTENANCE, REPAIRS, AND CERTIFICATION SERVICES

WHEREAS, tank maintenance and certification services are critical for regulatory compliance at various city locations; and

WHEREAS, the City does not have appropriately trained and certified staff to perform these services at these sites, which an outside vendor has traditionally served; and

WHEREAS, no City employees are displaced by this contract; and

WHEREAS, on February 27, 2025 the City released Request for Proposal #25-11712-C for tank maintenance and certification services. The solicitation was open for fifty-four days and the City received one response; and

WHEREAS, as a result of the competitive proposal solicitation that was held for providing tank maintenance and certification services to various city locations and facilities, TEC Accutite was determined to be the most responsive and responsible bidder; and

WHEREAS, funding in the amount of \$61,000 is available in FY 2026 adopted budget in Equipment Maintenance Fund (Fund 672), \$6,000 is available in Fire Department General Fund (Fund 011), \$3,000 Library-Tax Fund (Fund 101);

WHEREAS, additional funding for unforeseen emergency expenses or planned projects will be appropriated as part of the budget process; and

WHEREAS, funding for future fiscal years will be appropriated as part of the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley authorizing the City Manager or designee to execute a contract with Technology, Engineering, and Construction, Inc. doing business as TEC Accutite to provide tank maintenance and certification services at various city facilities and locations for a total not to exceed of \$200,000 with an initial three-year term and an option of two (2) one-year extensions for a maximum term of five years.



City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

FOR: TANK MAINTENANCE AND CERTIFICATION

Spec.

DATE:

	Bidders		Local Vendor	WC	NF	OS	SC	LW	EBO
1	TEC Accutite								
2									
3									
4									
5									
6									
7									
8									
9									
10									

Bid Recorder:

R Soorma

04/22/2025
DATE

Bid Opener:

Sherri Dognan

04/22/2025
DATE

Project Manager:

R.Hernandez

Robert Hernandez

04/23/2025
DATE

25-11712-C - Abstract

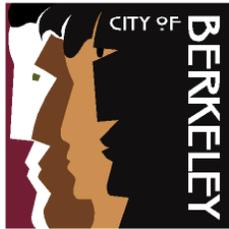
Final Audit Report

2025-04-23

Created:	2025-04-22
By:	Roopreet Soorma (RSoorma@berkeleyca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6E8QS8ln7F0HBjMw5EIDzr1LS1OAAqIT

"25-11712-C - Abstract" History

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2025-04-22 - 11:28:37 PM GMT
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2025-04-23 - 2:18:25 PM GMT
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2025-04-23 - 2:18:58 PM GMT



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Public Works, Director

Subject: Contract: United Storm Water, Inc. for On-Call Storm Water Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with United Storm Water Inc. to provide on-call stormwater maintenance at various City facilities and locations for a total not to exceed of \$200,000, with an option of two one-year extensions, for a maximum term of five years.

FISCAL IMPACTS OF RECOMMENDATION

The execution of a contract for on-call storm water maintenance will not exceed \$200,000 and includes an initial term of three years with option to extend by two one-year extensions. Funding in the amount of \$75,000 is available in the FY2026 adopted budget in the Zero Waste Fund (Fund 601)..

CURRENT SITUATION AND ITS EFFECTS

The City needs additional resources to ensure that required storm water maintenance work is performed by certified contractors with the appropriate expertise. Failure to perform this work will subject the City to regulatory non-compliance, and exposure to fines or other legal actions.

On February 27, 2025, Request for Proposal (RFP) #25-116703-C was released for on-call stormwater maintenance services. The solicitation was open for fifty-four days and the City received one response. As a result of the competitive proposal solicitation, United Storm Water was determined to be the most responsive and responsible bidder. Extending or reissuing the RFP was not considered as the need for services is time critical. Previous RFPs issued for this service received one or no bids. This authorization will execute a three-year contract with the option to extend by two one-year extensions.

The On-Call Storm Water Maintenance Contract is in alignment with the City's Strategic Plan Priorities, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and be a global leader in protecting the environment.

BACKGROUND

The City Transfer Station at 1201 Second Street, collects refuse, construction and demolition debris, green waste, and other materials from the public. It is operated by the Zero Waste Division of Public Works. The Recycling Center at 669 Gilman Street process recyclables from the community. Both sites operate under the National Pollution Discharge Elimination System (NPDES) Industrial Storm Water Permit (Permit). The City needs assistance with supporting best management practices for the sites. The storm water treatment vaults and associated piping, trench drains, and catch basins need to be serviced regularly to support compliance with the Permit.

The City's Corporation Yard and Public Safety Building also have similar trench drains and catch basins that need to be serviced regularly to remain in compliance. This is not a service that can be done in-house by Public Works, as the department does not have the appropriate materials, equipment or training.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Public Works Department works to comply with all State and Federal requirements to ensure minimal impact from City activities. Public Works requires the expertise and services of outside contractors to achieve this compliance.

RATIONALE FOR RECOMMENDATION

Contracts for on-call storm water maintenance are critical to ensure that the City meets State and Federal requirements. Further, execution of this services agreement is critical for protecting the waters of the San Francisco Bay.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. The City initiated an RFP, exercised due diligence in evaluating the bid respondents, and satisfied the competitive procurement process. Failure to execute this contract may result in non-compliance and possible fines due to the City's inability to meet state and federal requirements for environmental compliance and sustainability.

CONTACT PERSON

Robert Hernandez, Environmental Compliance Specialist, Public Works (510) 981-6644
Joy Brown, Operations Manager, Public Works (510) 981-6629

Attachments:

1: Resolution

Exhibit A: RFP: Abstract of Bid Worksheet

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

CONTRACT: UNITED STORM WATER, INC. FOR ON-CALL STORMWATER
MAINTENANCE

WHEREAS, stormwater maintenance services are critical for regulatory compliance at various City locations; and

WHEREAS, the City does not have available staff to perform these services at these sites; and

WHEREAS, no City employees are displaced by this contract; and

WHEREAS, on February 27th released RFP #25-116703-C for on-call stormwater maintenance services. The solicitation was open for fifty-four days and received one response; and

WHEREAS, as a result of the competitive proposal solicitation that was held for providing on-call stormwater maintenance services to various city locations and facilities United Storm Water was determined to be the most responsive and responsible bidder; and

WHEREAS, funding in the amount of \$75,000 is available in the FY2026 adopted budget in the Zero Waste Fund (Fund 601). Funding for future years is subject to Council's approval of the proposed citywide budget for Fiscal Years 2027-2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley authorizing the City Manager to execute a contract with United Storm Water to provide on-call stormwater maintenance services at various city facilities and locations for a total not to exceed of \$200,000 for a three-year term with an option of two one-year extensions for a maximum term of five years.

Internal



Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

FOR: ON-CALL STORMWATER MAINTENANCE SERVICE

Spec.

DATE:

	Bidders		Local Vendor	WC	NF	OS	SC	LW	EBO
1	United Storm Water			x	x	x	x	x	x
2									
3									
4									
5									
6									
7									
8									
9									
10									

Bid Recorder:

Roop Soorma *RSoorma* DATE 04/22/2025

Bid Opener:

Sherri Dognan DATE 04/28/2025

Project Manager:

Robert Hernandez DATE 05/01/2025

Internal

25-11703-C - Abstract

Final Audit Report

2025-05-01

Created:	2025-04-25
By:	Roopreet Soorma (RSoorma@berkeleyca.gov)
Status:	Signed
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"25-11703-C - Abstract" History

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2025-04-25 - 7:04:22 PM GMT
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Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Intent to Vacate A Portion of Carleton Street From Westerly Terminus
Extending 381.23 Feet Easterly

RECOMMENDATION

Adopt a Resolution declaring intent to vacate a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street, and conveying the City's interests in the vacated right of way to Bayer Healthcare LLC ("Bayer") for the purposes of relieving the City of associated maintenance costs and improving Bayer's site circulation and security.

FISCAL IMPACTS OF RECOMMENDATION

There is no negative fiscal impact from this street vacation. Bayer has paid the appropriate fees related to processing this street vacation. In addition, the proposed street vacation is anticipated to reduce long-term City maintenance and public service costs, and increase property tax revenue due to an increase of the Bayer site.

CURRENT SITUATION AND ITS EFFECTS

The 381.23-linear-foot segment of Carleton Street proposed for vacation, as described in Exhibit A (attached) and shown on Exhibit B (attached), is a dead-end right-of-way providing access for the MacAulay Foundry site. Bayer recently acquired the Foundry and now owns all property adjacent to the subject portion of the roadway, including on the north, south, and west sides of the subject roadway segment. The segment does not provide access through the Bayer site.

Vacating this segment would eliminate the City's responsibility for ongoing maintenance of a segment by providing street access to solely one property owner, while also allowing Bayer to move the effective western terminus of Carleton Street eastward to improve site circulation and security. Bayer has committed to preserving emergency access through the subject Carleton Street segment.

BACKGROUND

On December 31, 2024, Bayer acquired the former Macaulay Foundry at 811 Carleton Street with the intent of incorporating the site into the broader Bayer Campus (where integration of operations on the Foundry parcel into the larger Bayer campus would occur by a separate discretionary approval process). As part of this integration, Bayer submitted a request to vacate the dead-end portion of Carleton Street adjacent to the site to improve internal circulation and enhance facility security.

Pursuant to Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, a local agency may vacate a public right-of-way of a street or highway when the street is unnecessary for present or prospective public street uses.

The City has approved similar street vacations in past years in West Berkeley, including portions of Carleton Street, Parker Street, and Fourth Street as these roads once extended through the Bayer campus. City staff reviewed the current request and determined that the subject segment of Carleton Street meets the criteria for vacation under the Streets and Highways Code, and that the public street segment no longer serves a broader transportation function.

With respect to utilities, Bayer has agreed that the City of Berkeley and utility providers including but not limited to Pacific Gas & Electric Company (PG&E), East Bay Municipal Utility District (EBMUD), and American Telephone and Telegraph Company (AT&T) which have utilities within the Carleton Street right of way, will preserve their rights to maintain, repair, and perform other activities related to their utility infrastructure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental, sustainability, and climate impacts to the proposed street vacation. Reducing Carleton Street by approximately 381 feet decreases the amount of right of way available to motor vehicles, a significant number of which would be gasoline powered automobiles and associated pollutants they emit. Similarly, maintenance activities that may have negative environmental impacts, such as street repaving and concrete sidewalk replacement, would be reduced.

RATIONALE FOR RECOMMENDATION

The Public Works Department has reviewed the proposed vacation pursuant to the California Streets and Highways Code §§ 8320, 8322, 8323, 8324, and determined that the segment is "unnecessary for present or prospective public use." This segment of the right-of-way is not identified as (1) a major, collector, or local residential street in the General Plan; (2) in the Bicycle Plan as a current or future part of the City's bicycle network; (3) as a primary or secondary transit route; or (4) as an emergency evacuation route. In addition, this portion of Carleton Street affords access to only Bayer's campus, and the vacation of this portion of the street is similar to others the City has adopted in the immediate area in connection with Bayer's campus.

Staff also determined that the vacation will not impact emergency services or utility access. Bayer has agreed that the proposed western terminus of Carleton Street will

remain accessible for emergency access at the street's new westerly terminus point, as Bayer does on Parker Street.

Utility access will be maintained as said vacation shall accept and reserve therefrom, pursuant to Section 8340 of the California Streets and Highways Code, and for the benefit of the City of Berkeley, and utility agencies such as PG&E, EBMUD, and AT&T, the easement and right at any time or from time to time to construct, maintain, operate, replace, remove, renew and enlarge line of pipe, conduits, cables, poles, wires and other convenient structures, equipment and fixtures for the operation of communication lines, electrical transmission distribution lines, natural gas lines, water lines, sanitary and storm sewers, and other communication facilities, including access and the right to keep the property free from inflammable material and wood growth and protect the same from all hazards, in, upon, over and across the portion of Carleton Street so vacated and abandoned.

Approval of this vacation allows the City to avoid substantial maintenance costs on a segment of Carleton Street that currently provides access to only one property owner (Bayer), and supports economic development objectives by allowing Bayer, in the future, to integrate and secure its manufacturing and research operations, including biopharmaceutical and therapeutic innovation facilities.

ALTERNATIVE ACTIONS CONSIDERED

The alternative course of action is to deny vacation if a reason for the continued existence of this segment of Carleton Street is justified. Since the road is a dead-end, and has no further purpose as a public street, this portion of the right-of-way is unnecessary for present or prospective street purpose and is unusable for a bicycle path.

CONTACT PERSON

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

Attachment:

1: Resolution

Exhibit A: Street Vacation Area Legal Description

Exhibit B: Street Vacation Area Plat

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

INTENT TO VACATE A PORTION OF CARLETON STREET FROM WESTERLY
TERMINUS EXTENDING 381.23 FEET EASTERLY

WHEREAS, the vacation of Carleton Street from its westerly terminus extending 381.23 feet easterly is necessary in order to achieve the full public and private benefits to the City and adjacent property owner (Bayer Corporation); and

WHEREAS, that segment of Carleton Street to be vacated is as described in the attached Legal Description (Exhibit A) and Plat (Exhibit B); and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley declares intention to vacate the aforesaid portion of Carleton Street in accordance with Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, subject to agreement between the City and Bayer Corporation regarding certain conditions to be fulfilled by Bayer.

BE IT FURTHER RESOLVED that a public hearing of the City Council be held to consider this matter on July 22, 2025 and the City Clerk is directed to give all necessary notice.

Exhibits

A: Street Vacation Area Legal Description

B: Street Vacation Area Plat

March 5, 2025

EXHIBIT "A"

VACATION DESCRIPTION

CARLETON STREET

ALL OF THAT REAL PROPERTY SITUATE IN THE CITY OF BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF CARLETON STREET, AS SAID STREET BEING LABELED AS CARLTON STREET AND SHOWN ON THE "MAP OF BYRON JACKSON IRON WORKS PROPERTY" FILED ON JULY 14TH, 1909 IN BOOK 24 OF MAPS AT PAGE 84, ALAMEDA COUNTY RECORDS, STATE OF CALIFORNIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET WITH THE WESTERLY RIGHT OF WAY LINE OF 7TH STREET AS SHOWN ON SAID "MAP OF BYRON JACKSON IRON WORKS PROPERTY"; **THENCE** ALONG SAID NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 240.54 FEET, TO THE EASTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO JOHN ALLEN AND KEN DAVID, RECORDED MARCH 18, 2004 AS DOCUMENT NUMBER 2004-113321, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; **THENCE** CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 381.23 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF CARLETON STREET AS DESCRIBED IN ORDINANCE 6618-N.S., CITY OF BERKELEY, ALAMEDA COUNTY; **THENCE** ALONG SAID WESTERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 17°46'00" EAST 72.00 FEET, TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF CARLETON STREET; **THENCE** ALONG THE SOUTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 381.23 FEET, TO A POINT WHICH WOULD BE INTERSECTED BY A LINE DRAWN SOUTHERLY AND AT RIGHT ANGLE FROM THE POINT OF BEGINNING, SOUTH 17°14'00 EAST 72.00 FEET; **THENCE** NORTHERLY ALONG SAID LINE TO THE **POINT OF BEGINNING**.

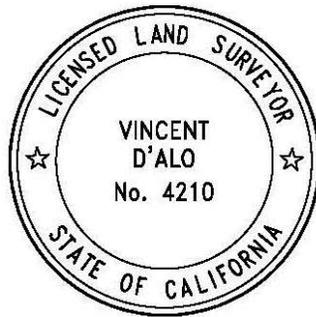
CONTAINING AN AREA OF 27,449 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT "B" FOR REFERENCE ONLY.

END OF DESCRIPTION

PREPARED BY:


VINCENT J. D'ALO
LS 4210

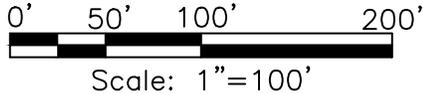


March 5, 2025
DATE

EXHIBIT B

7TH STREET
(60' PUBLIC R/W)

CARLETON STREET
(72' PUBLIC R/W)
(24 M 84)



POC

893 CARLETON STREET
054-1771-002-02

845 CARLETON STREET
054-1771-003-02

240.54'

236.40'

N17°46'00"W
72.00'

POB

811 CARLETON STREET
2004-113321
APN 054-1771-004-02

S72°14'00"W 381.23'

N72°14'00"E 381.23'

2700 7TH STREET
054-1748-002-01

PORTION OF CARLETON STREET
TO BE VACATED
27,449± SQ FT

S17°46'00"E
72.00'

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- AREA TO BE VACATED
- ADJACENT PROPERTY
- PRIVATE ROAD

CARLETON STREET
(PRIVATE ROAD)
(ORDINANCE)
(6618-N.S.)



Civil Engineers
Traffic Engineers
Surveyors

Aliquot Associates, Inc.
1390 S. Main St. - Ste. 310
Walnut Creek, CA 94596
Telephone: (925) 476-2300
Fax: (925) 476-2350

Subject CARLETON STREET VACATION
Job No. 220040.42 Scale 1"=100'
By JPS Date: 03/05/25 Chkd. VJD



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrance Davis, Director, Public Works
Subject: Purchase Order: SCL, Safety-Kleen Systems Inc. and Lube Buster Inc. for Vehicle Lubricant Materials

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to:

1. Execute a purchase order with SCL to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028, in an amount not to exceed \$140,000 with an option to extend for two additional one-year terms, with an annual service rates to be adjustment in accordance with the Consumer Price Index.
2. Execute a purchase order with Safety-Kleen Systems Inc. to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028, in an amount not to exceed \$140,000 with an option to extend for two additional one-year terms, with an annual service rates adjustment in accordance with the Consumer Price Index.
3. Execute a purchase order with Lube Buster Inc. to provide vehicle lubricant materials for a three-year period from August 1, 2025 to August 1, 2028 in an amount not to exceed \$140,000, with an option to extend for two additional one-year terms, with an annual rates adjustment in accordance with the Consumer Price Index.

FISCAL IMPACTS OF RECOMMENDATION

The FY25 Adopted Public Works Department Equipment Maintenance (Fund 672) Budget includes funding for the of purchase of vehicle lubricants for City vehicles the in the amount of \$46,667. Funding for future years is subject to Council's approval of the proposed citywide budget for Fiscal Years 2027-2028.

CURRENT SITUATION AND ITS EFFECTS

Vehicle lubricants are essential to the City's ability to maintain and operate its fleet of vehicles, including those used for emergency response, refuse collection, and critical infrastructure maintenance. Vehicle lubricants must be regularly replenished to prevent engine damage and ensure compliance with manufacturer preventative maintenance schedules. Establishing multi-year agreements guarantees the City access to reliable supply chains and helps stabilize costs in a volatile petroleum-based product market.

The City conducted Invitation to Bid Specification No. 25-11682-C, with proposals due no later than April 11, 2025. The City received three proposals in response. The selection committee, composed of subject matter experts from the Public Works Department, evaluated the proposals and reported that all three had competitive rates within the City's budgeted needs.

These purchase orders will support the City's fleet and are in alignment with the City's Strategic Plan Priorities, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Historically, the City has procured vehicle lubricants from a combination of contracted vendors and open-market purchases. On average, the City's fleet uses approximately 1,000 to 1,200 gallons of vehicle lubricants per year to service City fleet assets. These vehicle lubricants are a vital part of regular preventative maintenance requirement. Standardizing this purchase through formal contracts allows for better cost control, inventory planning, and compliance with equipment manufacturer specifications. SCL, Safety-Kleen Systems Inc. and Lube Buster Inc. responded to the Invitation to Bid and were selected after submitting the highest-scoring bids. The selected vendors have the materials needed to service the City. New vehicle lubricant materials vendors will ensure clear guidelines and standardized prices for vehicle lubricant materials, which is a significant expense for the Public Works Department.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Vehicle lubricants are disposed of in accordance with regulations enforced by the California Department of Toxic Substances Control (DTSC) under California Health and Safety Code (HSC) and Title 22 of the California Code of Regulations (CCR). All waste oil and related fluids are collected by certified haulers and processed through appropriate hazardous waste channels. As the City continues to modernize its fleet, including the integration of more electric vehicles and higher-efficiency low emission engines, overall lubricant usage is expected to gradually decrease over time. However, ongoing demand remains high due to the existing number of heavy-duty and internal combustion vehicles still in operation.

RATIONALE FOR RECOMMENDATION

These fleet vehicle lubricant material purchase orders will address the City's needs

Purchase Order: SCL, Safety-Kleen, and Lube Buster Inc.
for Vehicle Lubricant Materials

CONSENT CALENDAR
July 8, 2025

and stabilize costs and fees. The selected vehicle lubricant service providers will be utilized as needed to ensure the City has adequate resources available for vehicle maintenance and repair.

ALTERNATIVE ACTIONS CONSIDERED

None. The City does not have the ability to directly provide vehicle lubricants for City vehicles and is reliant on third parties to supply these materials on a on contract basis.

CONTACT PERSON

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

Attachments:

- 1: Resolution: SCL
- 2: Resolution: Safety-Kleen Systems Inc.
- 3: Resolution: Lube Buster Inc.

July 8, 2025

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

PURCHASE ORDER: SCL FOR VEHICLE LUBRICANT MATERIALS

WHEREAS, the City conducted ITB Solicitation No. 25-11682-C with bids due no later than April 11, 2025; and

WHEREAS, the City received three (3) proposals and a selection committee composed of subject matter experts from the Public Works Department, met to evaluate the bids; and

WHEREAS, SCL to provide vehicle lubricant materials was selected as one of the highest scoring vendors.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order with SCL to provide vehicle lubricant materials for three (3) years from August 1, 2025 to August 1, 2028 for an amount not to exceed \$420,000, with the option to extend for two (2) additional one-year terms, with a provision for the respective service rates in each separate agreement to be adjusted annually in accordance with the Consumer Price Index.

July 8, 2025

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

PURCHASE ORDER: SAFETY-KLEEN SYSTEMS INC. FOR VEHICLE LUBRICANT MATERIALS

WHEREAS, the City conducted ITB Solicitation No. 25-11682-C with bids due no later than April 11, 2025; and

WHEREAS, the City received three (3) proposals and a selection committee composed of subject matter experts from the Public Works Equipment Maintenance Division, and the Public Works Operations Division, met to evaluate the bids; and

WHEREAS, Safety-Kleen Systems Inc. to provide vehicle lubricant material was selected as one of the highest scoring vendors.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order with Safety-Kleen Systems Inc. to provide vehicle lubricant materials for three (3) years from August 1, 2025 to August 1, 2028 for an amount not to exceed \$420,000, with the option to extend for two (2) additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.

July 8, 2025

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

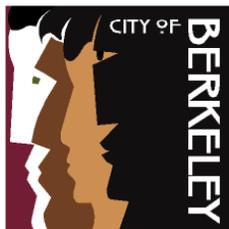
PURCHASE ORDER: LUBE BUSTER INC. FOR VEHICLE LUBRICANT MATERIALS

WHEREAS, the City conducted ITB Solicitation No. 25-11682-C with bids due no later than April 11, 2025; and

WHEREAS, the City received three (3) proposals and a selection committee composed of subject matter experts from the Public Works Equipment Maintenance Division, and the Public Works Operations Division, met to evaluate the bids; and

WHEREAS, Lube Buster Inc. to provide vehicle lubricant material was selected as one of the highest scoring vendors.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order with Lube Buster Inc. to provide vehicle lubricant materials for three (3) years from August 1 2025 to August 1, 2028 for an amount not to exceed \$420,000, with the option to extend for two (2) additional one-year terms. Rates adjusted annually in accordance with the Consumer Price Index.



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Terrance Davis, Director, Public Works
 Subject: Reinstating Street Sweeping on the 2900 Block of Regent Street

RECOMMENDATION

Adopt a Resolution to reinstate mechanical street sweeping on the 2900 block of Regent Street, between Russell Street and Webster Street, in response to a community member petition per recommendation by the City's Transportation and Infrastructure Commission.

FISCAL IMPACTS OF RECOMMENDATION

The cost of implementing this change would be a one-time expense of \$1,624 for the cost of labor and materials for signage on the 2900 block of Regent Street. Funding is available in the City's adopted Public Works Department General Fund (Fund 011) budget for this expenditure. This cost will be offset long-term by potential parking tickets assessed by the City's Parking Enforcement Division for vehicles illegally parked during street sweeping hours.

CURRENT SITUATION AND ITS EFFECTS

The Department of Public Works is responsible for mechanical street sweeping services for the City streets. However, there are several streets and blocks throughout the City that do not receive sweeping services, either due to the street being too narrow, lacking curb and gutter, or if residents have previously opted out of service. The 2900 block of Regent Street is not in the existing sweeping program due to opting out of this service in 1987.

In January 2025, residents of the 2900 block of Regent Street submitted a petition asking that sweeping services to be reinstated. Per City policy, blocks requesting to be included in street sweeping must submit a petition signed by two-thirds of residents on the block. This threshold was met by the residents of the 2900 block of Regent Street in the petition submitted to the City.

On May 15, 2025, the City's Transportation and Infrastructure Commission reviewed the request by the 2900 block of Regent Street and recommended it to Council for approval.

This expansion of mechanical street sweeping will support the City's Strategic Plan Goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

On October 6th, 1987, the City adopted Resolution No. 54,513-N.S., amending Resolution No. 36,574-N.S., which established a regular street sweeping schedule and mandatory parking enforcement for the City's Street Sweeping Program. At the time, blocks were allowed to opt-out of program. The 2900 block of Regent Street opted out at this time.

Reinstating mechanical street sweeping necessitates implementing alternative side of street parking regulations two days per month, a potential revenue source for the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Mechanical street sweeping is a critical part of the City's compliance with the Municipal Regional Stormwater and National Pollution Discharge Elimination System (NPDES) Permit, also known as the Municipal Regional Permit (MRP). The MRP requires the City to control the level of pollutants and trash flowing into local waterways and the San Francisco Bay via the City's storm drainage system. Mechanical street sweeping is an important control measure for preventing sediment-bound pollutants of concern such as polychlorinated biphenyls, from entering the City's storm drains.

Mechanical street sweeping is also an MRP recognized management action for reducing the amount of trash entering waterways. Street sweeping helps to prevent litter from entering the City's storm drainage system. Furthermore, as required by the MRP, the Public Works Department has installed Full Trash Capture Devices (FTCDs) in many catch basins throughout the City. Street sweeping prevents trash from getting caught in the FTCDs, reducing the maintenance that staff perform on the devices.

RATIONALE FOR RECOMMENDATION

Residents of the 2900 block of Regent Street reached the signature threshold for reinstating street sweeping.

ALTERNATIVE ACTIONS CONSIDERED

The City could refuse to implement street sweeping at this location. If that were to occur, there may be potential lost revenue from future ticketing and the location would continue to be less clean than others in the immediate vicinity that do have street sweeping services, adding to the potential for the City to be out of MRP compliance.

CONTACT PERSON

Peni Basalusalu, Deputy Director, Public Works, (510) 981-6485
John Hurtado, Streets and Utilities Superintendent, Public Works, (510) 981-6484
Tucker Brofft, Senior Management Analyst, Public Works, (510) 981-5375

Reinstating Street Sweeping on 2900 Block of Regent Street

CONSENT CALENDAR
July 8, 2025

Attachments:

1: Resolution

Exhibit A: Communication to Council regarding 2900 block of Regent Street
Sweeping- May 2025

Exhibit B: Street Sweeping Petition for 2900 block of Regent Street

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

REINSTATING STREET SWEEPING ON 2900 BLOCK OF REGENT STREET

WHEREAS, Public Works Streets and Utilities Division provides mechanical street sweeping services for the City; and

WHEREAS, on October 6th, 1987, the City adopted Resolution No. 54,513-N.S., which amended Resolution No. 36,574-N.S., which set a regular street sweeping schedule and mandatory parking enforcement for the City's Street Sweeping Program; and

WHEREAS, the 2900 block of Regent Street opted-out of street sweeping services in the late 1980's; and

WHEREAS, in January 2025, residents of the 2900 Regent Street block submitted a petition asking for sweeping services to be added to the block which passed the signature threshold set by the City; and

WHEREAS, on May 15, 2025, the City's Transportation and Infrastructure Commission reviewed the opt-in request by the 2900 Regent Street block and recommended it to City Council for approval; and

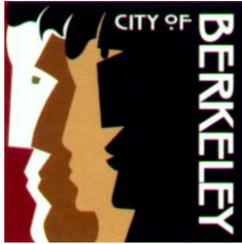
WHEREAS, funding for this sweeping service addition is available in the City's General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it adopts a Resolution to approve mechanical street sweeping be reinstated on the 2900 Block of Regent Street, between Russell Street and Webster Street, per recommendation by the City's Transportations and Infrastructure Commission.

Exhibits

A: Communication to Council regarding 2900 block of Regent Street Sweeping May 2025

B: Street Sweeping Petition for 2900 Block of Regent Street



TRANSPORTATION and INFRASTRUCTURE COMMISSION

COMMUNICATION TO COUNCIL

Date: May 23, 2025
To: Mayor and Members of Council via clerk@berkeleyca.gov
From: Wahid Amiri, Transportation and Infrastructure Commission Secretary
Subject: Mechanical Street Sweeping Opt-In Request: 2900 block of Regent Street

The Transportation and Infrastructure Commission took the following action at their May 15, 2025 meeting regarding an opt-in request for mechanical street sweeping on the 900 block of Regent Street:

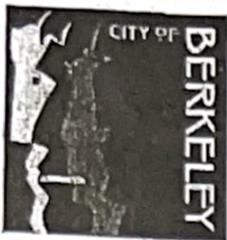
Action: It was Moved / Seconded (Leung / Hothi) to recommend to the City Council that they approve reinstating the 2900 block of Regent Street, between Russell Street and Webster Street to the Mechanical Sweeping Route; implement alternate side of the street parking regulations two days per month to facilitate reinstating the Mechanical Street Sweeping here; and, allocate funding if needed for sign production and installation.

Vote:
Ayes: Hothi, Leung, Lutzker, Zaro
Noes: None
Abstain: None
Absent: Moss, Scheider
Excused: Walton
Recused: None

Motion passed: 4-0-0-2-1-0

If you have any questions, please do not hesitate to contact the Transportation and Infrastructure Commission through the Commission Secretary, Wahid Amiri at wamiriberkeleyca.gov.

Commission Secretary: Wahid Amiri, Deputy Director, Public Works
1947 Center St., 4th Floor, Berkeley, CA, 94704
Telephone (510) 981-7010/ Fax: (510) 981-7060 / TDD: (510) 981-6903
Email: transportation@berkeleyca.gov



Public Works Department

Date: 1/28/25

Street Sweeping Petition

We, the undersigned petition the Public Works Commission and Berkeley City Council to be added to Mechanical Sweeping Program with Parking Enforcement. We request "No Parking for Street Sweeping" be posted. We understand any vehicles parked in the restricted area during the posted hours will be cited. Below is the 2/3 majority PER BLOCK signatures needed for this program to be implemented with the understanding that names and addresses will be verified by the City of Berkeley Public Works Department.

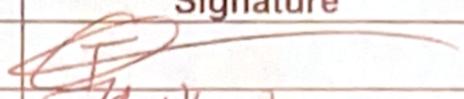
If implemented the "No Parking" restrictions for the _____ block(s) of _____ street would be for the following day and time of the month: Odd side: _____ Even side: _____

No.	First and Last Name	Address	Signature
1	OSTAP MELNYK	2917 Regent	
2	RUPALI DAS	2917 REGENT	
3	KIKAN MELNYK	2917 Regent	
4	Emi Nakamura	2925 Regent	
5	JON STEUSSON	2925 Regent	
6	Ife- Alediran Olabisi	Apt F, 2918 Regent	
7	Yanan Lu	2918 Regent. Apt G	Yanan
8	Gamil Kamal	2918 Regent Apt H	Gamil
9	BEFCA ESTAS	2918 B Regent APT(K)	BEFCA
10	Palenapa M	2918 Regent Apt L	
11	Chang In Solhi	2918 Regent A	
12	ANNE HARPER	2922 REGENT ST	Anne Harper
13	Brian Assali	2459 ARMY AVE	
14	Geoff Cairns	2927 Regent St	
15	Susan N. Moore	2904 Regent	
16	Sarah Senti	29154 Regent St	
17	Jim Senti	2915A Regent St	
18	Myoung-ko Sin	2918 B Regent St	
19			
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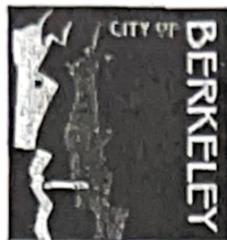
Inclusion of 2900 Block of Regent St. to Street Sweeping

1-29-25

Petition for Residential Street Sweeping

Name	Address	Signature
1. ANTHONY KAPLAN	2905 Regent	
2. Frances Kaplan	2905 Regent St	FKaplan
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Return to 2921 Regent



Public Works Department

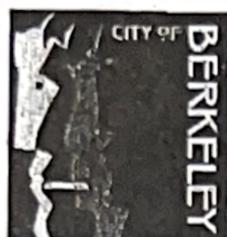
Date: 1/30/25

Street Sweeping Petition

We, the undersigned petition the Public Works Commission and Berkeley City Council to be added to Mechanical Sweeping Program with Parking Enforcement. We request "No Parking for Street Sweeping" be posted. We understand any vehicles parked in the restricted area during the posted hours will be cited. Below is the 2/3 majority PER BLOCK signatures needed for this program to be implemented with the understanding that names and addresses will be verified by the City of Berkeley Public Works Department.

If implemented the "No Parking" restrictions for the _____ block(s) of _____ street would be for the following day and time of the month: Odd side: _____ Even side: _____

No.	First and Last Name	Address	Signature
1	JAKOB KINOY	2933 Regent St	<i>[Signature]</i>
2	ELLEN KINOY	2931 Regent St.	<i>[Signature]</i>
3	Michael Dotter	2931 Regent St	<i>[Signature]</i>
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Public Works Department

Date: 2-01-25

Street Sweeping Petition

We, the undersigned petition the Public Works Commission and Berkeley City Council to be added to Mechanical Sweeping Program with Parking Enforcement. We request "No Parking for Street Sweeping" be posted. We understand any vehicles parked in the restricted area during the posted hours will be cited. Below is the 2/3 majority PER BLOCK signatures needed for this program to be implemented with the understanding that names and addresses will be verified by the City of Berkeley Public Works Department.

If implemented the "No Parking" restrictions for the _____ block(s) of _____ street would be for the following day and time of the month: Odd side: _____ Even side: _____

No.	First and Last Name	Address	Signature
1	Jorathan Rosenson	2921 Regent St	<i>Jorathan Rosenson</i>
2	Rebecca Lueck	2921 Regent St	<i>Rebecca Lueck</i>
3	Sarah Lueck	2921 Regent St	<i>Sarah Lueck</i>
4	Caroline Kessler	2921 Regent St Apt A	<i>Caroline Kessler</i>
5	James Anderson-Ferguson	2909 Regent St Apt 1	<i>James Anderson-Ferguson</i>
6	Melvin Marchi	2911 Regent St.	<i>Melvin Marchi</i>
7	Robert Marchi-Hilton	2911 Regent St.	<i>Robert Marchi-Hilton</i>
8	Regyn D. Wang	2909 Regent St #4	<i>Regyn D. Wang</i>
9	Susanna Davy	2909 Regent St #1	<i>Susanna Davy</i>
10	Michelle Asmara	2909 Regent St #3	<i>Michelle Asmara</i>
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Mental Health Commission

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
 From: Mental Health Commission
 Submitted by: Ajay Krishnan, Chairperson, Mental Health Commission
 Subject: Appointment of Patricia Fontana-Narell to the Mental Health Commission

RECOMMENDATION

Adopt a resolution approving the recommendation for appointment of Patricia Fontana-Narell to the Mental Health Commission. Patricia Fontana-Narell will be a representative of the Special Public Interest Category, family member, beginning her 3-year term on July 9, 2025 and end on July 8, 2028.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently four vacancies on the Commission. The Mental Health Commission is actively seeking candidates with the ability to fulfill the state law duties for Commissioners, including reviewing and evaluating the community's needs, services, facilities and special problems.

Approval of the recommended action will fill a vacancy and allow the Commission to move one step closer to having a full complement of commissioners to review and evaluate the community's mental health needs, resources and programs.

BACKGROUND

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. Patricia Fontana-Narell meets the category of special interest, family. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or seven of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

The Mental Health Commission recommends Patricia Fontana-Narell as a representative of the special interest appointment on the Mental Health Commission for the city of Berkeley for a three-year term. Patricia is a retired architect and a parent to a Berkeley Mental Health Client. She has been involved in advocacy in Berkeley, co-founded a group, “Voices of Mother”, spearheaded to get assisted outpatient treatment adopted by the Board of Supervisors in Alameda County and on the steering committee for FASMI (Families Advocating for the Seriously Mentally Ill).

Patricia is concerned about the lack of housing support, understaffing at Berkeley Mental Health and laws and policies that make it difficult to access care early on. She would like to incorporate family advocates into case management teams and advocate for equity and diversity within the system.

The Mental Health Commission passed the following motions at the April 30, 2025 Special meeting:

Interview and vote for new applicant – Patricia Fontana-Narell

M/S/C (Gu, Turner) Motion to accept Patricia Fontana–Narell’s application to send to city council

PASSED

Ayes: Gu, Opton, Sol, Teague, Turner; **Noes:** None; **Abstentions:** None; **Absent:** Jones, Krishnan, Tregub, Prichett

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full complement of commissioners to review and evaluate the community’s mental health needs, resources, and programs.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:

1: Resolution

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

APPOINTMENT OF PATRICIA FONTANTA-NARELL TO THE MENTAL HEALTH
COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), seven special public interest appointments, and five general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Patricia Fontana-Narell has been involved in advocacy in the county and City of Berkeley for mental health needs and supporting family members; and

WHEREAS, The Mental Health Commission at its April 30, 2025 Special meeting recommended the appointment of Patricia Fontana-Narell.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints Patricia Fontana-Narell as a representative of the Special Interest category, family member to complete her first term ending July 8, 2028.



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
 DISTRICT 2

CONSENT CALENDAR

July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Brett Blackaby (Co-Author), Councilmember Igor Tregub (Co-Sponsor), and Mayor Adena Ishii (Co-Sponsor)

Subject: Letter in Support of Continued Funding for Berkeley

RECOMMENDATION

Adopt a letter in support of expanding funding for the Berkeley Rides for Seniors & The Disabled (BRSD) to continue open enrollment for Berkeley residents and distribute to Supervisor Nikki Fortunato Bas,

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

In June of 2007 Berkeley launched a program with financial support from Alameda county to subsidize mobility services for senior and the disabled residents of Berkeley. The program allotted monthly stipends to pay for private transportation options. Participants in this program have used it for the better part of two decades and have relied on the program to travel to and from doctor's appointments, attend events and outings, and continue to live an active life in the Berkeley community.

Costs of transportation with less mobility can appear in exorbitant and unexpected ways. While driving on its own can be expensive, the additional costs of adapting a vehicle for driver's without motor functions in their legs always carry additional expenses. Basic hand controls generally cost a minimum of \$2,700¹ for the most basic of accessibility and can run ten times that for more intuitive controls. This case is under the assumption somebody can still use a car. A wheelchair-accessible van can run \$80,000 for a new vehicle modified with adaptive equipment². While public transit can be more cost effective purchasing a vehicle, it only works if places somebody needs to go are near transit. Living near transit comes at a premium³ and there can be additional costs to find a space that has the necessary infrastructure to accommodate somebody

¹<https://www.unitedaccess.com/us/en/mobility-products/wheelchair-vehicle-driving-aids/primary-hand-controls-for-cars-wheelchair-vans.html#accordion-fe08847b72-item-a952e88cf3>

²<https://www.nhtsa.gov/vehicle-safety/adapted-vehicles>

³<https://www.hcd.ca.gov/policy-and-research/intersectional-policy-work/housing-and-transportation#:~:text=Housing%20near%20transit%20is%20in%20high%20demand%2C,average%20th an%20similar%20homes%20further%20from%20transit.>

with mobility needs. Households containing an adult with a work-disability are estimated to require, on average, 28 percent more income.⁴

The Center for Independent Living opened in 1972 was the first independent living center in the country, organized and operated by persons with disabilities. It has operated for 50 years in Berkeley and has continued to advocate and uphold disability rights to a high standard of living. Ed Roberts, the founder of the Independent Living Movement lived and advocated for disabled rights in the City from 1962 when he was admitted to UC Berkeley to his death in 1995. Sixteen percent of Berkeley is made up of people over 65. As they continue to age, staying mobile in the community helps improve long term health outcomes as well. These residents also tend to live disproportionately in North Berkeley and the Berkeley Hills where there is less accessible public transportation. Many senior Berkeley residents are on a fixed income and as such additional support can be a lifeline in months where that amount does not go as far.

Having a program that supports seniors and disabled transportation programs ensures that we are able to create more access to the city and to the resources people need. The program has been historically funded by the county. Given the situation of the Berkeley budget, the county should continue to fund this program.

BACKGROUND

In March of 2025, city staff announced that BRSD would reduce distribution frequency and amounts. This would reduce the total amount allocated annually by 48%. The program enrollment will be held at 1,650. Only allowing people to join the program once others leave. This reduction of service and flatline of new offerings leaves the vast majority of eligible residents who did not hear about the program in its early days unable to receive benefits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the recommendation.

RATIONALE FOR RECOMMENDATION

Berkeley is committed to equitable and considerate programs to assist those who are most in need.

CONTACT PERSON

Terry Taplin, Councilmember, District 2, (510) 981-7120, ttaplin@berkeleyca.gov

Attachments:

- 1: Letter to Supervisor Fortunato Bas
- 2: Operational Changes to Berkeley Rides for Seniors & the Disabled (BRSD) from Paul Buddenhagen, City Manager

⁴<https://www.nationaldisabilityinstitute.org/wp-content/uploads/2020/10/extra-costs-living-with-disability-brief.pdf>



April 23, 2025

Supervisor Nikki Fortunato Bas, Alameda County Board of Supervisors
1221 Oak Street, Suite 536, Oakland, CA 94612

RE: Berkeley Rides for Seniors & the Disabled

Dear Supervisor Fortunato Bas,

I am writing to respectfully urge your continued support and funding for the Berkeley Rides for Seniors & Disabled (BRSD) program, which plays a vital role in ensuring mobility, independence, and access to essential services for hundreds of our community's most vulnerable residents.

The BRSD program provides subsidized transportation options—including taxi, wheelchair van, and on-demand ride services—for low-income seniors and people with disabilities in Berkeley. These services are crucial for those who cannot access transportation through Medi-Cal or other programs, and who may otherwise be isolated from necessary medical care, social services, or daily needs.

Berkeley has long been a national leader in advancing the rights of people with disabilities. From the birth of the disability rights movement on the UC Berkeley campus to the establishment of the nation's first Center for Independent Living, our city has consistently championed policies that break down barriers and promote full civic participation for all residents. The BRSD program continues in that proud tradition by removing transportation as a barrier to independence and dignity for our disabled neighbors.

Berkeley is also committed to supporting older adults in aging in place. Our policies and programs aim to ensure that seniors can remain in their homes and communities safely, independently, and comfortably. Transportation is a cornerstone of that vision—without it, aging in place becomes untenable. By funding BRSD, we uphold our promise to make Berkeley a city where people can grow older without sacrificing their mobility, autonomy, or connection to community life.

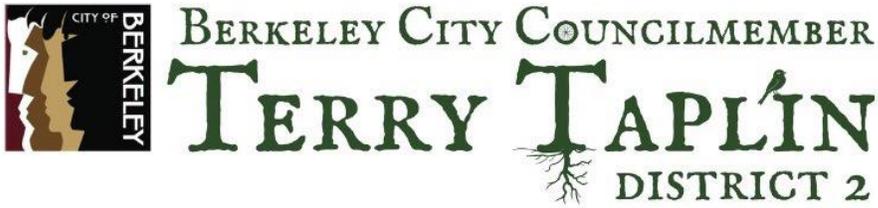
As noted in the City of Berkeley's March 2025 public memorandum, the program is currently serving 1,650 participants and receiving approximately 50 new applications per month. Rising ride costs and a recent surge in demand have created a sustainability challenge, with projected funding (\$865,049 for FY26) falling well short of the \$2 million required to maintain the current level of service. As a result, the City is being forced to reduce both the frequency and value of transportation vouchers beginning in April 2025.

While these operational changes are necessary under the current budget constraints, they risk undermining the program's impact and leaving many seniors and disabled residents without reliable transportation. BRSD fills a unique gap for those unable to rely on friends, family, or standard transit services.

Ensuring the continuity and expansion of this program aligns with our shared commitment to equity, public health, and aging with dignity. I urge you to continue advocating for other funding sources to support this indispensable program. With additional county support, we can stabilize BRSD and continue providing life-enhancing mobility to those who need it most.

Thank you for your time and attention to this matter. Supporting the BRSD program not only addresses an

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www.terrytaplin.com |    @councilmember_terry_taplin |   @taplinterry

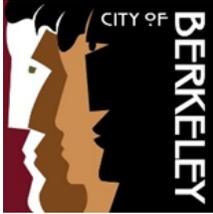


urgent and growing mobility need—it also upholds Berkeley’s longstanding legacy as a national leader in both disability rights and aging in place. From pioneering the independent living movement to advancing innovative, community-based supports for older adults, Berkeley has set a standard for equity, dignity, and accessibility. Continued funding for BRSD is a tangible way to carry that legacy forward, ensuring that our most vulnerable residents are not left behind. Thank you for your time and attention in this matter. Should you have any questions, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Taplin".

Councilmember Terry Taplin
Berkeley City Council, District 2



City Manager's Office

March 24, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Subject: Operational Changes to Berkeley Rides for Seniors & the Disabled (BRSD)

To maximize the number of people served and adapt to changing dynamics, we will be adjusting voucher distribution frequency and amounts for seniors and people with disabilities who use Berkeley's Rides for Seniors & Disabled service, which is run through the Department of Health, Housing, & Community Services.

The program is funded through Alameda County Measure BB and provides free taxi, wheelchair van vouchers, and GoGo (Uber/Lyft) rides for low-income Berkeley seniors and disabled residents to provide access to health care and social services.

Medi-Cal, which provides a variety of medical services for adults with limited incomes, offers transportation to and from appointments for services covered by Medi-Cal. In addition, Medi-Cal beneficiaries enrolled in Alameda Alliance, the public, not-for-profit managed health care plan for people of lower income in Alameda County, or Kaiser Permanente can already take advantage of those programs' broad-ranging transportation benefits.

Berkeley Rides for Seniors & Disabled (BRSD) is an additional option for low-income seniors or people with disabilities who are unable to get transportation from those health care programs, friends, family or neighbors, or from AC Transit, BART or shared mobility tools such as electric bikes and sit-scooters – all transit systems that have low-income options.

Seniors people with disabilities enrolled in the BRSD program currently receive distributions of voucher books three times over the course of a fiscal year, which starts July 1. Participants are sent different types of vouchers based on eligibility (for example, High Medical Need participants must meet eligibility criteria certified by their primary medical provider). Participants use portions of those vouchers, coupons, or taxi scrip to pay for individual rides.

Previously, the BRSD program increased distribution amounts temporarily due to low usage and to comply with funding guidelines. We are now adjusting the program to take advantage of complementary private and public-sector services while also adapting to a recent surge in applications (averaging 50 new applications per month) and rising ride costs.

The total projected revenue for FY26 is \$865,049. However, at the current distribution rate and frequency, the total annual distribution cost would be \$2 million.

To ensure long-term sustainability and maximize service reach, distribution amounts and frequency will be reduced, beginning with the April 2025 distribution. Detailed changes are summarized in the tables below. This adjustment will allow the BRSD program to continue serving vulnerable residents within budgetary constraints.

Chart 1: Current Distribution for Each Eligible Senior

Programs	Frequency of annual voucher distribution	Amount	Annual Total
Taxi Scrip Program	3 times	\$200	\$600
High Medical Need Taxi	3 times	\$480	\$1,440
Wheelchair Van Program	3 times	\$448	\$1,344
High Medical Wheelchair Van	3 times	\$448	\$1,344
GoGo (Uber and/or Lyft)	3 times	\$160	\$480

The BRSD program is currently at capacity and will not be able to sustain itself past this fiscal year without changes. To maintain the program, applications will be either waitlisted and/or not accepted until space is available. Planned reductions in voucher amounts are also necessary. New amounts are as follows:

Chart 2: New Distribution for Each Eligible Senior

Programs	Frequency of annual voucher distribution	Amount	Annual Total
Taxi Scrip Program	2 times	\$120	\$240
High Medical Need Taxi	2 times	\$240	\$480
Wheelchair Van Program	2 times	\$448	\$896
High Medical Wheelchair Van	2 times	\$448	\$896
GoGo (Uber and/or Lyft)	2 times	\$100	\$200

Demand for the High Medical Need Taxi program has been significantly reduced as Medi-Cal beneficiaries enrolled in Alameda Alliance or Kaiser Permanente can already receive comprehensive transportation services for medical, dental, mental health, and substance use disorder appointments, as well as trips to pharmacies and medical supply providers. Alameda Alliance members can use [this flyer about transportation services](#) to learn how to request transportation. Kaiser members should visit kp.org.

Individuals who have Medi-Cal receive transportation to medical, dental, mental health, or substance use disorder appointments, and to pick up prescriptions and medical supplies. Medi-Cal beneficiaries can learn more on the state [Department of Health Care Services transportation services page](#).

The reduction in distribution will allow for a reassessment of program quality and utilization, providing valuable data to inform future program development. This approach will support long-term financial sustainability and enhance budget planning.

Currently, there are 1,650 Berkeley Seniors participating in the program. Each participant will receive written communication regarding these program changes beginning in April 2025. A letter with the updated changes will accompany each distribution being sent out in the next allotment. Staff will collect and assess participant feedback while monitoring utilization rates to identify service gaps and inform future program budgeting and planning.

Transit, shared mobility discounts available to Berkeley Seniors

Seniors can qualify for and take advantage of discounts for trains, buses, electric scooter, and e-bikes.

- Bay Area Clipper offers a Senior card. Seniors over the age of 65 receive 50% off AC Transit fares and 62.5% off BART fares. [Apply online, in person, or by mail](#).
- Lime provides standing and seated electric scooters in Berkeley. Lime provides a micromobility program which provides [discounted rides to qualified individuals](#) who receive Medicaid, Social Security Supplemental Income, and a reduced transit program, such as a Clipper Senior card.
- Bay Wheels (Bay Area's docked bike share program) offers [reduced-rate memberships](#) at \$5 for the first year. Ride e-bikes at \$.05 per minute with a max payment of \$1 under the Bay Wheels for All membership. Bay Area residents who qualify for CalFresh, SFMTA Lifeline Pass, or PG&E CARE can sign up.

Operational Changes to Berkeley Rides for Seniors & the Disabled

March 24, 2025

Page 4

cc: David White, Deputy City Manager
Scott Gilman, Director, Health, Housing, and Community Services
Tanya Bustamante, Deputy Director, Health, Housing, and Community Services
Mark Numainville, City Clerk
Matthai Chakko, Communications Director/Assistant to the City Manager
Jenny Wong, City Auditor
Farimah Brown, City Attorney



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
 DISTRICT 2

25

CONSENT CALENDAR
 July 8, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Port Chicago Alliance: 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 Port Chicago Alliance in celebration and execution of Port Chicago Remembrance Weekend.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact. \$500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

BACKGROUND

In July of 1944, at the Port Chicago Naval Magazine near Concord, California a massive explosion destroyed two ships, killed 320 people, 202 of whom were African American sailors, and injured nearly 400 others. The cause of the explosion was never definitively determined, but it highlighted the dangerous and racially discriminatory conditions under which Black sailors were forced to work. These sailors received no formal training in handling explosives and were often assigned the most hazardous duties without proper safety precautions.

In the days after the explosion, surviving Black sailors were ordered to return to the same unsafe loading operations. Two Hundred and Fifty-Eight of them initially refused, citing fear for their lives. The Navy labeled it an act of insubordination. Most of the men eventually returned to duty under threat of punishment, 50 sailors remained steadfast in their refusal. They were arrested and charged with mutiny. To this day, it stands as the largest such case in U.S. naval history.

Of the 258 men, 208 were charged with refusing orders. 206 of them were convicted. The 50 men who refused to work in the unsafe conditions, were tried and convicted in a military court, receiving sentences of 8 to 15 years of hard labor. These men became known as **The Port Chicago 50**. The trial was widely criticized for its racial bias and lack of due process. Future Supreme Court Justice Thurgood Marshall, then an attorney for the NAACP, observed the trial and condemned it as a miscarriage of justice. The event drew national attention to the racial segregation and inequities in the U.S. military.

The disaster and protest had long-term consequences. It spurred public outcry and helped catalyze efforts to desegregate the armed forces. In 1946, the Navy began to integrate its ranks,

Port Chicago Alliance

CONSENT CALENDAR
July 8, 2025

and in 1948, President Harry S. Truman issued Executive Order 9981, formally ending segregation in the military. In 1999, President Bill Clinton pardoned one of the sailors, Freddie Meeks.

On July 24th 2024, 80 years after the catastrophe, the United States Navy exonerated all 258 men who had been considered for mutiny charges.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental impacts.

CONTACT PERSON

Terry Taplin, Councilmember, Council District 2, (510) 981-7120

Attachments:

1: Resolution

Port Chicago Alliance

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 California non-profit tax exempt corporation Port Chicago Alliance seeks funds in the amount of \$500 to provide the following public services: Port Chicago Remembrance Weekend; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: supporting the continued memory and impact of the actions the city plays in regional and national civil rights;

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 Port Chicago Alliance to support the Port Chicago Remembrance Weekend



Office of the City Manager

PUBLIC HEARING
July 8, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:

- 3.24.110 Landmarks, historic districts and structures of merit- Designation – Criteria for consideration
- 23.106.030 Floor Area, Gross
- 23.202.030 Additional Permit Requirements (Residential)
- 23.204.030 Additional Permit Requirements (Commercial Districts)
- 23.206.030 Additional Permit Requirements (Manufacturing Districts)
- 23.302.020 General Use Regulations
- 23.304.070 Unenclosed Accessory Structures in Residential Districts
- 23.326.030 Demolition of Residential Units
- 23.326.050 Demolition of Accessory Buildings
- 23.326.070 Demolition of Non-Residential Buildings

SUMMARY

As part of regular and routine updates, staff has prepared non-substantive ordinance amendments to maintain consistency and accuracy throughout the Zoning Ordinance and related BMC chapters.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance and related BMC Chapters are regularly reviewed for consistency with state laws related to land use and zoning. While some state laws may require more extensive amendments or require changes to the City’s internal permitting procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

The proposed Ordinance amendments are summarized below in Table 1:

Table 1 Policy Summary and Zoning Amendment Proposals

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
1.	3.24.110(A)(1)	Landmarks and historic and structures of merit-Designation-Criteria for consideration	<ul style="list-style-type: none"> Replace the term “region,” with “Berkeley or within a neighborhood or area of the city” to codify existing practice. 	1
2.	23.106.030	Gross Floor Area Defined	<ul style="list-style-type: none"> Update the format of the code section. Clarify the method of measurement for gross floor area. 	2
3.	23.202.030(D) 23.204.030(E) 23.206.030(F) 23.304.070	Unenclosed Accessory Structures in Residential Districts	<ul style="list-style-type: none"> Correct a transcription error that limited Unenclosed Accessory Structures to Residential Districts. Update all reference sections in all zoning districts 	3 4 5 7
4.	23.302.020(B)	Allowed Hours of Operation	<ul style="list-style-type: none"> Correct a typo on the title of a Table. 	6
6.	23.326.050	Accessory Structures or Buildings	<ul style="list-style-type: none"> Demolition regulations apply to both Accessory Buildings and Accessory Structures, but only Accessory Buildings 	8 9

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
			<p>were mentioned. “Accessory Structures” is added, where appropriate.</p> <ul style="list-style-type: none"> • Corrects grammar of defined terms consistent with Berkeley Zoning Ordinance style guidelines 	

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., a thorough revision of Title 23 of the Berkeley Municipal Code, to make the City’s Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments make corrections and technical edits to ensure consistency throughout the BMC (***Attachment 1***).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed ordinance corrects errors, clarifies language and codifies existing practice. The proposed Zoning Ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

RATIONALE FOR RECOMMENDATION

The proposed Zoning Ordinance amendments are required to ensure compliance with all applicable state laws and maintains the integrity of the Zoning Ordinance and related BMC Chapters. All recommended changes either reflect ordinances that have previously been specifically authorized by City Council, or that are required by state law.

ALTERNATIVE ACTIONS CONSIDERED

The Council could consider taking no action on the recommendations proposed by staff. In this scenario, Title 3 and Title 23 would remain unchanged, leaving the BMC

inconsistent or outdated. This could lead to uncertainty or potentially lead to challenges in enforcement.

CONTACT PERSON

Robert Rivera, Senior Planner, Land Use and Development Department, (510) 981-7480

Attachments:

- 1: Draft Ordinance
- 2: PC Staff Report 4-16-25
- 3: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO LANDMARKS PRESERVATION COMMISSION CHAPTER (BMC 3.24), THE RULES OF MEASUREMENT CHAPTER (BMC 23.106), RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), USE-SPECIFIC REGULATIONS CHAPTER (BMC 23.302), GENERAL DEVELOPMENT STANDARDS CHAPTER (BMC 23.304), AND DEMOLITION AND DWELLING UNIT CONTROL CHAPTER (BMC 23.326), TO CORRECT ERRORS, CLARIFY LANGUAGE, AND CODIFY EXISTING PRACTICE

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

Section 1. That BMC Section 3.24.110(A)(1) is amended to read as follows:

1. Architectural merit:

- a. Property that is first, last, only, or most significant architectural property of its type in Berkeley or within a neighborhood or area of the city the region,
- b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work ~~in a region~~ of an architect, designer or master builder in Berkeley or within their neighborhood or area of the city; or
- c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

Section 2. That BMC Section 23.106.030 is amended to read as follows:

A. **Gross Floor Area Defined.** Gross floor area means the total gross horizontal areas of all floors of a building or enclosed structure, below the roof and within the outer surface of the main walls of a main or accessory building (or the centerlines of party walls separating such buildings or portions of buildings); or areas within lines drawn parallel to and 2 feet within the roof line of any building or portion of a building; including:

~~B. **Basements and Cellars.** Gross floor area includes usable basements and cellars that are either:~~

- ~~1. Usable basements and cellars Below the roof and within the outer surface of the main walls of a main or accessory building (or the centerlines of party walls separating such buildings or portions of buildings); or~~

- ~~2. Within lines drawn parallel to and 2 feet within the roof line of any building or portion of a building without walls. Access features in multi-story buildings. For a multi-story building with a covered or enclosed stairways, stairwells, or elevator shaft, the horizontal area of these features is counted only once at the floor level of their greatest area of horizontal extent~~
- ~~3. Covered pedestrian access features for non-residential uses. For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, or interior courtyards, walkways, paseos or corridors covered by a roof or skylight~~
- ~~4. Mezzanines~~

~~**G. Access Features in Multi-Story Buildings.** For a multi-story building with a covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of these features is counted only once at the floor level of their greatest area of horizontal extent.~~

~~**D.B. Excluded Areas.** The following areas are excluded from gross floor area calculation:~~

- ~~1. Covered or uncovered areas used for off-street parking or loading spaces.~~
- ~~2. Driveways ramps between floors and maneuvering aisles of a multi-level parking garage.~~
- ~~3. Mechanical, electrical, and telephone equipment rooms below finished grade.~~
- ~~4. Areas which qualify as usable open space.~~
- ~~5. Arcades, porticoes, and similar open areas for non-residential uses which are:
(a) Located at or near street level;
(b) Accessible to the general public; and
(c) Are not designed or used as sales, display, storage, service, or production areas.~~
- ~~6. The floor area associated with any existing or proposed accessory dwelling unit or junior accessory dwelling unit, up to 800 square feet per lot. See 23.306 Accessory Dwelling Units.~~

~~**E. Covered Pedestrian Access Features for Non-Residential Uses.** For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, or interior courtyards, walkways, paseos or corridors covered by a roof or skylight.~~

~~F. **Mezzanines.** Gross floor area includes the floor area of a mezzanine.~~

Section 3. That BMC Section 23.202.030(D) is amended to read as follows:

D. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Residential Districts
3. Section 23.304.080– Fences

Section 4. That BMC Section 23.204.030(E) is amended to read as follows:

E. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Residential Districts.
3. Section 23.304.080– Fences.

Section 5. That BMC Section 23.206.030(F) is amended to read as follows:

F. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060~~– (Accessory Buildings and Enclosed Accessory Structures).~~
2. Section 23.304.070~~– (Unenclosed Accessory Structures in Residential-All Districts).~~
3. Section 23.304.080~~– (Fences).~~

Section 6. That Table 23.032-1, Allowed Hours of Operation, within BMC Chapter 23.302.020(B)(3), Exceptions, is amended to read as follows:

Table 23.032302-1: Allowed Hours of Operation

DISTRICT	ALLOWED HOURS OF OPERATION	PERMIT REQUIRED TO EXTEND HOURS
C-C, C-U, C-NS, C-AC, C-W nodes	6:00 a.m. – 12:00 midnight	AUP
C-N, C-E, C-SO, C-SA, C-W outside nodes, MU-R	6:00 a.m. – 12:00 midnight	AUP
C-T, C-DMU	24 hours per day 7 days a week	N/A

Section 7. That BMC Section 23.304.070 is amended to read as follows:

23.304.070 – Unenclosed Accessory Structures in ~~All Residential~~ Districts

A. *Applicability.* This section applies to unenclosed accessory structures as defined in 23.502--Glossary ~~in a Residential District~~, excluding fences which are addressed in 23.304.080--Fences.

B. *Placement on Lot.* Unenclosed accessory structures require an AUP if placed on the ground within a required setback.

C. *Height.*

1. For unenclosed accessory structure within a required setback, allowed height shall be specified in the AUP.
2. No height limitations apply to unenclosed accessory structures outside of required setbacks.
3. The height of an unenclosed accessory structure is measured as the vertical distance from the lowest existing grade point within a 3-foot radius of any point of the structure to the highest point of the structure.

D. *Hot Tubs, Jacuzzis, and Spas.*

1. An unenclosed outdoor hot tub, jacuzzi, or spa located anywhere on a lot requires:
 - (a) An AUP in all ~~Residential~~ Districts except for the ES-R district; and
 - (b) A Use Permit in the ES-R district.
2. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot.

Section 8. That BMC Section 23.326.050 is amended to read as follows:

23.326.050 – Demolition of Accessory Structures or Buildings

- A. Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), a accessory structures or accessory b Buildings of any size that are accessory to a residential use, including, but not limited to, garages, carports, and sheds may be demolished by right except where the a Accessory structure or B building is occupied by a residential tenant (regardless of whether it is lawfully permitted) or otherwise contains a lawfully established r Residential u Unit, which serves and is located on the same lot as a lawful residential use. Such accessory structures or a Accessory b Buildings are considered r Residential u Units for the purposes of this Chapter. (Ord. 7924-NS § 1, 2024)

Section 9. That BMC Section 23.326.070(B) is amended to read as follows:

- B. Accessory Structures or Buildings. For any lot located in a non-residential zoning district, a Accessory structures or B buildings may be demolished as follows:
1. Demolishing an accessory structure or building with less than 300 square feet of floor area is permitted as of right.
 2. An accessory structure or building with 300 square feet or more of floor area may be demolished with an AUP. Ground Floor Uses.

Section 10. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Development Department
Division

STAFF REPORT

DATE: April 16, 2025

TO: Members of the Planning Commission

FROM: Robert Rivera, Senior Planner

SUBJECT: Amendments to Title 23 for Consistency with State Law and Technical Edits (SLTE 2025)

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Title 23 (**Attachment 1**). The proposed changes apply to the sections of the Berkeley Municipal Code (BMC) listed below:

- 23.106.030 Floor Area, Gross
- 23.202.030 Additional Permit Requirements (Residential)
- 23.204.030 Additional Permit Requirements (Commercial Districts)
- 23.206.030 Additional Permit Requirements (Manufacturing Districts)
- 23.302.020 General Use Regulations
- 23.304.070 Unenclosed Accessory Structures in Residential Districts
- 23.326.030 Demolition of Residential Units
- 23.326.050 Demolition of Accessory Buildings
- 23.326.070 Demolition of Non-Residential Buildings

SUMMARY

As part of regular and routine updates, staff has prepared non-substantive Zoning Ordinance amendments to maintain consistency and accuracy throughout the Zoning Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance is regularly reviewed for consistency with state laws related to land use and zoning. While some state laws may require more extensive amendments

or require changes to the City’s internal permitting procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., which replaced Title 23 of the Berkeley Municipal Code and adopted a new Title 23 to make the City’s Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments are part of the regular and routine maintenance of the Zoning Ordinance and include corrections and technical edits to ensure consistency throughout the Zoning Ordinance. (**Attachment 1**)

DISCUSSION

The proposed zoning amendments are technical, non-substantive changes intended to correct errors, clarify language, and codify existing practices. The following revisions are proposed:

Table 1 Policy Summary and Zoning Amendment Proposals

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
1.	23.106.030	Gross Floor Area Defined	<ul style="list-style-type: none"> Update the format of the code section Clarify the method of measurement for gross floor area. 	1
2.	23.202.030(D) 23.204.030(E) 23.206.030(F) 23.304.070	Unenclosed Accessory Structures in Residential Districts	<ul style="list-style-type: none"> Correct a transcription error that limited Unenclosed Accessory Structures to only Residential Districts Update all reference sections in all zoning districts 	2 3 4 6
3.	23.302.020(B)	Allowed Hours of Operation	<ul style="list-style-type: none"> Correct a title typo. 	5
4.	23.326.030(B)(1)(c)	Demolition of Residential Units	<ul style="list-style-type: none"> Correct a typo where “dwelling unit” was used instead of “residential unit.” 	7
5.	23.326.050	Accessory Structures or Buildings	<ul style="list-style-type: none"> Demolition regulations apply to both Accessory Buildings 	8 9

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
			<p>and Accessory Structures, but only Accessory Buildings were mentioned. "Accessory Structures" is added, where appropriate.</p> <ul style="list-style-type: none"> • Corrects grammar of defined terms consistent with Berkeley Zoning Ordinance style guidelines 	

ENVIRONMENTAL REVIEW

The proposed ordinance corrects errors, clarifies language and codifies existing practice. The proposed Zoning Ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance.

CONTACT PERSON

Robert Rivera, Senior Planner, Planning and Development Department, 510-981-7480

ATTACHMENTS

1. Draft Planning Commission Resolution
 - Exhibit A. Draft Zoning Ordinance Amendments
2. Public Hearing Notice

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLE 23 ZONING**

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, July 08, 2025 at 6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend the following sections of the City's Zoning Ordinance (Title 23) in order to maintain consistency and accuracy throughout the Berkeley Municipal Code (BMC). The proposed amendments do not include any substantive policy changes.

- 3.24.110 Landmarks, historic districts and structures of merit--Designation--Criteria for consideration.
- 23.106.030 Floor Area, Gross
- 23.202.030 Additional Permit Requirements (Residential)
- 23.204.030 Additional Permit Requirements (Commercial Districts)
- 23.206.030 Additional Permit Requirements (Manufacturing Districts)
- 23.302.020 General Use Regulations
- 23.304.070 Unenclosed Accessory Structures in Residential Districts
- 23.326.050 Demolition of Accessory Buildings
- 23.326.070 Demolition of Non-Residential Buildings

The hearing will be held on, July 8, 2025 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Robert Rivera, Senior Planner at (510) 981-7480

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of June 26, 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.

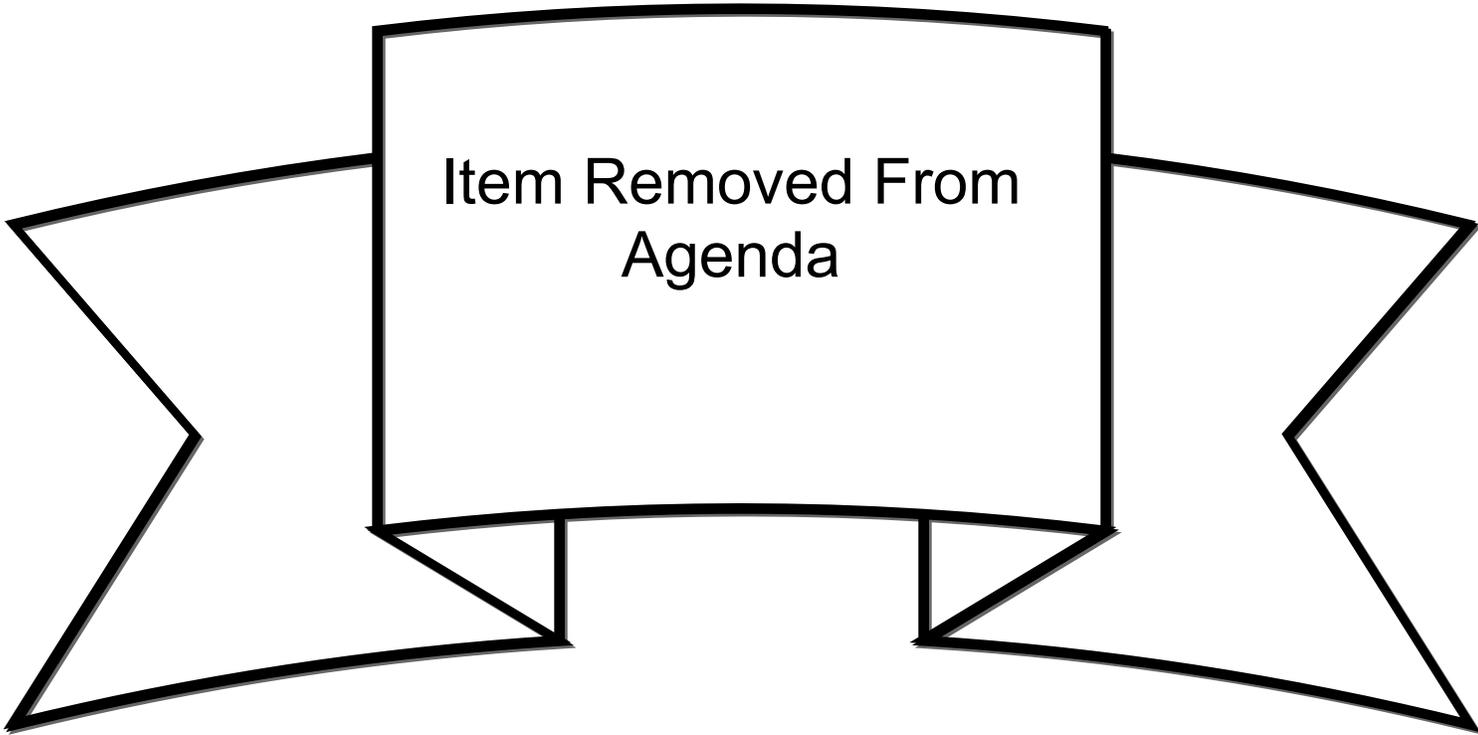
Published: June 27, 2025 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on June 26, 2025.

\_\_\_\_\_  
Mark Numainville, City Clerk



Item Removed From  
Agenda

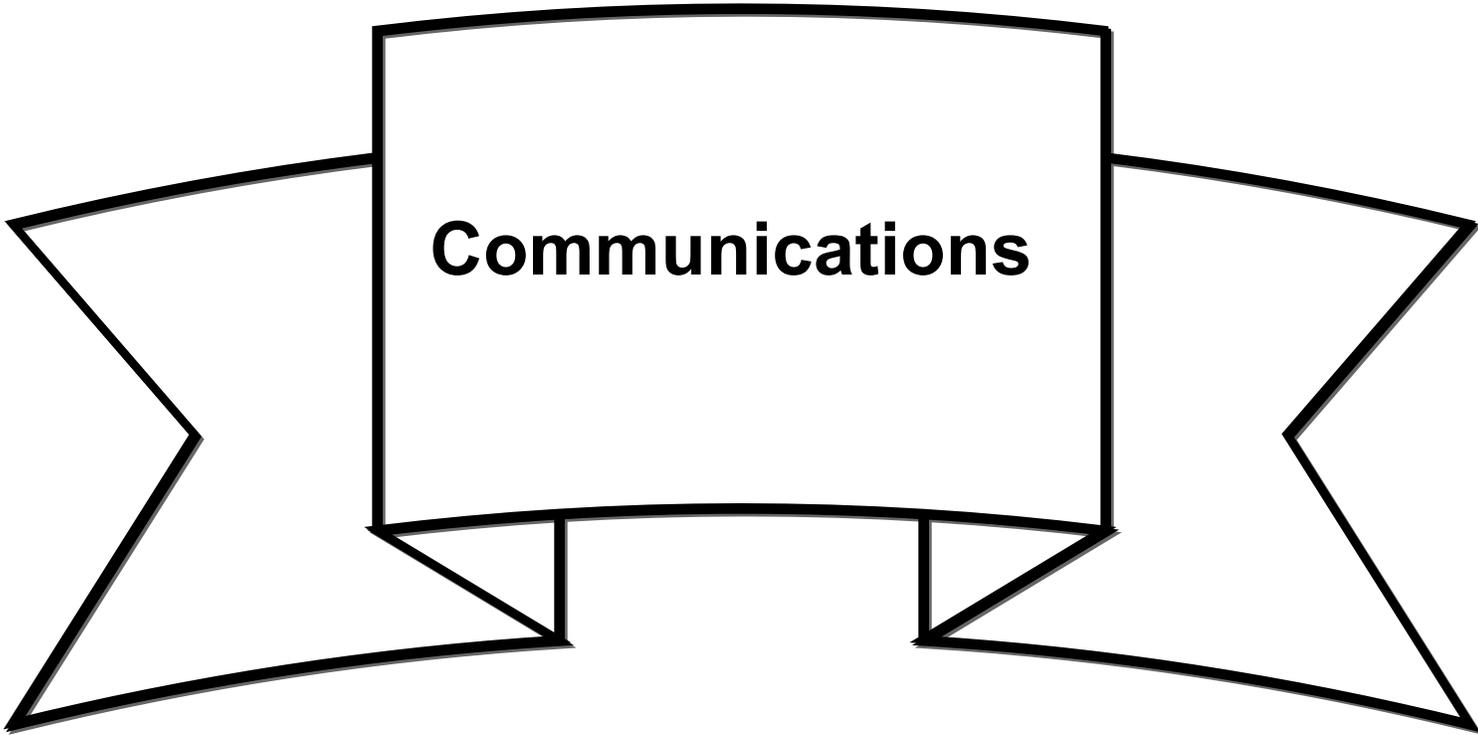
This item has been removed from the agenda by the City Manager.

If you have questions regarding this report, please contact the person noted on the agenda.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Website**  
<https://berkeleyca.gov/your-government/city-council>





# 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/>

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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