AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, December 2, 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 and virtual attendance. Attend this meeting remotely using Zoom. 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: 160 966 0575**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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

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

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

Preliminary Matters

Roll Call:

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

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

1. Evie Wozniak, Community Activist

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

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

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

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

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

Consent Calendar

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

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

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

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

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

Consent Calendar

1. Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63)
From: City Attorney
Recommendation: Adopt second reading of Ordinance No. 7,992-N.S. amending the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63).
First Reading Vote: Ayes - Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

2. Amendment: FY 2026 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,993-N.S. amending the FY 2026 Annual Appropriations Ordinance No. 7,977–N.S. for fiscal year 2026 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments authorized since July 1, 2025.
First Reading Vote: Ayes - Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: See report
Contact: Maricar Dupaya, Budget Manager, (510) 981-7000

3. Sanctuary City Contracting Ordinance Updates
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,994-N.S. amending the Sanctuary City Contracting Ordinance (BMC 13.105) to mirror key definitions with the language in the new Sanctuary City Ordinance and shorten the Right to Cure time period from 90 days to 30 days.
First Reading Vote: Ayes - Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

4. 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: Adopt the second reading of Ordinance No. 7,995-N.S. amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:
- 23.202.030 Additional Permit Requirements (Residential)
- 23.202.050 R-1 Single Family Residential District
- 23.202.080 R-2 Restricted Two-Family Residential District
- 23.202.090 R-2A Restricted Multiple-Family Residential District
- 23.202.100 R-3 Multiple-Family Residential District
- 23.206.090 MU-R Mixed Use Residential District
- 23.326.030 Demolition of Residential Units
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units

First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

5. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of November 6, 2025 (special), November 10, 2025 (closed), November 10, 2025 (regular), November 18, 2025 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

6. Revised Conflict of Interest Code
From: City Manager
Recommendation: Adopt a Resolution approving a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 71,108–N.S.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

7. Acceptance of Grant Funds and Contract: Healthy Black Families – Equity 4 Black Berkeley (E4BB) Transition
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting $90,000 in grant funds from the San Francisco Foundation to support the Equity 4 Black Berkeley (E4BB) initiative; and 2. Authorizing the City Manager, or designee, to execute a contract and any amendments with Healthy Black Families (HBF) for an amount not to exceed $90,000 to provide technical assistance, fiscal sponsorship, and organizational development services to support the establishment of an independent nonprofit organization to carry forward the work of Equity 4 Black Berkeley.
Financial Implications: See report
Contact: Rex Brown, City Manager's Office, (510) 981-7000

8. Authorizing the City Manager to Sign the Downtown Property-Based Business Improvement District (PBID) Petition and Ballot on Behalf of the City of Berkeley
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to approve and sign the "Preliminary Petition to Reestablish the Downtown Berkeley Property-Based Business Improvement District" document on behalf of City-owned properties in the proposed Downtown PBID area; and 2. In the event the petition is successful in generating a ballot process to reestablish a Downtown PBID, authorizing the City Manager to vote YES on any ballots on behalf of City-owned properties in the proposed Downtown PBID area.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

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

10. Contract: CentralSquare Technologies, LLC for Dispatch Center Software and Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a contract with Central Square Technologies, LLC for Dispatch Center software and services using Sourcewell Contract No. 030425. The four-year contract base period will begin on December 1, 2025, and end November 30, 2029, and will not exceed $103,635. There will be two optional one-year extensions, from December 1, 2029, to November 30, 2031. The total six-year contract amount will not exceed $212,602 which includes a $20,000 contingency.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

11. Revenue Contract: 2026 Community Services Block Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to: 1. Accept the 2026 Community Services Block Grant (CSBG) contract to provide services for low-income people from January 1, 2026, to April 30, 2027; and, 2. Execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount, add discretionary funding, and change or update the contract terms.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

12. Contract No. 32000232 Amendment: Worldwide Travel Staffing for Nurse Registry Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32000232 with Worldwide Travel Staffing for nurse registry services for a total contract amount not to exceed $1,772,580 through June 30, 2027. This amendment will add $500,000 in funding and two years to the contract term, through June 30, 2027.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Consent Calendar

13. Loan Modifications for Existing Housing Trust Fund Projects: Margaret Breland Homes (2577 San Pablo Avenue) and Mable Howard Apartments (3250 Sacramento Street)
From: City Manager
Recommendation: Adopt a Resolution approving amendments to existing Housing Trust Fund (HTF) loan documents for Margaret Breland Homes and Mable Howard Apartments to: 1. Approve the transfer of ownership of both properties to Berkeley Senior Recap, L.P., a new ownership entity formed to apply for Low-Income Housing Tax Credits (LIHTC), with Resources for Community Development (RCD) as the Managing General Partner; 2. Approve the addition of the future tax credit investor limited partner at the time of the construction loan closing, as required by the LIHTC program; 3. Approve the extension of the City's current loans and regulatory agreements for both properties to new 55-year periods and the reduction of interest rates from 6% simple interest to the Applicable Federal Rate (AFR) in effect at the time of construction loan closing (currently approximately 4.8%); and 4. Authorize the City Manager or their designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

14. Contract No. 081263-1 Amendment: Uprise Claremont Behavioral Services for Employee Assistance Program Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 081263-1 with Uprise Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by approving the rate increases for January 1, 2026 through January 1, 2029 and extending the contract from December 31, 2025 through January 1, 2029.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

15. Adoption of Successor Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245
From: City Manager
Recommendation:
1. Adopt a Resolution approving the successor three-year Memorandum Agreement with the International Brotherhood of Electrical Workers Local 1245 with a term of July 1, 2025, through June 30, 2028, authorizing the City Manager to execute and implement the revised terms and conditions of employment set forth in the Memorandum Agreement; and
2. Adopt a new classification and salary resolution for International Brotherhood of Electrical Workers, Local 1245 and rescinding Resolution No. 70,453-N.S.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

16. Contract: Plante Moran for Professional Services and Licensing of Informatica Integration Platform as a Service (iPaaS)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Plante Moran for professional services and software licensing of the Informatica Integration Platform as a Service (iPaaS) in an amount not to exceed $700,000 from December 3, 2025 through December 31, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

17. Contract No. 32400019 Amendment: Berkeley Community Media for Public Access Television
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400019 with Berkeley Community Media ("BCM") for Public, Educational, and Governmental ("PEG") access services for an additional $150,000 for a total not to exceed amount of $1,004,130.
Financial Implications: PEG Access Fund - $150,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

18. Contract No. 32400104 Amendment: SmartWave for City Facility Managed Wi-Fi
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400104 with Smartwave Technologies LLC, for managed Wi-Fi and related services increasing the amount by $280,000 for a total not-to-exceed amount of $900,000 from July 25, 2023 to June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

19. Contract No. 31900184 Amendment: Alcor Solutions, Inc. for Professional Services for ServiceNow and Intranet
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to contract No. 31900184 with Alcor Solutions, Inc. for professional services for ServiceNow and the City's Intranet increasing the amount by $155,000 for an amended total not to exceed amount of $990,564 from February 14, 2017 to June 30, 2026.
Financial Implications: IT Cost Allocation Fund - $155,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

20. Donation for the Thousand Oaks School Park Improvement Project in Memory of Michael Seltzer
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of up to $80,000 for the Thousand Oaks School Park Improvement Project in memory of Michael Seltzer.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

21. Contract: Bauman Landscape and Construction, Inc. for The Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project (Bid Specification No. 25-11736-C); and 2. Rejecting the bid protest of Azul Works, Inc., the second-lowest bidder; and 3. Accepting the bid of Bauman Landscape and Construction, Inc. as the lowest responsive and responsible bidder on the Project; and 4. 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 Bauman Landscape and Construction, Inc., for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project, in an amount not to exceed $6,515,433, which includes a contract base amount of $5,223,909 and additive bid No. 1 in the amount of $769,134 and an 8.7% contingency in the amount of $522,391 for unforeseen circumstances.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

22. Grant Application: Environmental Enhancement and Mitigation (EEM) Tree Planting Proposal
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to $750,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: One-Time Grants Fund - $750,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

23. Grant Application: Ocean Protection Council SB1 funds for the University Ave Sea-Level Rise Adaptation Plan
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to submit a grant application to the Ocean Protection Council SB1 program for the University Ave Sea-Level Rise Adaptation Plan for up to $500,000; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: $500,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

24. Grant Application: the CA Economic Development Department's Employment Training and Pathways Program Funding for Additional YouthWorks Participants
From: City Manager
Recommendation: Adopt a Resolution designating the City Manager or his designee as the authorized signatory to submit a grant application to the CA Employment Training and Pathways Program for up to $600,000; accept the grant; execute all necessary agreements, contracts, and documents required to secure and administer said funds; and the City Council authorizes the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: $600,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

25. Contract: Passport Labs Incorporated for Parking Citation and Permit Management System (CPMS)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Passport Labs Inc. for a Parking Citation and Permit Management System for a three-year contract for a total of $1.7 million dollars with an option to extend the contract for two years for a maximum length of five years.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

26a. Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans
From: Housing Advisory Commission
Recommendation: Adopt a Resolution approving the following actions for Housing Trust Fund (HTF) loans and direct staff to examine the HTF administrative guidelines:
1. Extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of $916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of $1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of $150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.
Financial Implications: See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Consent Calendar

26b. Companion Report: Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans
From: City Manager
Recommendation: Adopt a Resolution approving the following actions to modify three existing Housing Trust Fund (HTF) loans by:
1. Authorizing the City Manager or designee to extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reducing the interest rate for the remaining term to 3% simple interest. The principal amount of $916,000 will remain the same.
2. Authorizing the City Manager or designee to combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of $1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Authorizing the City Manager or designee to refinance the existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of $150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorizing the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions, including amendments to existing loan agreements.
5. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

27a. Affordable Housing for Artists Report
From: Housing Advisory Commission, Civic Arts Commission
Recommendation: Approve the "Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists" report and direct the City Manager to evaluate and implement the report recommendations as appropriate.
Financial Implications: See report
Contact: Snow Zhu, Commission Secretary, (510) 981-5100, Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Consent Calendar

27b. Companion Report: Affordable Housing for Artists Report
From: City Manager
Recommendation: Receive the Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists report. Should the Council wish to move forward with any of the report's policy recommendations, refer them to the budget process for evaluation of resource needs, feasibility, and prioritization through Reweighted Range Voting (RRV) process.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Council Consent Items

28. Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund
From: Mayor Ishii (Author), Councilmember Tregub (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, $500 from Councilmember Blackaby, and $250 from Councilmember Igor Tregub to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

29. Urban Compassion Project: Relinquishment of Council Office Budget Funds to General Fund for Grant of Such Funds
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember including a $1,000 donation from Councilmember Kesarwani and $1,000 from Mayor Ishii to the Urban Compassion Project with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budget of Councilmember Kesarwani and Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

30. Resolution for Unionization Efforts by Employees of Ècole Bilingue
From: Councilmember Taplin (Author), Councilmember Tregub (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Ècole Bilingue de Berkeley administrative, support, and enrichment staff unionization effort.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

31. Creations Berkeley – Black Joy Club Kwanzaa Toy Drive and Celebration on December 11, 2025 – Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support the Black Joy Club's Kwanzaa Toy Drive and Celebration at Sylvia Mendez Elementary School on Wednesday, December 11, 2025. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - $250
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

32. Budget Referral: FY26 AAO1 Downtown Berkeley Revitalization Projects
From: Councilmember Tregub (Author)
Recommendation: Refer the (1) Addison Catenary Lighting Project, (2) Oxford for All proposal, and (3) Harold Way Placemaking Project schematic design to the Fiscal Year 2026 (FY26) Annual Appropriations Ordinance #1 (AAO1) budget process to be funded through the Street and Open Space Improvement Plan (SOSIP) and/or Long-Range Development Plan (LRDP) Funds.
These projects are high-impact investments in Downtown Berkeley's ongoing revitalization. By transforming these key downtown spaces into safe, visually captivating, walkable destinations, these projects will encourage more residents, students, and visitors to explore local shops, restaurants, and cultural venues. These projects will highlight Berkeley's creative and transit-oriented character, inviting people to visit, linger, take photos, and share their experiences. As pedestrian and bike traffic increases, existing businesses will be encouraged to extend hours, host outdoor events, and new businesses will be encouraged to occupy vacant storefronts creating a positive cycle of growth and reinvestment that benefits the entire community.
Through public-private collaboration and thoughtful designs, these initiatives will transform Downtown Berkeley with a spirit of creativity, inclusivity, urban vibrancy, and transit safety-- a place where people want to gather, spend time, and contribute to the city's economic life.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

33. Referral to the City Manager and City Attorney: Vibrant Storefront Policy
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Referral to the City Manager and City Attorney to develop a vibrant storefront policy that sets performance standards and considers additional strategies to address a growing number of ground-floor storefront vacancies in Berkeley's commercial districts.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

34. Annual Report on Gifts Received
From: Councilmember O'Keefe (Author)
Recommendation: Accept the Library's annual reporting to the City Council of gifts received in FY 2025 as mandated by CC Resolution No. 65,444-N.S.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Henry Bankhead, Library, (510) 981-6100

35. Board of Library Trustees Reappointment: Beverly Greene
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution Approving the Reappointment of Beverly Greene to the Board of Library Trustees ("BOLT") for a second term of four years commencing December 3, 2025.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Henry Bankhead, Library, (510) 981-6100

36. Notifying Residents of Upcoming Public Works Projects in their Neighborhoods
From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Referral to the City Manager to develop a proactive communication system to alert the community of upcoming infrastructure projects from Public Works, EBMUD, PG&E, and other large housing or commercial development projects.
Financial Implications: Staff time
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Council Consent Items

37. Berkeley Symphony Orchestra Winter Promenade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute to the Berkeley Symphony Orchestra (BSO) for their 2025 Winter Promenade fundraising event with funds relinquished to the City's general fund for this purpose.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

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

38. Renewal of the Elmwood Avenue BID for Calendar Year 2026
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, "the District", "the Elmwood BID" or "the BID") for 2025-26 and, if no majority protest exists, levy annual assessments in the District for calendar year 2026 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

39. Renewal of the Solano Avenue BID for Calendar Year 2026
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "Solano BID Advisory Board" or "the BID") for 2025-2026 and, if no majority protest exists, levy annual assessments in the District for calendar year 2026 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

40. Adoption of the 2025 California Fire Code with Local Amendments – Second Reading
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,990-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, O and P published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

41. Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code – Second Reading
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,991-N.S. creating a new Berkeley Municipal Code Chapter 19.49 and adopting the 2025 California Wildland-Urban Interface (WUI) Code, Title 24 Part 7, along with local amendments.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Action Calendar – Public Hearings

42. Amendments to Title 23 (Zoning) to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending the BMC Title 23 Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

43. Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Title 21 (Subdivisions Ordinance) and Chapter 23.306 Accessory Dwelling Units to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

44. Economic Impact Study: Berkeley's Creative Economy and Assessment of Pandemic Relief Investments
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

45. Sanctuary City Contracting Compliance Report for FY 2024 and 2025
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

46. Housing Advisory Commission Fiscal Year 2026 Work Plan
From: Housing Advisory Commission
Contact: Snow Zhu, Commission Secretary, (510) 981-5100

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: berkeleyca.gov/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: berkeleyca.gov/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 November 20, 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.

Bell-to-Bell Mobile Device Policy

1. Erica Tsai
2. Amy Hill
3. Claudia Cattoglio and Davide Pietrobon

Flock Concerns

4. Lisa Ferguson
5. Amy Berlin
6. Diana Bohn
7. Summer Brenner
8. Elana Auerbach
9. Sepehr Nadimi
10. Madison Toloui
11. Berkeley Immigration Collaborative
12. Brian Hofer on behalf of Secure Justice

Upzoning

13. Utkarsh Nath (2)
14. Elke Glendenning
15. Baruch Moskovits (2)
16. Vivian Dempsey
17. Jeremy Poindexter (2)

EMBER

18. Margot Murtaugh

Public Safety Hazard Concern

19. Varun Paul

Berkeley Marina Concerns

20. Todd Jersey
21. Elizabeth Kowal and Constantine Philipides

Measure BB
22. Courtney Pal on behalf of non-profit affordable housing providers

Berkeley Police at City Council Meetings
23. Jesse Sheehan

Parking Garage on Milvia
24. Ben Gerhardstein
25. Ben Gerhardstein and Liza Lutzker on behalf of Walk Bike Berkeley

Carleton Street
26. Andrew Browning

2025 Bike Plan
27. Harald Leventhal

Veterans Building
28. Berkeley Community Latino Exhibit

Downtown Concerns
29. Elise Proulx

CAL Green Code Amendments
30. Danielle Amador
31. Zella Carmichael-Price
32. Maragaret Solomon
33. Duke Cruz Dela Rosa
34. Sanjna Shah

College Ave and Garber St. Crossing Concern
35. Anne Whyte

Measure FF
36. Joel Libove

Senior Transportation Waitlist
37. Ariadne Fellows-Mannion

Housing Concern
38. Hector91 Phuentes (3)

Missing Middle
39. Caephren McKenna (2)

2274 Shattuck Ave
40. Caephren McKenna (2)

City Council Concerns
41. Nicholas Lavrov

2136-2154 San Pablo
42. Brandon Yung

Property Taxes
43. Stephani Lesh

City Concern
44. John Vail

Landmarking
45. Harry Delmer
46. S. Entwistle

Holiday Party
47. John Craner

Street Fairs
48. Charles Siegel on behalf of Wike Bike Berkeley
49. Alfred Twu
50. Charles Siegel (2)
51. Barbara Bent

Renovation Schedule
52. Alex Merenkov

Berkeley Recycling Center
53. Lidia Villagomez

Formal Complaint
54. Jon Ruel Holder II

Density Paradox in LA
55. John J. Parman

Protecting Special Events
56. Lisa Bullwinkel

Signatures for Landmark Sites
57. Stephen Alpert (3)
58. Beth Gerstein

Holiday Promotions
59. Beth Roessner

UCB Mater Leasing
60. Barbara Gilbert

Property Damage Concern
61. Beatrice Huff

2298 Durant and 2360 Ellsworth
62. Heidi Webb on behalf of Jolene Kramer and Andrea Matsuoka

Newsletters
63. Downtown Berkeley Association
64. Visit Berkeley

New Multi-Unit Buildings
65. Kelly Hammargren

Elementary Reading Program
66. Marina Ostrowicki

Letter
67. Eids TV

URL's
68. Russbumper (4)

Forwards
69. Russbumper (3)

E-Scooters
70. Robert Borghese (10)
71. Devin Dollinger (4)
72. Carson Lepre (3)
73. Chandana Silarp
74. Sukka Vinay Kumar

Supplemental Communications and Reports

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

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

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

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

01

ORDINANCE NO. 7,992-N.S.

AMENDING CHAPTER 13.63 OF THE BERKELEY MUNICIPAL CODE 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

13.63.010 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 “coordinated pricing algorithms”, have been reported as having an impact on rental housing markets in cities nationwide, including the City of Berkeley.

B. These programs reportedly enable landlords to indirectly coordinate with one another through the sharing of nonpublic competitor data to impact rents and vacancy rates for rental housing. Participating landlords provide 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 use these programs.

D. Numerous antitrust lawsuits have been filed against certain of these companies. These include lawsuits filed by the U.S. Department of Justice, state Attorneys General, and numerous private plaintiffs.

E. Instead of waiting for court processes which may take years to resolve, this ordinance prohibits the sale or use of coordinated pricing algorithms 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 on equal footing with their competitors.

F. 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 coordinated pricing algorithms, to prevent the harms described above.

13.63.020 Definitions.

A. "Coordinated pricing algorithm" means any analytical or computation process that uses Competitor Data to calculate and recommend rent prices, fees, occupancy rates or other rental contract terms for future leases in coordination between one City of Berkeley landlord and one or more of such landlord's competitors, including through a third-party vendor. A "coordinated pricing algorithm" includes a product that incorporates a coordinated pricing algorithm, but does not include (a) a product or process that generates or presents any report, study, or presentation that publishes rental data in an aggregated and anonymous manner but does not recommend rent prices, fees, or occupancy rates or other rental contract terms for future leases; (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; or (c) a product or process that provides or uses, or the provision or use of, information for the purpose of (i) conducting market research for project financing, (ii) conducting an appraisal, or (iii) conducting research, testing, or training for software development. For clarity, "research, testing, or training for software development" includes without limitation the use or processing of Competitor Data in the development, training, or testing of predictive or machine learning models so long as any such data is not used as an input in the operation of the model at the time a recommendation is calculated for publication or provision to a City of Berkeley landlord.

B. "Competitor Data" means information that is not available to the general public concerning actual rent prices, occupancy rates, lease start and end dates, and similar data regarding a property other than a property that is owned or managed by the landlord who is the recipient or user of the generated recommendation, when such data is less than 90 days old.

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 or recommends 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. An aggrieved 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.

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 November 18, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Bartlett.

02

ORDINANCE NO. 7,993-N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,977–N.S. FOR FISCAL YEAR 2026

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 amended as follows and as summarized in Exhibit A:

A. General Fund (Funds 001-099)	381,907,934
B. Special Funds (Funds 100-199)	229,977,638
C. Grant Funds (Funds 300-399)	95,277,720
D. Capital Projects Funds (Funds 500-550)	149,185,643
E. Debt Service Fund (Funds 551-599)	15,010,855
F. Enterprise Funds (Funds 600-669)	227,443,826
G. Internal Service Funds (Funds 146, 670-699)	87,756,866
H. Trust Funds (Funds 701-759)	242,205
H. Successor Agency (Funds 760-769)	57,120
I. Agency Funds (Funds 771-799)	6,970,128
J. Other Funds (Funds 800-899)	9,779,177
K. Total	
Total General Fund	381,907,934
Add: Total Other Than General Fund	821,701,178
Gross Revenue Appropriated	**1,203,609,112**
Less: Dual Appropriations	-95,327,592
Less: Revolving/Internal Service Funds	-79,142,085
Net Revenue Appropriated	**1,029,139,435**

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; General Fund Operating Reserves 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 Fund to Paramedic Tax Fund.

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

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

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

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

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

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

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

m. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets

& Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.

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

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

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

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

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

Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.

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

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

Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

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

Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; 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 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 November 18, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Barlett.

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:

		FY 2026 AAO #1
Revolving/Internal Service Funds		
Employee Training Fund		828,500
Equipment Replacement Fund		14,690,694
Equipment Maintenance Fund		12,602,639
Building Maintenance Fund		6,017,798
Central Services Fund		411,905
Workers' Compensation Fund		11,863,212
Public Liability Fund		4,893,202
Information Technology Fund		27,834,137
Subtotal Revolving/Internal Service Funds	$	79,142,085
Dual Appropriations		
Transfers to the General Fund		
Indirect Cost Reimbursement		
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:	$	7,036,100

Transfer to Safety Members Pension Fund from General Fund	551,804
Transfer to Measure U1 Fund from General Fund	6,500,000
Transfer to GF Operating Reserves Fund from General Fund	4,177,541
Transfer to GF Stabilization Reserves Fund from General Fund	3,299,963
Transfer to GF Catastrophic Reserves Fund from General Fund	2,699,970
Transfer to PERS Savings Fund from General Fund	2,822,392
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	16,553,180
Transfer to Marina Fund from General Fund	1,409,886
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	8,216,345
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:	88,291,492
Sub-Total Dual Appropriations	$ 95,327,591
Grand Total Dual Appropriations	**$ 174,469,677**

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

			1st AAO				
ERMA Fund #	Fund	FY 2026 Adopted	Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	FY 2026 Revised #1
11	General Fund Discretionary	311,435,259	22,721,191	5,446,108	20,589,085	48,756,384	360,191,643
13	GF - Payroll Deduction Trust	6,750,000	-			-	6,750,000
16	Measure U1 - Housing	13,511,284	1,286,711	100,721	-	1,387,433	14,898,717
17	Climate Equity Action	-	52,574	-	15,000	67,574	67,574
101	Library - Tax	29,382,885	508,659			508,659	29,891,544
102	Library - Trans Based	4,000,000	708,623			708,623	4,708,623
103	Library - Grants	99,884	-			-	99,884
104	Library - Friends & Gift	222,150	3,623			3,623	225,773
105	Library - Foundation	200,000	4,103			4,103	204,103
106	Asset Forefeiture	61,000	-			-	61,000
107	Special Tax Measure E	1,882,839	-			-	1,882,839
108	Workforce Investment	58,692	-			-	58,692
110	Sec 108 Loan Gty Asst.	1,183,612	-			-	1,183,612
111	Fund Raising Activities	54,789	1,230			1,230	56,019
113	Gilman Sports Field	335,382	19,287	-	150,000	169,287	504,669
115	Animal Shelter	52,480	5,369	-	135,000	140,369	192,849
116	Paramedic Tax	4,894,321	310			310	4,894,631
119	Domestic Violence Prev - Vit Stat	32,490	-			-	32,490
120	Affordable Housing Mitigation	1,925,568	4,767,197	1,161,363	20,849,887	26,778,447	28,704,015
121	Affordable Child Care	13,275	3,617			3,617	16,892
122	Inclusionary Housing Program	438,731	401,623	-	86,540	488,163	926,894
123	Condo Conversion	534,833	-	55,210	494,122	549,332	1,084,166
125	Playground Camp	4,387,369	187,991	3,284	452,023	643,298	5,030,667
126	State-Prop 172 Pub.Safety	448,976	7,662	-	1,500,000	1,507,662	1,956,638
127	State Transportation Tax	7,686,498	3,034,858	4,409,401	503,048	7,947,307	15,633,805
128	CDBG	3,076,701	908,021	-	743,945	1,651,966	4,728,666
129	Rental Housing Safety Program	2,804,807	30,255			30,255	2,835,062
130	Measure B - Local St & Road	61,882	753,068	1,380,233	50,266	2,183,567	2,245,450
131	Measure B - Bike & Pedestrian	-	58,437	30,100	77,217	165,754	165,754
132	Measure B - Paratransit	17,016	14,371			14,371	31,387
133	Measure F Alameda County VRF St & Rd	462,227	272,060	815,943	-	1,088,003	1,550,230
134	Measure BB - Local St & Road	7,657,298	2,618,823	9,384,953	3,091,312	15,095,088	22,752,386
135	Meaure BB - Bike & Pedestrian	1,762,862	244,807	513,631	111,911	870,349	2,633,212
136	Measure BB - Paratransit	967,484	179,817	-	219,468	399,285	1,366,768
137	One-Time Funding	-	19,080	-	849,158	868,238	868,238
138	Parks Tax	24,534,028	4,484,363	2,495,513	97,221	7,077,098	31,611,126
139	Streets and Open Space Improvement (SOSIP)	250,000	-	200,000	-	200,000	450,000
140	Measure GG - Fire Prep Tax	6,289,268	408,366			408,366	6,697,635
142	Streetlight Assesment District	3,284,660	524,546	585,177	300,000	1,409,723	4,694,382
143	Berkeley Bus Ec Dev	156,387	7,651	159,410	256,223	423,283	579,670
144	Citywide RLF	-	-	-	368,414	368,414	368,414
146	Employee Training	822,177	6,322			6,322	828,500
147	UC Settlement	5,871,394	610,211	251,166	922,071	1,783,448	7,654,842
148	Cultural Trust	-	497,146	2,832,047	-	3,329,193	3,329,193
149	Private Party Sidewalks	100,000	543,983	333,539	452,449	1,329,971	1,429,971
150	Public Art Fund	64,367	5,500	109,416	160,920	275,836	340,203
152	Vital & Health Statistics Trust Fund	30,292	1,000			1,000	31,292
154	PERS Savings	6,000,000	-			-	6,000,000
156	Hlth State Aid Realign Trust	6,844,776	50,000			50,000	6,894,776
157	Tobacco Cont.Trust	382,250	94			94	382,344
158	Mental Health State Aid Realign	6,335,939	76,870			76,870	6,412,810
159	Citizens Option Public Safety Trust	272,448	5,738	-	700,000	705,738	978,186
161	Alameda Cty Abandoned Vehicle Abatement	101,285	21			21	101,306
164	Measure FF - Public Safety	12,976,348	878,429			878,429	13,854,778
165	Fair Elections	664,752	-			-	664,752
166	Measure FF - Street Repair	975,000	-			-	975,000
301	Operating Grants - Federal	155,304	-			-	155,304
302	Operating Grants - State	7,723,545	1,037,236	-	5,428,823	6,466,059	14,189,604
305	Capital Grants - Federal	-	150,751			150,751	150,751
306	Capital Grants - State	750,000	1,058,179	2,698,460	108,457	3,865,096	4,615,096
307	Capital Grants - Local	100,000	4,310,092	3,275,918	2,520,159	10,106,169	10,206,169
309	OTS DUI Enforcement Education Prg.	149,321	-	-	240,000	240,000	389,321
310	HUD/Home	2,524,030	273,569			273,569	2,797,600
311	ESG	452,137	0			0	452,137
312	Health (General)	2,733,843	14,436	-	2,377	16,813	2,750,657
313	Target Case Management Linkages	1,491,747	114,571			114,571	1,606,318
315	Mental Health Service Act	11,265,993	2,200,581	-	725,162	2,925,743	14,191,735
316	Health (Short/Doyle)	7,235,143	259,901	-	82,000	341,901	7,577,044
317	EPSDT Expansion Proposal	669,282	-			-	669,282
318	Alcoholic Bev Ctr OTS/UC	60,237	-	-	16,000	16,000	76,237
319	Youth Lunch	50,838	8,898			8,898	59,736

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

			1st AAO				
ERMA Fund #	Fund	FY 2026 Adopted	Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	FY 2026 Revised #1
320	Sr. Nutrition Title III	262,905	-	-	31,715	31,715	294,620
321	CFP Title X	-	790	-	120,000	120,790	120,790
324	BUSD Grant	216,871	88			88	216,959
325	Vector Control	485,945	9,574			9,574	495,519
326	Alameda County Grants	1,115,784	1,587	-	160	1,747	1,117,531
327	Senior Supportive Social Services	118,794	-	-	49,130	49,130	167,924
328	Family Care Support Program	112,253	-	-	64,434	64,434	176,687
329	CA Integrated Waste Management	5,244	5,230			5,230	10,474
331	Housing Mitigation	1,362,494	136,393	183,479	1,180,868	1,500,740	2,863,234
333	CALHOME	221,240	-	-	63,000	63,000	284,240
334	CSBG	291,358	-	-	10,700	10,700	302,058
336	One-Time Grant: No Cap Exp	758,064	3,796,624	5,553,754	4,050,550	13,400,929	14,158,993
339	MTC	752,827	137,211			137,211	890,038
340	FEMA	2,869,444	389,157	269,880	531,635	1,190,672	4,060,116
341	Alameda Cty Waste Mgt.	345,000	-			-	345,000
343	State Dept Conserv/Recylg	32,000	-			-	32,000
344	CalTRANS Grant	-	9,664	8,637	-	18,301	18,301
347	Shelter+Care HUD	7,334,881	3,144			3,144	7,338,025
348	Shelter+Care County	1,041,448	-			-	1,041,448
349	JAG Grant	60,759	-			-	60,759
350	Bioterrorism Grant	307,040	14,076			14,076	321,116
354	ARPA - Local Fiscal Recovery Fund	-	1,074,897			1,074,897	1,074,897
501	Capital Improvement Fund	18,155,130	10,347,460	8,233,228	-	18,580,688	36,735,818
502	Phone System Replacement	449,408	148,589			148,589	597,997
503	FUND$ Replacement	3,065,223	561,467			561,467	3,626,690
504	PEG-Public, Education & Government	267,210	-			-	267,210
506	Measure M - Street & Watershed Improvement	-	713,759	367	74,222	788,348	788,348
511	Measure T1 - Infra & Facil.	4,106,327	6,461,885	28,837,098	97,755	35,396,738	39,503,065
512	Measure O	8,176,509	24,646,394	-	30,343,613	54,990,007	63,166,516
514	Fire Admin Training Building	-	-	-	4,500,000	4,500,000	4,500,000
552	09 Measure FF Debt Service	1,330,513	-			-	1,330,513
553	2015 GORBS	2,043,981	-			-	2,043,981
554	2012 Lease Revenue Bonds BJPFA	499,849	-			-	499,849
555	2015 GORBS - 2002 G.O. Refunding Bonds	378,696	-			-	378,696
556	2015 GORBS (2007, Series A)	142,312	-			-	142,312
557	2015 GORBS (2008 Measure I)	479,416	-			-	479,416
558	2010 COP (Animal Shelter)	140,085	-			-	140,085
559	Measure M GO Street & Water Imps	1,639,250	-			-	1,639,250
560	Infrastucture & Facilities Measure T1	3,755,881	-			-	3,755,881
561	Measure O - Housing Bonds	4,600,873	-			-	4,600,873
601	Zero Waste	61,614,928	6,520,483	1,271,237	3,185,992	10,977,711	72,592,640
606	Marina - Coastal Conservancy	-	4,324,146	3,498,049	-	7,822,195	7,822,195
607	Marina - Department of Boating and Waterway	-	300			300	300
608	Marina Operation	7,663,273	479,937	664,422	214,660	1,359,019	9,022,292
611	Sewer	33,533,465	17,013,121	118,806	14,813,224	31,945,151	65,478,615
612	Private Sewer Lateral FD	80,849	-			-	80,849
616	Clean Storm Water	8,598,338	1,358,833	6,531,882	1,957,582	9,848,297	18,446,635
621	Permit Service Center	27,883,725	1,376,725	10,247	-	1,386,972	29,270,697
622	Unified Program (CUPA)	1,021,938	2,835			2,835	1,024,773
627	Off Street Parking	7,203,523	1,073,904	844,722	57,470	1,976,096	9,179,619
631	Parking Meter	10,178,760	392,778			392,778	10,571,538
636	Building Purchases and Management	3,879,644	74,030			74,030	3,953,673
671	Equipment Replacement	6,536,146	3,013,670	52,424	5,088,454	8,154,548	14,690,694
672	Equipment Maintenance	10,385,092	1,217,547	-	1,000,000	2,217,547	12,602,639
673	Building Maintenance Fund	5,518,650	499,148			499,148	6,017,798
674	Central Services	411,006	898			898	411,905
676	Workers Compensation	11,788,212	-	-	75,000	75,000	11,863,212
678	Public Liability	3,760,097	212,798	920,307	-	1,133,105	4,893,202
679	Catastrophic Loss	3,447,023	-	-	5,167,758	5,167,758	8,614,781
680	IT Cost Allocation	24,896,332	2,577,805	-	360,000	2,937,805	27,834,137
706	Police Medical Trust Fund	48,281	-			-	48,281
721	Retiree Medical Trust Fund - BHA	2,970	-			-	2,970
722	Retiree Medical Trust Fund - IBEW	2,563	1,279			1,279	3,842
723	Retiree Medical Trust Fund - Local 1	22,595	3,488			3,488	26,083
724	Retiree Medical Trust Fund - Z1 Mgmt.	4,000	42			42	4,042
725	Retiree Medical Trust Fund - Z2 To Z6	12,000	6,402			6,402	18,402
726	Retiree Medical Trust Fund - Local 535	32,191	8,321			8,321	40,512
727	Retiree Medical Trust Fund - Local 790	37,106	7,054			7,054	44,160
731	Police EE Retiree Health Ast Plan	6,500	966			966	7,466
736	Fire Medical Trust Fund	45,571	877			877	46,448
762	Successor Agency - Savo DSF	57,120	-			-	57,120

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

			1st AAO				
ERMA Fund #	Fund	FY 2026 Adopted	Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	FY 2026 Revised #1
776	Thousand Oaks Underground	100,096	-			-	100,096
777	Measure H - School Tax	500,000	2			2	500,002
778	Measure Q - CFD#1 Dis. Fire Protect Bond	107,904	2,595			2,595	110,499
779	Spl Tax Bds. CFD#1 ML-ROOS	778,589	-			-	778,589
780	Sick Leave Entitlement	322,955	-			-	322,955
781	Berkeley Tourism BID	2,209,676	-			-	2,209,676
782	Elmwood Business Improvement District	59,950	1			1	59,951
783	Solano Ave BID	40,445	-			-	40,445
784	Telegraph Avenue Bus. Imp. District	826,643	-	72,267	-	72,267	898,909
785	North Shattuck BID	334,076	-	15,206	-	15,206	349,282
786	Downtown Berkeley Prop & Improv. District	1,599,725	-			-	1,599,725
801	Rent Board	9,017,005	262,172	-	500,000	762,172	9,779,177
	GROSS EXPENDITURE:	**829,213,359**	145,231,967	93,327,606	135,836,181	374,395,753	**1,203,609,112**
	Dual Appropriations	(77,331,186)	-	-	(17,996,406)	(17,996,406)	(95,327,591)
	Revolving & Internal Service Funds	(64,117,711)	(7,528,189)	(972,731)	(6,523,454)	(15,024,374)	(79,142,085)
	NET EXPENDITURE:	**687,764,462**	137,703,778	92,354,875	111,316,321	341,374,974	**1,029,139,436**

03

ORDINANCE NO. 7,994–N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 13.105; SANCTUARY CITY CONTRACTING

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

Section 1. That Berkeley Municipal Code Chapter 13.105 is hereby amended to read as follows:

Chapter 13.105

SANCTUARY CITY CONTRACTING*

Sections:

13.105.010 Title.
13.105.020 Definitions.
13.105.030 Prohibition on Use of City Resources.
13.105.040 Investigation and Reporting.
13.105.050 Enforcement.
13.105.060 Severability.
13.105.070 Construction.
13.105.080 Chapter Supersedes Existing Law and Regulations.
13.105.090 Effective Date.

* Ordinance No. 7650-N.S adds the provisions of this chapter as Chapter 13.104. It has been editorially renumbered to account for the preexisting Chapter 13.104.

13.105.010 Title.

This ordinance shall be known as the Sanctuary City Contracting Ordinance.

13.105.020 Definitions.

A. "City" means the City of Berkeley, California.

B. "Data Broker" (also commonly called information broker, information reseller, data

aggregator, and information solution provider) means either of the following:

1. The collection of information, including Protected Personal Information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector businesses and government agencies;

2. The aggregation of data that was collected for another purpose from that for which it is ultimately used.

C. "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include the following:

1. The City's computer-network health and performance tools;

2. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

D. "Immigration Authority" means any person or agency engaging in efforts to investigate, enforce, or assist in the investigation or enforcement of federal immigration law against natural persons, including but not limited to the U.S. Department of Homeland Security or its component agencies, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services.

E. "Person or Entity" means any private natural person, corporation, institution, subsidiary, affiliate, or division under operating control of such person; the parent entities that have operating control over such person, and the subsidiaries, affiliates and divisions under operating control of such parent entity. Government entities and employees are expressly excluded from this definition.

F. "Protected Personal Information" means any information that identifies, relates to,

describes, or is capable of being associated with a particular individual, including but not limited to a person's name, birthdate, Social Security Number or Individual Taxpayer Identification Number, telephone number, home or work address, driver's license number, place of birth, or biometric information.

13.105.030 Prohibition on Use of City Resources.

A. No officer, employee, department, board, commission, City Council, City Manager, or other entity of the City shall enter into a new, amended, or extended contract or agreement with any Person or Entity that provides an Immigration Authority with any "Data Broker" or "Extreme Vetting" services as defined herein, unless a waiver is granted based on a specific determination that no reasonable alternative exists, taking into consideration the following:

1. The intent and purpose of this ordinance;

2. The availability of alternative services, goods and equipment; and

3. Quantifiable additional costs resulting from use of available alternatives.

The following processes shall be followed in considering a waiver: The City Manager or designee shall file a waiver request. The Council shall make the final decision on granting the waiver.

B. All public works, construction bids, requests for information, requests for proposals or any other solicitation issued by the City shall include notice of the prohibition listed above.

C. For the purpose of determining which Person or Entity provides an Immigration Authority with Data Broker or Extreme Vetting services, the City Manager shall rely on:

1. Information available on federal contracting websites, or in the absence of those, another common source of federal data;

2. A declaration under the penalty of perjury executed by the Person or Entity,

affirming that they do not provide Data Broker or Extreme Vetting services to an Immigration Authority.

D. Any Person or Entity identified as a supplier of Data Broker or Extreme Vetting services to an Immigration Authority and potentially affected by this Section shall be notified by the City Manager of the determination. Any such Person or Entity shall be entitled to a review of the determination by appeal to the City Manager. Request for such review shall be made within thirty (30) business days of notification, or seven (7) business days of the date of a City solicitation or notice of a pending contract or purchase, of interest to the Person or Entity seeking review. Any Person or Entity vendor so identified may appeal the City Manager's determination to the City Council, within fifteen (15) business days of the determination.

13.105.040 Investigation and Reporting.

A. The City Manager, or their designee, shall review compliance with Section 13.105.030. The City Manager may initiate and shall receive complaints regarding violations of Section 13.105.030. All officers, employees, departments, boards, commissions, and other entities of the City shall cooperate with the City Manager in any investigation of a violation of Section 13.105.030.

B. By November 1 of each year, the City Manager shall schedule and submit to the City Council a written, public report regarding compliance with Section 13.105.030 over the previous year. At minimum, this report must (1) detail with specificity the steps taken to ensure compliance with Section 13.105.030, (2) disclose any issues with compliance, including any violations or potential violations of this Ordinance, and (3) detail actions taken to cure any deficiencies with compliance.

13.105.050 Enforcement.

A. *Right to Cure.* This Chapter does not provide a private right of action upon any person or entity to seek injunctive relief against the City or any employee unless

that person or entity has first provided written notice to the City Manager by serving the City Clerk, regarding the specific alleged violations of this Chapter. If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous manner on the City's website that describes, to the extent permissible by law, the corrective measures taken to address the violation.

B. *Cause of Action.* If a specific alleged violation is not remedied within 30 days of that written notice, a person or entity may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance However, if the City Manager notifies the public within the 30-day notice period that the City has initiated a process to remedy the alleged violation, no person or entity may institute proceedings in any court until 60 days have passed since the date of the initial written notice.

C. *Civil Penalties.* If the City is found liable in a cause of action brought by an individual under subsection B. above for a violation that is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the City shall be liable for a civil penalty no greater than $5,000 per violation, as determined by the court. In determining the amount of civil penalty, the court shall consider prior violations of this ordinance by the City department that committed the violation.

D. *Attorney's Fees and Costs.* A court shall award a plaintiff who prevails on a cause of action under subsection B. reasonable attorney's fees and costs in an amount not to exceed $15,000.

E. *Limitations on Actions.* Any person bringing an action pursuant to this ordinance must first file a claim with the City pursuant to Government Code section 905 or any successor statute within four years of the alleged violation.

F. Any contracting Person or Entity knowingly or willingly supplying false information in violation of Section 13.105.030C.2., shall be guilty of a misdemeanor and up to a $1,000 fine.

13.105.060 Severability.

The provisions in this Ordinance are severable. If any part or provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

13.105.070 Construction.

The provisions of this Ordinance are to be construed broadly to effectuate the purposes of this Ordinance.

13.105.080 Chapter Supersedes Existing Law and Regulations.

The provisions of this chapter shall supersede any conflicting law or regulations.

13.105.090 Effective Date.

This Ordinance shall take effect on July 1, 2019.

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 November 18, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Bartlett.

04

ORDINANCE NO. 7,995-N.S.

AMENDMENTS TO THE RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), 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 23.202.030(A) is amended to read as follows:

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

1. **Permits Required**.

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

i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.

ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.

(b) In the R-3, R-S, R-SMU and C-T districts within the Southside Plan boundaries, any residential addition requires a Zoning Certificate.

(c) In the R-1, R-2, R-2A and MU-R districts, any residential addition requires a Zoning Certificate.

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

i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.

ii. Major residential additions (all other residential additions): AUP.

Section 2. 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

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
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. and 3 stories [1]	
Within 15 ft. of Rear Property Line	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	40	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 3. That Table 23.202-5 R-2 Development Standards within BMC Chapter 23.202.080 is amended to read as follows:

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.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Usable Open Space, Per 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		23.304.050 – Building Height
New Buildings and Additions, Maximum	35 ft. and 3 stories	
Within 15 feet of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	50	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 4. That Table 23.202-9 R-2A Development Standards within BMC Chapter 23.202.090 is amended to read as follows

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, pe_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	35 ft. and 3 stories	
Within 15 ft. of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 5. That Table 23.202-11 R-3 Development Standards within BMC Chapter 23.202.100 is amended to read as follows

TABLE 23.202-11: R-3 DEVELOPMENT STANDARDS

BASIC STANDARDS	OUTSIDE OF SOUTHSIDE PLAN	WITHIN SOUTHSIDE PLAN	SUPPLEMENTAL STANDARDS
Lot Area, Minimum			23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	No minimum	
Per Group Living Accommodation Resident	350 sq. ft. [1]	No minimum	

Residential Density			23.106.100 – Residential Density
Minimum (du/acre)	No minimum	60	
Maximum (du/acre)	No maximum	No maximum	
Usable Open Space, Minimum			23.304.090 – Usable Open Space
Per Dwelling Unit	200 sq. ft.	150 sq. ft. per 1,000 sq. ft. of gross residential floor area	
Per Group Living Accommodation Resident	90 sq. ft.		
Floor Area Ratio, Maximum	No maximum	3.0	
Main Building Height, Average			23.304.050 – Building Height
New Buildings and Non-Residential Additions	35 ft. and 3 stories	45 ft.	
Residential Additions	16 ft. [2]		
Lot Coverage, Maximum			23.304.120 – Lot Coverage
Interior and Through Lot	1 Story: 45%	100%	
	2 Stories: 45%		
	3 Stories: 40%		
Corner Lot	1 Story: 50%	100%	
	2 Stories: 50%		
	3 Stories: 45%		
Lot Line Setback, Minimum			23.304.030 - Setbacks
Front	15 ft.	10 ft.	
Rear	15 ft.	10 ft.	
Interior Side	1st Story: 4 ft.	4 ft.	
	2nd Story: 4 ft.		
	3rd Story: 6 ft.		
Street Side	1st Story: 6 ft.	4 ft.	
	2nd Story: 8 ft.		
	3rd Story: 10 ft.		

Building Separation, Minimum	1st Story: 8 ft.	No minimum	23.304.040 – Building Separation in Residential Districts
	2nd Story: 12 ft.		
	3rd Story: 16 ft.		
Notes: [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. [2] Maximum 35 ft. with an AUP.			

Section 6. That Table 23.206-14 MU-R Development Standards within BMC Chapter 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	60	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories [2]	
Residential or mixed-use [3]	35 ft. and 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 –

Front	5 ft.	Setbacks
Rear	No minimum [5]	
Interior Side	No minimum	
Street Side	5 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	No maximum.	

Notes:
[1] Maximum 1.5 for buildings with 50 percent or more live/work floor area

[2] Maximum 35 ft. with a Use Permit.

[3] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.

[4] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.

[5] Minimum 5 ft. if rear of lot abuts a street.

Section 7. That BMC Section 23.326.030(D)(2) is amended to read as follows:

2. In the event that a demolished Residential Unit is not a Protected Unit under BMC 23.326.020(A)(5)(a) or (b) and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter 23.328.

Section 8. That BMC Section 23.326.040(B)(1) is amended to read as follows:

1. The Residential Unit(s) was removed from the rental market through a no-fault eviction during the preceding five years; or

Section 9. 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 November 18, 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.

05

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION
Approve the minutes for the Council meetings of November 6, 2025 (special), November 10, 2025 (closed and regular), and November 18, 2025 (special and regular).

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

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

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

Thursday, November 6, 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 and virtual attendance. Attend this meeting remotely using Zoom. 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: 160 523 7524**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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: 6:06 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 6:10p.m.

Worksession

1. Corridors Zoning Update
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Recess 7:58 p.m. – 8:12 p.m.

Recess 9:56 p.m. – 10:12 p.m.

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

Action: 104 speakers. Presentation made and discussion held.

2. San Pablo Avenue Specific Plan
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: M/S/C (Lunaparra/Tregub) to extend the meeting to 12:30 a.m.
Vote: All Ayes.

Action: M/S/C (Ishii/Tregub) to extend the meeting to 12:45 a.m.
Vote: All Ayes.

Action: 13 speakers. Presentation made and discussion held.

Adjournment

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

Adjourned at 12:27 a.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on November 6, 2025

_____
Mark Numainville, City Clerk

Communications

Item #1: Corridors Zoning Update
Item #2: San Pablo Avenue Specific Plan

1. Leslie Sakai
2. Kirk McCarthy (2)
3. Preet Dhillon
4. Doris Fulder Nassiry (3)
5. Susan Jones
6. Barbara Gilbert (2)
7. John J. Parman (2)
8. Sharon Entwistle (2)
9. Diana Collins
10. Steve Ratcliff
11. Amy & Garet O'Keefe
12. Barbara Sargent
13. Ian Wulfson
14. Helane Zeiger
15. Robin Kibby
16. Alison Klairmont Lingo
17. Carolyn F. McNiven
18. Pam Zelnik
19. Zelda Bronstein
20. Peggy Mendelson
21. Meredith Miller
22. Save Berkeley Shops (2)
23. Lynn Sherrell
24. Ondine Norman
25. Brandon Essex
26. Elizabeth Horowitz
27. George Rose
28. Mary Mackey
29. Eric King
30. Bonnie Fore
31. Larry Hendel
32. Jim Reynolds
33. Shirley Haberfeld and Bob Allegrotti
34. Chris Mays
35. Erika St John
36. Barbara Fisher
37. Sam Busa

38. Sarah Stearns
39. Gina Rieger
40. Carolyn Holm
41. Kathleen Haberer
42. Susan Blew
43. Mykael and John Moss
44. Diane Shavelson
45. Madeleine Shearer
46. Emily Benner
47. Ryan Van Valer
48. Hawley Holmes
49. Kate Pocass
50. Petra Lamberson
51. Mindy Loginotti
52. Claire Kahane and Robert Melville
53. Kristin
54. Barbara and Christopher Wagstaff
55. Mary Staats
56. Lorraine Lerman
57. Sallie Hanna-Rhyne
58. Elea Bernou
59. Michael Frantz
60. Craig Upson
61. Victoria Leonard
62. Constance Rivemale
63. M Ryce
64. Theo Gordon (2)
65. Alana Kinrich
66. Audrey Bree Tse
67. Tami Boulet & Nick Rizza
68. Oban Lopez-Bassols (2)
69. Sheryl Rose
70. Theo Posselt (2)
71. Larry and Jane Baack
72. Carla Bell and Adriana Guerra
73. John P. Anderson
74. David Anderson
75. Dr. Bruce Feingold
76. Anthony Bruce
77. Holly Scheider
78. Kathryn Hambly
79. Mara Melandry
80. Alexander Altman
81. Peter Ewell and Helga Recke
82. Alice Feller
83. V. Sommer
84. Shmuel Weissman
85. Chris Gilbert
86. Kirsten Rose
87. Scott Hambly

88. Mary Matsushita
89. Kate H
90. Victor Ichioka
91. Carla Woodsworth
92. Adriana Guerra
93. John Magruder
94. Michael Nguyen
95. Kelly Hammargren
96. Stephen Alpert (9)
97. Peter Radu
98. Shoshana O'Keefe
99. 46 Similarly worded form letters "I am opposed…"
100. 10 Similarly worded form letters "We applaud the effort…"

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Corridors Zoning Update
Item #2: San Pablo Avenue Specific Plan

101. Gale Garcia
102. Leah Kaizer
103. Matt O'Brien
104. Zachary Russ (2)
105. Oban Lopez-Bassols (2)
106. Karen Dabrusin
107. Agnes Czaja (2)
108. Dawn Thomas
109. Tobey Wiebe
110. Laura Katz
111. Margot Smith (2)
112. Kori Kody
113. Lisa Parks
114. Rosemary Castorina
115. Harvey Sherback
116. Kay van der Have
117. Charlene Harrington
118. Vyan Kumar
119. Anne Weinberger
120. John Rice
121. Carol Denney (2)
122. S. Entwistle (2)
123. Michelle Schorr
124. Bruce Feingold
125. Ed
126. Margaret Child
127. Andy Kahn
128. Andrea Satin
129. Greg Nachtwey

130. Esther Hirsh
131. Summer Brenner
132. Jacqueline Beth
133. Robert Riemer
134. Steve Tracy
135. Christene Diehr
136. Chris Hamilton
137. Delia Taylor
138. Mark Elfield
139. Michon Pinnix Wilson
140. Donald Simon
141. Kamala Visweswaran
142. Mary Lee Noonan
143. Mia Baldwin
144. Stephen Alpert
145. Briselle Lopez (2)
146. Maria Ansari
147. Janice Craik
148. Gurdeepak Kular
149. Donna DeDiemar
150. Robert Epstein
151. Jeff Kaplan
152. Marilyn Simons
153. Barbara Hadenfeldt
154. Craig Norton
155. Tarah Ornelas
156. Laura Leventer
157. Peggy Radel
158. Art Goldberg
159. Trevor Lederberger
160. Edwin Gamez
161. Rachel Bradley
162. Renee Kopulos
163. Cindy Shamban
164. Lorraine Lerman
165. Brendan Byrne
166. Neil Schneider
167. Save Berkeley Shops
168. Aimee Baldwin (2)
169. Alan Williamson
170. Michelle Haner
171. Sally Nelson
172. V. Sommer
173. Paola Laverde
174. Patty Lipinska
175. Claudia Hunka
176. Gael Alcock
177. Diane WS
178. 7 Similarly worded form letters “I am opposed…”
179. 30 Similarly worded form letters “We applaud…”

180. 64 Similarly worded form letters “We are writing…”

Supplemental Communications and Reports 3

Item #1: Corridors Zoning Update

181. Presentation submitted by the Planning Department
182. Ilene Lee
183. John J. Parman
184. Michael UpTIC SF
185. Dan I Slobin
186. Fred Dodsworth
187. Allan Abshez
188. Save Berkeley Shops

Item #2: San Pablo Avenue Specific Plan

189. Presentation submitted by the Planning Department

Item #1: Corridors Zoning Update

Item #2: San Pablo Avenue Specific Plan

190. Barryett Enge
191. Tony Marine
192. Elizabeth Ferguson
193. C. Cosgrove
194. Hrald Leventhal
195. Anna Harris (2)
196. Clare Marcus
197. Marjorie Winter
198. Dorothy Hale
199. Esther Lerman
200. Lois Yuen
201. Jeffrey Knapp
202. Catherine Durand
203. Linda Schacht and John Gage
204. Jacqueline DeSouza
205. Steve Allen
206. David Ross
207. Helen M. Marcus
208. Hans Stahlschmidt and Patricia Stahlschmidt Hart
209. Helen Mountford (2)
210. Sondra Jensen
211. Dan I Slobin
212. John J. Parman (3)
213. Margaret Sparks
214. Emily Fox
215. Fred Dodsworth (2)
216. Yael Moses
217. Stephen Alpert (2)
218. Michael UpTIC SF
219. Anne Herrick
220. Marion Abbott

Miscellaneous

221. Unknown
222. Unknown

Attachment 2

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, NOVEMBER 10, 2025

3:00 P.M.

SCHOOL DISTRICT BOARDROOM – 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 and virtual attendance. Attend this meeting remotely using Zoom. 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: 160 524 3796**. 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: 3:05 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 3:24 p.m.

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

CLOSED SESSION:

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

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

   a. WCAB Matter –# ADJ18386063; Claim # BER2400081

   Action: No reportable action taken.

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

   a. WCAB Matter –# ADJ6788690; Claim # BER0800149

   Action: No reportable action taken.

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

   a. *Jose Huizar v. Eric Richard Knox* et al., Alameda County Superior Court Case No. 24CV081473

   Action: No reportable action taken.

   b. *Desire Baslia v. City of Berkeley* et al., Alameda County Superior Court Case No. 24CV098297

   Action: No reportable action taken.

   c. *Berkeley People's Alliance* et al. *v. City of Berkeley* et al., Alameda County Superior Court Case No. 24CV064980; Cal. Court of Appeal Case No. A172245

   Action: No reportable action taken.

4. **CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)**

   a. Claim of Sierra Campagna, Claim No. 0164BC2025-0001

      Action: M/S/C (Humbert/Tregub) to authorize the City Attorney to approve a settlement agreement with Sierra Campagna for a total amount of $700,000, $350,000 of which will be paid by the City.
      Vote: Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Ishii (recused for living in close proximity to the location of the incident).

5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9(d)(1/INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4)**

   a. *Shale Well v. City of Berkeley*, Alameda County Superior Court Case No. 25CV107073

      Action: No reportable action taken.

   b. *Berkeley Homeless Union* et al. *v. City of Berkeley* et al., U.S.D.C. N.D. Cal. Case No. 3:25-cv-01414-EMC

      Action: M/S/C (Humbert/Kesarwani) to authorize the City Attorney to appeal the Court's order extending the preliminary injunction initially issued by the Court on June 10, 2025.
      Vote: Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

OPEN SESSION:

On the claim of Sierra Campagna, Claim No. 0164BC2025-0001 the City Council met in closed session and approved a settlement agreement with Sierra Campagna for a total amount of $700,000, $350,000 of which will be paid by the City.

On Berkeley Homeless Union et al. v. City of Berkeley et al., U.S.D.C. N.D. Cal. Case No. 3:25-cv-01414-EMC, the City Council authorized the City Attorney to appeal the Court's order extending the preliminary injunction initially issued by the Court on June 10, 2025.

Adjournment

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

Adjourned at 4:57 p.m.

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

_____
Mark Numainville, City Clerk

Attachment 3

MINUTES

BERKELEY CITY COUNCIL MEETING

Monday, November 10, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

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

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Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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.

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

Preliminary Matters

Roll Call: 6:04 p.m.

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

Absent: None

Action: M/S/C (Tregub/Taplin) to permit Councilmember Bartlett to participate remotely pursuant to the Brown Act as amended by AB 2449.
Vote: All Ayes.

Report from Closed Session

On the claim of Sierra Campagna, Claim No. 0164BC2025-0001 the City Council met in closed session and approved a settlement agreement with Sierra Campagna for a total amount of $700,000, $350,000 of which will be paid by the City.

On Berkeley Homeless Union et al. v. City of Berkeley et al., U.S.D.C. N.D. Cal. Case No. 3:25-cv-01414-EMC, the City Council authorized the City Attorney to appeal the Court's order extending the preliminary injunction initially issued by the Court on June 10, 2025.

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: None

City Manager Comments:

The City Manager provided an update on the status of the Flock Cameras item from the September 9 meeting. The City is exploring options with other vendors and will report back to Council after the winter recess.

Public Comment on Non-Agenda Matters: 8 speakers.

Public Comment by Employee Unions: 0 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

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

1. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 10, 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
   Action: Approved recommendation.

2. **Contract: Tablet Command for Mobile CAD and Incident Command**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a contract and any amendments with Tablet Command for Mobile CAD and Incident Command by piggybacking on a contract with the City of Long Beach. The Berkeley contract will be effective November 5, 2025, and end on September 21, 2027, in an amount not to exceed $135,000 which includes one-time startup costs. The contract may be extended for three additional one-year periods at a cost not to exceed $85,000 per year.
   Financial Implications: See report
   Contact: David Sprague, Fire, (510) 981-3473
   Action: Adopted Resolution No. 72,015–N.S.

3. **Contract: Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager, or delegate, to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X in support of the following City Departments: Fire, Public Works, and Information Technology, for an amount not to exceed $892,000 through June 30, 2026.
   Financial Implications: See report
   Contact: David Sprague, Fire, (510) 981-3473, Terrance Davis, Public Works, (510) 981-6300, Kevin Fong, Information Technology, (510) 981-6500
   Action: Adopted Resolution No. 72,016–N.S.

Consent Calendar

4. Amend Resolution No. 71,682-N.S for Joint Homekey+ Application for MLK House at 2942-44 Martin Luther King, Jr. Way
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 71,682-N.S authorizing the City Manager or his designee to increase the requested grant funds amount to the State of California Housing and Community Development (HCD) Department's Homekey+ program for the MLK House project from $4,500,000 to $5,000,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 72,017–N.S.

5. Grant Application: The 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of $1,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,018–N.S.

Council Consent Items

6. Fifteenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund
From: Mayor Ishii (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation:
1. Adopt a Resolution co-sponsoring the 15th Annual Martin Luther King Jr. Celebration on January 19, 2026.
2. Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, to the Berkeley Rotary Endowment, the fiscal sponsor of the 15th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 72,019–N.S. (Co-Sponsoring), and Resolution No. 72,020–N.S. (Relinquishment of Funds) revised to include contributions from the

Consent Calendar

following Councilmembers up to the amounts listed: Councilmember Tregub - $250; Councilmember Tregub - $250; Councilmember Tregub - $250; Councilmember Humbert $500; Councilmember Blackaby - $250; Councilmember Lunaparra - $250; Councilmember Taplin - $500; Councilmember Kesarwani - $150; Councilmember O'Keefe - $250; Councilmember Bartlett - $250.

7. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees
From: Mayor Ishii (Author)
Recommendation: Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a four-year term ending on January 1, 2030.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 72,021–N.S.

8. Resolution of the City of Berkeley Supporting the Bay Area Air District's Zero Emission Building Appliance Rules
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a resolution in support of the Bay Area Air District's Zero-Emission Building Appliance Rules phasing out the sale of polluting gas-fired water heating and space heating equipment starting in 2027 for water heaters and 2029 for furnaces. The resolution also supports common-sense amendments to the rules to ensure flexibility for residents who have particular difficulty with compliance.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,022–N.S. as revised in Supplemental Communications Packet #2 from Councilmember Tregub to add Councilmembers Taplin and Humbert as co-sponsors.

Action Calendar – Public Hearings

9. Adoption of the 2025 California Fire Code with Local Amendments
From: City Manager
Recommendation:
1. Adopt the first reading of an Ordinance repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution setting forth findings of local conditions that require more stringent building standards than those provided by the 2025 California Fire Code ("CFC") and rescinding Resolution number 71,710–N.S.;
3. Conduct a public hearing and upon conclusion, adopt a Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 71,837–N.S. and all Resolutions amendatory thereof.
4. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 2, 2025.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Public Testimony: The Mayor opened the public hearing. 1 speaker.
M/S/C (Blackaby/Humbert) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Blackaby/Humbert) to:
1. Adopt the first reading of Ordinance No. 7,990–N.S. Second reading scheduled for December 2, 2025.
2. Adopt Resolution No. 72,023–N.S. (Local Findings of Fact)
3. Adopt Resolution No. 72,024–N.S. (Establishing Fees)
Vote: All Ayes.

Action Calendar – New Business

10. Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code
From: City Manager
Recommendation:
1. Adopt the first reading of an Ordinance creating a new Berkeley Municipal Code Chapter 19.49 and adopting the 2025 California Wildland-Urban Interface (WUI) Code, Title 24 Part 7, along with local amendments.
2. Adopt a Resolution setting forth findings of local climatic, geological, and topographical conditions that require more stringent standards than those in the State Code.
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for December 2, 2025.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: 1 speaker. M/S/C (Blackaby/Ishii) to:
1. Adopt the first reading of Ordinance No. 7,991–N.S. Second reading scheduled for December 2, 2025.
2. Adopt Resolution No. 72,025–N.S. (Local Findings of Fact)
3. Thank the members of the WUI Vegetation Code Workgroup for their efforts, asking them to submit a memo with any additional follow-up recommendations to the Fire Chief before their work concludes on December 31, 2025.
4. Request that the City Manager bring back any additional WUI items coming out of these recommendations to the City Council's Public Safety Policy Committee.
5. Within 60 days of the State Board of Forestry's Zone Zero recommendation becoming finalized regulation, request that the City Manager report back to City Council with an update on the differences between the state and local vegetation management laws (if any).
Vote: All Ayes.

Recess: 7:14 p.m. – 7:27 p.m.

11. Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers
From: City Manager
Recommendation: Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: 2 speakers. M/S/C (Taplin/Kesarwani) to adopt Resolution No. 72,026–N.S.
Vote: All Ayes.

Action Calendar – New Business

12. Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit
From: Councilmember Kesarwani (Author), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer to the City Manager and City Attorney to amend two related Berkeley Municipal Code (BMC) sections: 3.24.120, "Landmarks, Historic Districts and Structures of Merit-Designation-Initiation Procedures," and its related BMC section 3.24.300, "Appeals-Procedures Required-City Council Authority."
This referral recommends refinements to the procedure for designating landmarks, historic districts, and structures of merit to discourage frivolous designations, often of sites that are planned to be redeveloped to address our City's housing shortage.
Proposed amendments include the following two changes to the BMC:
1) Raising the threshold for the number of residents needed to sign the verified application of initiation of designation from 50 to 200; and
2) For properties located in residential zoning districts, require 51 percent of the residents within a 300-foot radius of the subject building/structure to be among the applicants signing on to initiate the landmark / structure of merit designation, similar to the threshold used for other City procedures by the Planning and Public Works departments. We note that this second requirement may necessitate the collection of more than 200 signatures.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: 16 speakers. M/S/C (Kesarwani/Humbert) to refer the proposal from Councilmember Kesarwani in Supplemental Communications Packet #1 and the proposal from Councilmember Tregub in Supplemental Communications Packet #2 to the City Manager and the City Attorney to consider potential amendments to Chapter 3.24.
Vote: All Ayes.

Public Comment – Items Not Listed on the Agenda - 5 speakers.

Adjournment

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

Adjourned at 9:33 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on November 10, 2025

_____
Mark Numainville, City Clerk

Communications

Waterside Workshops
1. Erin Woodell

California Writers Club
2. Richard Schwartz (2)

My Town AI
3. John J. Parman

Dia de Los Muertos Event
4. Adriana Betti on behalf of the Muertos Committee

Strong Shoreline Initiative
5. Rigel Robinson

IKE Kiosks
6. Sylvia

Care for Homeless People
7. Diana Bohn

Housing Concerns
8. Benito Romero

Traffic Safety
9. Whytes

Business Rights
10. Todd Andrew (2)
11. Beth Roessner

New CA State Legislation
12. Todd Andrew

Drone Proposal
13. Wendy Alfsen

Flock Concerns
14. Margots999

Elementary Reading Program
15. Marlene Cohen

Eid's Televsion
16. Eid (3)

Newsletters
17. Berkeley Art Center
18. Downtown Berkeley Association

Middle East Conflict
19. Rebecca Ayers Azran (3)

Forwards
20. Russbumper (3)

URL's
21. Russbumper

E-Scooters
22. Robert Borghese (6)
23. Devin Dollinger (4)
24. Wahid Amiri (3)

Supplemental Communications and Reports 1

Item #8: Resolution of the City of Berkeley Supporting the Bay Area Air District's Zero Emission Building Appliance Rules
25. Jeffrey White (2)
26. Sarah Moore on behalf of the Environment and Climate Commission
27. Jean Tepperman

Item #12: Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit
28. Revised agenda material submitted by Councilmember Rashi Kesarwani
29. Sharon Entwistle (3)
30. Karen Gilligan
31. Summer Brenner
32. Aimee Baldwin
33. Leila H. Moncharsh on behalf of the Berkeley Architectural Heritage Association Board
34. Richard Marcus
35. Frances Wilson
36. Lorna Byrne
37. Leonard Pitt

Supplemental Communications and Reports 2

Item #8: Resolution of the City of Berkeley Supporting the Bay Area Air District's Zero Emission Building Appliance Rules

38. Revised agenda material submitted by Councilmember Igor Tregub
39. Cindy Shamban
40. Sam Fishman on behalf of SPUR, Act Now Bay Area, SF Bay PSR, Sierra Club SF Bay Chapter, Safe Cities and Stand.earth, Menlo Spark, and Carbon Free Palo Alto
41. Daniela Suarez on behalf of Local Clean Energy Alliance (LCEA)
42. Daniel Tahara on behalf of 350 Berkeley Hub
43. Tom Yamaguchi
44. Marjory Keenan
45. Rebecca Medcalf
46. Liz Ozol

Item #10: Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code

47. Janice Thomas

Item #11: Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers

48. Office of the Director of Police Accountability on behalf of the Police Accountability Board (2)

Item #12: Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit

49. Revised agenda material submitted by Councilmember Igor Tregub
50. Chris Hamilton
51. Janice Thomas
52. Jeff Baker

Supplemental Communications and Reports 3

Item #9: Adoption of the 2025 California Fire Code with Local Amendments

53. Presentation submitted by the Fire Department

Item #10: Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code

54. Presentation submitted by the Fire Department
55. Wildland Urban Interface (WUI) Working Group

Item #11: Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers

56. Elana Auerbach

57. Janice Schroeder

Item #12: Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit

58. Sarah Bell
59. Frances Wilson
60. Gregory Kalkinas
61. Paul Schwartz
62. Jane McKinne
63. Jeffrey Hart
64. Stephen Alpert

Miscellaneous

65. 39 Postcards “More Climate Action, Less Hot Air”

Attachment 4

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, November 18, 2025
4:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

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

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 160 387 4329**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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

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

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

Preliminary Matters

Roll Call: 4:01 p.m.

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

Absent: Kesarwani, Taplin, Bartlett

Councilmember Kesarwani present at 4:17 p.m.

Councilmember Taplin present at 4:30 p.m.

Councilmember Bartlett present at 4:43 p.m.

Action Calendar – New Business

1. **2024 Police Accountability Board (PAB) & Office of the Director of Police Accountability (ODPA) Annual Report**
   From: Police Accountability Board, Director of Police Accountability
   Contact: Hansel Aguilar, Office of Director of Police Accountability, (510) 981-4950
   Action: 5 speakers. Presentation made and discussion held, including revised material in Supplemental Communications Packet #2 from Office of the Director of Police Accountability.

Adjournment

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

Adjourned at 6:10 p.m.

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

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: 2024 Police Accountability Board (PAB) & Office of the Director of Police Accountability (ODPA) Annual Report

1. Revised agenda material submitted by the Director of Police Accountability

Supplemental Communications and Reports 3

Item #1: 2024 Police Accountability Board (PAB) & Office of the Director of Police Accountability (ODPA) Annual Report

2. Presentation submitted by the Office of the Director of Police Accountability

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, November 18, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
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Preliminary Matters

Roll Call: 6:44 p.m.

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

Absent: None

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

Ceremonial Matters: None

City Manager Comments: None

City Auditor Comments:

The City Auditor commented on the Audit status reports on the agenda as well as the AAO and the savings in the Auditor Department budget.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

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

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

Consent Calendar

1. Amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,986-N.S. amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax to address issues that arose in the first annual billing and to simplify administration of the tax.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,986–N.S.

2. Amendment to Ground Lease with East Bay Regional Park District at 400 Gilman Street (Tom Bates Regional Sports Complex)
From: City Manager
Recommendation: Adopt second reading of an Ordinance No. 7,987-N.S. authorizing the City Manager to execute an amendment to the Ground Lease with East Bay Regional Park District for the Tom Bates Regional Sports Complex at 400 Gilman Street extending the term to December 31, 2053 and includes improvements to be constructed by the City.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted second reading of Ordinance No. 7,987–N.S.

3. Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening
From: Disaster and Fire Safety Commission
Recommendation: Adopt second reading of Ordinance No. 7,989-N.S. amending Berkeley Municipal Code Section 7.52.060 addressing real property transfer tax exceptions related to home hardening.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Lunaparra, Ishii; Noes – Blackaby, Humbert; Abstain – O'Keefe.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,989–N.S.

4. Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63)
From: City Attorney
Recommendation: Adopt Amendments to the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63).
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted the first reading of Ordinance No. 7,992–N.S. Second reading scheduled for December 2, 2025.

Consent Calendar

5. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 14, 2025 (regular), October 27, 2025 (closed), October 28, 2025 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

6. Contract: General Code, LLC for Berkeley Municipal Code Publishing Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with General Code, LLC, for online and printed code publishing services for the Berkeley Municipal Code from November 20, 2025 through November 19, 2030 for a total not to exceed amount of $75,000.
Financial Implications: General Fund - $75,000
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 72,027–N.S.

7. Contract with Options Recovery Services for Berkeley CareBridge Program and Appropriation for Administrative and Evaluation Support in the City Manager's Office
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) Execute a contract with Options Recovery Services for an amount not-to-exceed $7,510,842.00 to operate the Berkeley CareBridge post-arrest diversion and reentry program for three (3) years, and execute any amendments thereto (including scope, budget realignments, and time extensions) that remain within the grant award and City policies; and 2) Appropriate $409,158.00 in funding for administrative and evaluation support within the City Manager's Office for the Assistant to the City Manager position (temporary), equivalent to 0.5079 FTE over three years to support grant administration, program oversight, and evaluation requirements.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,028–N.S.

8. Amendment: FY 2026 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2026 Annual Appropriations Ordinance No. 7,977–N.S. for fiscal year 2026 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments authorized since July 1, 2025.
Financial Implications: See report
Contact: Maricar Dupaya, Budget Manager, (510) 981-7000
Action: Adopted the first reading of Ordinance No. 7,993–N.S. as revised in Supplemental Communications Packet #2 by the City Manager. Second reading scheduled for December 2, 2025.

Consent Calendar

9. Contract No. 32000179 Amendment: Allied Universal Security Service for Citywide Unarmed Security Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of $1,000,000 for a new total not to exceed $5,450,000 and extend the contract through June 30, 2026.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 72,029–N.S.

10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 18, 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: $8,153,016 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

11. Purchase Order: Blaisdell's Business Products for Office Furniture and Equipment for Fire Headquarters
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Blaisdell's Business Products for the purchase of miscellaneous office supplies, small equipment and office furniture for Fire Headquarters using the Omnia Partners Region 4 ESC Contract No. R190301 for an amount not to exceed $1,500,000 through May 31, 2026, with the option of one (1) single-year extension if the Omnia contract is extended.
Financial Implications: Funding for will come from Measure FF (Fire and Emergency Services) and UC Settlement funds.
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,030–N.S.

Consent Calendar

12. Golden Bear Homes Partnership Transfer
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the transfer of the Managing General Partner role for Golden Bear Homes, LP from Bay Area Community Services (BACS) to Hearthstone Housing Foundation (Hearthstone); and 2. Approving BACS' assignment and Hearthstone's assumption of BACS' obligation under the loan and regulatory agreements for Golden Bear Homes; and 3. Authorizing the City Manager or designee to execute all original or amended documents to effectuate this action.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 72,031–N.S.

13. Contract No. 104289-1 Amendment: Jackson & Coker for Locums Tenens Psychiatrists
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 with vendor Jackson & Coker Locum Tenens, LLC to provide locum tenens psychiatrists in an amount of $500,000 for a not to exceed amount of $1,464,480 through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 72,032–N.S.

14. Adoption of Side Letter Agreements Between the City of Berkeley and the Berkeley Fire Fighters Association (BFFA), Berkeley Fire EMS Professionals Association (BFEMSA), and Berkeley Fire Chief Officers Association (BFOA) to Clarify the Calculation and Reporting of Special Compensation Under CalPERS Regulations
From: City Manager
Recommendation: Adopt a Resolution approving Side Letter Agreements between the City of Berkeley and the Berkeley Fire Fighters Association (BFFA), Berkeley Fire EMS Professionals Association (BFEMSA), and Berkeley Fire Chief Officers Association (BFOA) to clarify the calculation and reporting of special compensation under CalPERS regulations.
Financial Implications: None
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,033–N.S.

Consent Calendar

15. Adoption of Side Letter Agreement with Berkeley Police Association to Clarify the Calculation and Reporting of Special Compensation Under CalPERS Regulations
From: City Manager
Recommendation: Adopt a Resolution approving the Side Letter Agreement between the City of Berkeley and the Berkeley Police Association (BPA) to clarify and confirm the compounding and reporting of special compensation under CalPERS regulations.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,034–N.S.

16. Contract No. 32100079 Amendment: ePlus Technology Inc., for Cohesity Backup Software, Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100079 to increase the spending authority with ePlus Technology Inc. ("ePlus"), for Cohesity backup software, maintenance and support services increasing the amount by $110,000 for a total not-to-exceed amount of $718,400 from November 1, 2020 to November 30, 2026.
Financial Implications: $110,000 - Information Technology Cost Allocation Fund
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,035–N.S.

17. Contract: Paymun Building & Development, Inc. for the K-Dock Restroom Renovation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the K-Dock Restroom Renovation Project (Bid Specification No. 25-11743-C); and 2. Rejecting the bid from ERA Construction, Inc., the fourth lowest bidder and deem ERA Construction, Inc. ineligible to protest against Argos Construction, apparent lowest bidder, Paymun Building & Development, Inc., apparent second lowest bidder, and Green Bay Remodeling, Inc., apparent third lowest bidder; and 3. Rejecting the bid from Argos Construction as non-responsive; and 4. Accepting the bid of Paymun Building & Development, Inc. as the lowest responsive and responsible bidder on the Project; and 5. 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 Paymun Building & Development, Inc., for the K-Dock Restroom Renovation Project, in an amount not to exceed $440,000, which includes a contract amount consisting of base bid of $368,000, additive bid item in the amount of $32,000, and a 10% contingency in the amount of $40,000.
Financial Implications: $440,000 - Various Funds
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,036–N.S.

Consent Calendar

18. License Agreement for Temporary Parking for Tom Bates Regional Sports Complex
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the East Bay Regional Park District (EBRPD) for the City of Berkeley to use a portion of the North Basin Strip at McLaughlin Eastshore State Park for 18 months as temporary parking for Tom Bates Regional Sports Complex visitors during construction.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,037–N.S.

19. Mills Act Contract – 1619 Walnut Street
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Noemi Ruelas for the maintenance and restoration of a City Structure of Merit property at 1619 Walnut Street.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 72,038–N.S.

20. Contract: DC Electric for On-Call Electrical Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with DC Electric to provide on-call electrical services for a three-year period from December 1, 2025 to November 30, 2028, in an amount not to exceed $375,000, with an option to extend for two additional one-year terms. The service rates will be adjusted annually in accordance with the pricing outlined in the awarded bid.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,039–N.S.

21. Contract No. 32500098 Amendment: Pacific Site Management Landscaping Services for Gilman Street and Interstate 80 Interchange Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32500098 with Pacific Site Management to increase the spending authority by $300,000, for a new total not to exceed of $600,000 and extending the contract through June 30, 2028, and executing a reimbursement agreement with the Alameda County Transportation Commission for up to $300,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,040–N.S.

Consent Calendar

22. Contract: On-Call Handrail Fabrication and Installation Services, Bailey Fence Company, Inc
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Bailey Fence Company, Inc. for on-call handrail fabrication and installation services for a three-year period from January 1, 2026, through December 31, 2028, in an amount not to exceed $150,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,041–N.S.

23. Contracts: On-Call Industrial Hygiene and Regulatory Compliance Services
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions or other change orders for on-call industrial hygiene (IH) services and on-call regulatory compliance (RC) services, each for a contract period of January 1, 2026 to January 1, 2029:
1. IH: Acumen Industrial Hygiene, Inc for an amount not to exceed $100,000;
2. IH: Millennium Consulting Associates for an amount not to exceed $100,000;
3. IH: Ninyo & Moore Geotechnical & Environmental Sciences Consultants: for an amount not to exceed $100,000; and
4. RC: Geosyntec Consultants, Inc. for an amount not to exceed $4,000,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,042–N.S. (Acumen), Resolution No. 72,043–N.S. (Millennium), Resolution No. 72,044–N.S. (Ninyo), and Resolution No. 72,045–N.S. (Geosyntec).

24. Multi-Year Purchase Orders with Papé Kenworth Inc. for Parts and Related Equipment for Kenworth, Peterbilt, and PACCAR Medium-and Heavy-Duty Trucks
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute purchase orders with Papé Kenworth, Inc., an authorized dealer of Kenworth Truck Company, a Division of PACCAR Inc., for parts and related equipment used on Kenworth, Peterbilt, and PACCAR medium and heavy-duty trucks, in an amount not to exceed $380,000, for a period of three-years.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,046–N.S.

Council Consent Items

25. Recommendation to Rename "5 ½ Street" Alleyway as Jeronimus Alley
From: Transportation and Infrastructure Commission
Recommendation: Adopt a Resolution, by at least a two-thirds Council majority, renaming the alleyway running parallel between 5th and 6th streets, located between Camelia Street and Virginia Street, unofficially labeled as "5 ½ Street," to "Jeronimus Alley" in honor of Wayne Jeronimus.
Financial Implications: See report
Contact: Mark Helmbrecht, Secretary, Transportation and Infrastructure Commission 510-981-6403
Action: Adopted Resolution No. 72,047–N.S.

Council Consent Items

26. Recommendations for the Formulation of Advanced Fiscal Policies to Institutionalize Strategic Bond Issuance, Optimize Municipal Investment Returns, and Leverage Intergovernmental and Philanthropic Capital Funding
From: Councilmember Taplin (Author) *(Reviewed by the Budget and Finance Committee)*
Recommendation:
1. Structured Bond Issuance Framework: Refer to the City Manager assessment, analysis, and presentation to the Council of a potential comprehensive fiscal policy every two years that institutionalizes, codifies, and makes publicly accessible a regular, predictive schedule for general obligation bond issuance. This potential policy, in addition to and alongside existing practices, may be informed by actuarial and capital market analysis of the City's bonding capacity and be modeled on established frameworks utilized in fiscally disciplined jurisdictions such as San Francisco, Santa Monica, and others. The goal is to remediate the City's substantial deferred maintenance liabilities and strategically advance the Capital Improvement Program (CIP).
2. Modernize Investment Policy: Refer to the City Manager the enactment of a detailed review and performance benchmarking of the City's current investment policies, ordinances, and resolutions. Based on this review, the City Manager may consider: -Amendments to align Berkeley's portfolio management practices with those of peer jurisdictions in the Bay Area; -Asset strategies that maintain compliance with CA Government Code §53600 et seq. while improving yields through enhanced diversification and duration matching;
3. Comparative Bond Issuance Analysis and Timeline: Refer the City Manager to conduct a comprehensive analysis of historical general obligation bond issuance and debt service rates in Berkeley and comparable jurisdictions. The analysis may consider the following: - Examine 30 years of municipal bond trends, showing the consistency of low interest rates during fiscally disciplined cycles; -Compare Berkeley's historical borrowing costs with those of San Francisco, Santa Monica, Palo Alto, and other cities; -Demonstrate the efficacy of maintaining a regular issuance schedule every 6–10 years to preserve low borrowing rates and steady bond ratings; -Present a 30-year fiscal projection showing that with prudent debt layering and consistent retirement of obligations, Berkeley can issue up to $250–

Council Consent Items

$300 million in bonds in successive tranches while maintaining fiscal health and AAA-quality debt service coverage ratios, and examine the impact on deferred infrastructure liabilities. The City Manager is requested to return with a projected 25–30 year financing timeline that identifies capital milestones, projected issuances, debt service loads, and cost-saving thresholds compared to inflation-driven delays. This timeline shall be paired with policy recommendations to ensure adherence to long-range financial planning objectives.

Policy Committee Recommendation: to send the item to Council with a Qualified Positive Recommendation with the changes as proposed by Councilmember Taplin as follows:

1. Structured Bond Issuance Framework

Refer to the City Manager assessment, analysis, and ~~development and~~ presentation to the Council of a potential ~~of a~~ comprehensive fiscal policy every two years that institutionalizes, codifies, and makes publicly accessible, ~~codifies current practices~~ a regular, predictive schedule for general obligation bond issuance. This potential policy, in addition to and alongside existing practices, ~~s~~may~~hould~~ be informed by actuarial and capital market analysis of the City's bonding capacity and be modeled on established frameworks utilized in fiscally disciplined jurisdictions such as San Francisco, ~~and~~ Santa Monica, and others. The goal is to remediate the City's substantial deferred maintenance liabilities and strategically advance the Capital Improvement Program (CIP).

2. Modernize Investment Policy.~~and Establish a Capital Grant Matching Fund~~

Refer to the City Manager the enactment of a detailed review and performance benchmarking of the City's current investment policies, ordinances, and resolutions. Based on this review, the City Manager may consider ~~should recommend~~:

-Amendments to align Berkeley's portfolio management practices with those of peer jurisdictions in the Bay Area;

-Asset strategies that maintain compliance with CA Government Code §53600 et seq. while improving yields through enhanced diversification and duration matching;

~~Establishment of a dedicated Capital Grant Matching Fund, capitalized with a designated portion of net investment returns, to maximize Berkeley's competitiveness in securing grants under federal programs such as the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), and state-funded resilience initiatives.~~

3. ~~Develop a~~ Comparative Bond Issuance Analysis and Timeline

Refer the City Manager to conduct a comprehensive analysis of historical general obligation bond issuance and debt service rates in Berkeley and comparable jurisdictions. The analysis may consider the following ~~should~~:

-Examine 30 years of municipal bond trends, showing the consistency of low interest rates during fiscally disciplined cycles;

-Compare Berkeley's historical borrowing costs with those of San Francisco, Santa Monica, ~~and~~ Palo Alto, and other cities;

-Demonstrate the efficacy of maintaining a regular issuance schedule every 6–10 years to preserve low borrowing rates and steady bond ratings;

-Present a 30-year fiscal projection showing that with prudent debt layering and consistent retirement of obligations, Berkeley can issue up to $250–$300 million in bonds in successive tranches while maintaining fiscal health and AAA-quality debt

Council Consent Items

service coverage ratios, and examine the impact on deferred infrastructure liabilities.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation as recommended by the Budget & Finance Committee.

27. Sanctuary City Contracting Ordinance Updates
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt the proposed amendments to the Sanctuary City Contracting Ordinance (BMC 13.105) to mirror key definitions with the language in the new Sanctuary City Ordinance and shorten the Right to Cure time period from 90 days to 30 days.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Adopted the first reading of Ordinance No. 7,994–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Lunaparra. Second reading scheduled for December 2, 2025.

Action Calendar – Public Hearings

28. Adoption of Berkeley Building Codes, Including Local Amendments to California Building Standards Code
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,988-N.S repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions where the modifications or changes are substantially equivalent to changes or modifications that were previously filed by the City and were in effect as of September 30, 2025.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

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

Action: M/S/C (Tregub/Humbert) to adopt the second reading of Ordinance No. 7,988–N.S.
Vote: All Ayes.

Action Calendar – Public Hearings

29. 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:
- 23.202.030 Additional Permit Requirements (Residential)
- 23.202.050 R-1 Single Family Residential District
- 23.202.080 R-2 Restricted Two-Family Residential District
- 23.202.090 R-2A Restricted Multiple-Family Residential District
- 23.202.100 R-3 Multiple-Family Residential District
- 23.206.090 MU-R Mixed Use Residential District
- 23.326.030 Demolition of Residential Units
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units

Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

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

Action: M/S/C (Tregub/Taplin) to adopt the first reading of Ordinance No. 7,995–N.S. Second reading scheduled for December 2, 2025.
Vote: All Ayes.

Council Action Items

30. Pausing City of Berkeley Authorization for Mills Act Agreements
From: Councilmember Humbert (Author), Mayor Ishii (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution pausing the City of Berkeley's authorization to use Mills Act Agreements for historic property preservation, deferring or denying all pending applications as of November 19, 2025, and allowing existing contracts to expire without renewal unless the City Council takes future action to reauthorize the program.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: 10 speakers. M/S/C (Humbert/Lunaparra) to adopt Resolution No. 72,048–N.S. as amended in Supplemental Communications Packet #2 by Councilmember Humbert; and further amended to add a clause directing the City Manager to initiate non-renewal proceedings for all Mills Act contracts. In addition, Councilmember Humbert noted for the record that this action does not constitute a project under the California Environmental Quality Act.
Vote: All Ayes.

Council Action Items

31. Unmanned Aerial Systems and Drones as First Responders
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Humbert (Co-Sponsor) *(Reviewed by the Public Safety Committee)*
Recommendation: Refer to the City Manager the initiation of the process outlined by BMC 2.99: Surveillance Technology Ordinance (STO) for the Berkeley Police Department (BPD) to acquire and use Unmanned Aerial Systems (UAS), including Drones as First Responders (DFR), consistent with all auditing, transparency, data and privacy protections required for all use policies and acquisition reports under the STO.
Policy Committee Recommendation: Send the item with a positive recommendation to Council.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: 3 speakers. Councilmember Blackaby added as a co-sponsor. M/S/C (Taplin/Humbert) to approve the recommendation.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra.

Information Reports

32. 2025 Audit Follow-up Status Update
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

33. Independent Third-Party Audit of the Payroll Audit Division
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speakers.

Adjournment

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

Adjourned at 10:06 p.m.

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

_____
Mark Numainville, City Clerk

Communications

Item #30: Pausing City of Berkeley Authorization for Mills Act Agreements
1. Laura Veit and Isaac Warshauer
2. Janice Thomas
3. S. Entwistle

Telegraph Corridor
4. Helen Hallberg
5. Benjamin Fry

Telegraph Avenue Holiday Street Fair
6. Grace Teasdale

Access to Police Communications
7. Theo Posselt

Flock Concerns
8. Jindi Zhang
9. Aliza Zangwill
10. Zora Uyeda-Hale
11. Mimi Main
12. A Rubin
13. Lou Riordan

Formal Complaint Concerns
14. Alex Merenkov (2)

Bearathon
15. Iris Hamelin and Anna Kathawala

High-Rise Apartment Buildings
16. Harvey Sherback

Elementary Reading Program
17. Blima Dreezer

Disaster Preparedness Event
18. Dr. Veronica Ufoegbune, Raquel Balingit, Newt McDonald, Joyce Barnes, and Ebele Enebeli

Courtesy Photos
19. Georgia Paulos

Honeybee Resources
20. Mateo Kaiser

E-Bike Test & Rides
21. Jill Holloway
22. Nancy Hernandez

Zachary's Corner Safety Concerns
23. Anne Whyte

2425 Durant ZAB Appeal
24. Heidi Webb on behalf of Jolene Kramer and Andrea Matsuoka

Harrison Street
25. Jim Lutz
26. Dr. Sukhdeep (Bobby) Dhadwar
27. Craig Nagasawa

Concept 3B Design
28. Neil Schneider

Housing Shaking Concern
29. Bingo Fantasy Football

Crosswalk Concerns
30. David Lerman
31. Whytes

Safety and Privacy Concern
32. Christian Bogado Marsa

Draft Resolution
33. Hank Pellissier

Tilden Park
34. Peter and Norma Lydon

Berkeley Juneteenth Association, Inc.
35. Gerald Baptiste, Jr.

Sidewalk Power Wash
36. Nancy Joachim

Construction
37. Kirstie Bennett

Exterior Elevated Elements Concerns
38. Andrew Marowitz

Spenger's Parking Lot

39. Morgan Read
40. Denny
41. John Norheim and Steve Smith
42. Steven Donaldson

Property Tax Increase
43. Eric Friedman
44. Maureen Burke

ICE Concerns
45. Katharine Bierce

Street Sweeping
46. Mark Chekal

Marina Parking Fee
47. Maddie Williams
48. Gordon Stout
49. Wini Williams
50. Ivan Diamond
51. Deirdre Anderson
52. Kevin Johnston
53. Jennifer Millar
54. Lucy Kruyff
55. Sebastian Diaz
56. Kimberly McKeown
57. Chris Stratton
58. Elsa Tranter
59. Jeff Malmuth
60. Johanna Eigen
61. Karen Shimoda
62. Dave Tepper
63. Sherry Shannon
64. Gianna Michael
65. Joann Kweon
66. Brandon Essex

Housing Concerns
67. Hector91 Phuentes (18)
68. John Dunlap

Forwards
69. Russbumper (3)

URL's
70. Russbumper (3)

Newsletters

71. Berkeley Art Center
72. Downtown Berkeley Association

E-Scooters
73. Robert Borghese (10)
74. Devin Dollinger (11)
75. Nicolas Nagle

Supplemental Communications and Reports 1

Item #27: Sanctuary City Contracting Ordinance Updates
76. Revised agenda material submitted by Councilmember Cecilia Lunaparra, Mayor Adena Ishii, Vice Mayor Mark Humbert, and Councilmember Brent Blackaby

Item #30: Pausing City of Berkeley Authorization for Mills Act Agreements
77. Peggy Radel
78. Frederica and Robert Breuer
79. Janice Thomas (2)
80. Oren Cheyette
81. Joel Myerson
82. Laura Veit and Isaac Warshauer

Item #31: Unmanned Aerial Systems and Drones as First Responders
83. Supplemental agenda material submitted by Councilmember Terry Taplin

Supplemental Communications and Reports 2

Item #1: Amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax

Item #2: Amendment to Ground Lease with East Bay Regional Park District at 400 Gilman Street (Tom Bates Regional Sports Complex)

Item #3: Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening

Item #26: Recommendations for the Formulation of Advanced Fiscal Policies to Institutionalize Strategic Bond Issuance, Optimize Municipal Investment Returns, and Leverage Intergovernmental and Philanthropic Capital Funding
84. Barbara Gilbert

Item #3: Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening
85. Yen Trac

Item #8: Amendment: FY 2026 Annual Appropriations Ordinance
86. Revised agenda material submitted by the City Manager's Office

Item #27: Sanctuary City Contracting Ordinance Updates
87. Revised agenda material submitted by Councilmember Cecilia Lunaparra, Mayor Adena Ishii, Vice Mayor Mark Humbert, Councilmember Brent Blackaby

Item #30: Pausing City of Berkeley Authorization for Mills Act Agreements

88. Supplemental agenda material submitted by Councilmember Mark Humbert, Mayor Adena Ishii, Councilmember Rashi Kesarwani, and Councilmember Cecilia Lunaparra
89. Frederica Drotos

Item #19: Mills Act Contract – 1619 Walnut Street

Item #30: Pausing City of Berkeley Authorization for Mills Act Agreements
90. Laura Veit and Isaac Warshauer

Supplemental Communications and Reports 3

Item #19: Mills Act Contract – 1619 Walnut Street
91. Jeffrey Baker

Item #26: Recommendations for the Formulation of Advanced Fiscal Policies to Institutionalize Strategic Bond Issuance, Optimize Municipal Investment Returns, and Leverage Intergovernmental and Philanthropic Capital Funding
92. Geoff Lomax

Action Calendar

Item #30: Pausing City of Berkeley Authorization for Mills Act Agreements
93. Leila H. Moncharsh on behalf of Berkeley Architectural Heritage Association (2)
94. Elizabeth Snowden and Charles P. Smith
95. Jane McKinne
96. Krishna Shekhawat
97. Jeffrey Baker
98. Andrew Ryan
99. Marc Grant and Jeanne Allen
100. Delia Taylor
101. Doris Fulder Nassiry

Item #31: Unmanned Aerial Systems and Drones as First Responders
102. Neil Egbert on behalf of the Berkeley Police Association

Office of the City Manager

06

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Revised Conflict of Interest Code

RECOMMENDATION
Adopt a Resolution approving a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 71,108–N.S.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND EFFECTS
In accordance with the Political Reform Act, all municipalities are required to develop and publicly adopt a Conflict of Interest Code (Code) that identifies specific positions subject to financial disclosure requirements, including defined levels of disclosure. Furthermore, the Code must be updated within prescribed timeframes to reflect changes such as the creation of new positions or modifications to existing roles (Government Code Sections 87100 et seq.).

The appendices of various departments have been revised to accurately represent current organizational structures, including the addition of newly created classifications and the removal of outdated positions. The Department Review Forms provide a comprehensive overview of new and eliminated positions (Attachment 2).

Additionally, the disclosure appendices for the following entities have been updated to ensure compliance with current regulations:

- The newly established SAFE STREETS Citizen Oversight Committee has been incorporated into the Code following voter approval of Measure FF on November 5, 2024.
- The classification formerly known as Legislative Assistant has been updated to Legislative Aide in accordance with Resolution No. 71,311-N.S.
- The disclosure categories for the Fair Campaign Practices Commission and the Open Government Commission have been revised.

Revisions to the Code were made in consultation with the City Attorney's Office and Department Directors.

BACKGROUND
The City of Berkeley's first Conflict of Interest Code was adopted on October 1, 1982 by Resolution No. 51,425–N.S. and has been amended as necessary over time to reflect changes in regulations, departmental organizational structure, designated positions within departments, and commissions. A revised Code was last adopted by the City Council on November 28, 2023 by Resolution No. 71,108–N.S.

The Code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to these positions require the disclosure of all investments, business positions, interests in real property and sources of income, which may foreseeably be affected materially by the decisions made by those designated positions. The Code includes all other provisions required by Government Code Section 87302 and incorporates by reference FPPC Regulation 2 Cal. Admin. Code Section 18730.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Use of electronic filing of Form 700s has saved a substantial amount of paper and vehicle trips to 2180 Milvia Street.

RATIONALE FOR RECOMMENDATION
The City is required by state law to adopt a Conflict of Interest Code. Ongoing revisions are necessary to ensure that the Code accurately reflects the designated positions outlined in each department's organizational structure.

ALTERNATIVE ACTIONS CONSIDERED
None.

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

ATTACHMENTS
1. Resolution
   - Exhibit A: Conflict of Interest Code – Department Appendices
   - Exhibit B: Conflict of Interest Code – Commission Appendices
   - Exhibit C: Conflict of Interest Code – Consultant Appendix
   - Exhibit D: Conflict of Interest Code – Retired Annuitant Appendix
   - Exhibit E: Listing of conflict of interest code – department, commission, consultant, and retired annuitant appendices
2. City's Department Review Forms

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

ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF BERKELEY AND RESCINDING RESOLUTION NO. 71,108–N.S.

WHEREAS, the Political Reform Act (the Act), Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, state law as specified in the Act requires the City Council as the code-reviewing body to direct the review of its Conflict of Interest Code; and

WHEREAS, the Act further requires that such direction must occur by July 1 of each even numbered year; and

WHEREAS, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body or the notification of said body that no changes are necessary; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Act; and

WHEREAS, the City of Berkeley may incorporate in its Conflict of Interest Code, by reference, regulation, 2 Cal. Adm. Code Section 18730; and

WHEREAS, on October 1, 1982, the City Council of the City of Berkeley adopted Resolution No. 51,425–N.S., Conflict of Interest Code, for the City of Berkeley; and

WHEREAS, the Code has been amended over time to incorporate changes in regulations, departmental organizational structure, changes in job classifications, and the addition and deletion of certain boards and commissions; and

WHEREAS, the most recent amendment to the City of Berkeley's Conflict of Interest Code, as set forth in Resolution No. 71,108–N.S, adopted November 28, 2023, requires minor amendments to reflect the current organizational structure of departments, their designated positions and level of disclosure; and

WHEREAS, the Council has determined that the attached Conflict of Interest Code accurately sets forth the current organizational structure of departments, their designated positions, and the respective categories of financial interests which should be made reportable and those boards and commissions which should be designated and the respective categories of financial interests which should be made reportable by their members; and

WHEREAS, state law allows the City to accept Form 700 electronically and designate the electronic filing as the filing of record, and the City has the ability to accept and process electronic filings.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley as follows:

Section 1. That Resolution No. 71,108–N.S. is hereby rescinded.

Section 2. That the City of Berkeley Conflict of Interest Code is hereby adopted, as attached, and includes the following:

(a) With the additions noted below, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and made a part of the Conflict of Interest Code of the City of Berkeley except that: (1) the term "investment" shall apply to financial interests in non-profit organizations as well as business entities; (2) the term "interest in real property" includes interests in berths at the Berkeley Marina regardless of when they expire; (3) the terms "non-profit organization" and "business entity" are limited to the jurisdiction in the same manner as the term "investment," i.e., they apply only if the non-profit organization, the business entity, or any parent, subsidiary or otherwise related entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business in the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code.

(b) Designated Positions with Reporting Requirements.

Elected officials, legislative aide, members of boards and commissions appointed by the City Council, consultants and City employees holding designated positions shall be considered designated positions subject to reporting requirements under the Conflict of Interest Code, and shall disclose financial interests as set forth in the appendices listing individual disclosure categories.

Section 3. Filing of Statements

Persons holding designated positions shall file Statements of Economic Interests with the City of Berkeley on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State guidelines, when requested by the City Clerk. The City Clerk will retain custody of the statements and make the statements available for public inspection and reproduction. City Employees and Legislative Aides in designated positions shall file electronic Statements of Economic Interests (e-file). The electronic filing will be the filing of record for City Employees and Legislative Aides. City Commissioners may file in paper or file electronic Statements of Economic Interests (e-file). Statements filed electronically by Commissioners will be the filing of record.

Section 4. Late Filings and Failure to File Statements

Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq. The following additional regulations shall apply to City of Berkeley (a) employees, (b) legislative aides, (c) members of boards and commissions appointed by the City Council or by an existing City commission, and (d) consultants:

a. City Employees

If a City employee fails to e-file an Assuming Office or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, they shall be suspended without pay until such time as the required disclosure form has been e-filed. The employee's supervisor shall comply with the provisions of the appropriate Memorandum of Understanding or City of Berkeley Personnel Rules and Regulations in imposing such suspension, in addition, the City Clerk shall impose late filing fees in accordance with Government Code Section 91013 and 91013.5. Prior to resuming active employment with the City of Berkeley, all outstanding statements must be filed and any outstanding fine, payable under Government Code Section 91013, shall be paid. No person shall resume active employment with the City of Berkeley if there are outstanding statements or fines.

b. Legislative Aide

If a legislative aide fails to e-file an Assuming or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, the legislative aide shall be terminated until such time as the required disclosure form has been e-filed, in addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5. Prior to being reappointed by a Councilmember, all outstanding statements must be filed and any outstanding fine, payable under Government Code Section 91013, shall be paid. No person shall resume employment as a legislative aide if there are outstanding statements or fines.

c. Members of Boards and Commissions

If a member of any non-elected board or commission specified in the Code fails to file an Assuming Office Statement of Economic Interests within thirty days after their date of appointment, the commissioner's term shall expire. Similarly, if an Annual Statement of Economic Interests is not filed within thirty days after the City Clerk has given specific written notice of non-filing, the member's term on the commission shall expire. The City Clerk shall notify the commissioner that their term has expired and the appointing councilmember that a vacancy exists on the commission; in addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

If the commissioner has not taken the Oath of Office and not attended any meetings, the commissioner is deemed not to have accepted the appointment and is not subject to filing obligations.

Prior to being reappointed to any commission, all outstanding filings for all commission appointments must be filed and any outstanding fines, payable under Government Code Section 91013, shall be paid. No person shall be appointed to any commission if there are outstanding statements or fines; and no person shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file statements.

d. Consultants

If a consultant, as defined in 2 Cal. Code Regs. Section 18701, fails to file any Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, they shall be advised by the City's project manager that no further payments shall be made by the City of Berkeley under the contract until such statement has been received by the City Clerk. The City Clerk shall also impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Section 5. Interest and Positions in Non-Profit Organizations - Disclosure and Disqualification

Whenever a disclosure category requires disclosure of specific financial interests or positions in business entities, disclosure of the equivalent financial interests or positions in non-profit organizations is required. Disqualification shall be required as to a disclosed interest or position in a non-profit organization whenever disqualification would have been required as a result of an equivalent financial interest or position in a business entity.

Section 6. Berkeley Housing Authority

The Berkeley City Clerk Department serves as the designated filing official for Berkeley Housing Authority (Authority) Form 700 Economic Disclosure Statements. The Authority is responsible for collecting these statements from all individuals required to submit them. For individuals specified under Government Code Section 87200, such as Board Members and the Executive Director, the Authority will forward the original filings to the City Clerk Department while retaining a copy for their own records. The City Clerk Department will ensure compliance with the filing obligations for the 87200 filers. Regarding other filers who do not fall under Government Code Section 87200, such as the Finance Manager, Management Analyst, Administrative Assistant, Accountant, Housing Specialist, and General Counsel, the Authority will retain the original statements and enforce the associated filing requirements internally. Additionally, the Authority is responsible for overseeing the administration of the Oath of Office for its members.

Section 7. Revisions to the City's Conflict of Interest Code

The City Clerk will review the City's Conflict of Interest Code on an biennial basis and if changes are required will submit a revised code for Council approval, or if no changes are necessary so notify the City Council, by the applicable deadline specified in the Political Reform Act.

CITY ATTORNEY'S OFFICE APPENDIX

Designated Employees	Disclosure Categories
Assistant City Attorney	1
Assistant to the City Attorney	1
City Attorney	1
Deputy City Attorney I, II, III, IV	1
Paralegal	1
Risk Manager	1
Senior Paralegal	1

Disclosure Categories

Category 1

All designated employees shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

CITY AUDITOR'S OFFICE APPENDIX

Designated Employees	Disclosure Categories
Audit Manager	1
Auditor I, II	1
City Auditor	1
Deputy City Auditor for Payroll Management	1
Senior Auditor	1

Disclosure Categories

Category 1

All designated employees shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

CITY CLERK DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
Assistant City Clerk	1
City Clerk	1
Deputy City Clerk	1

Disclosure Categories

Category 1

All designated employees assigned to this category shall disclose all business entities, and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

CITY MANAGER'S DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
ADMINISTRATION	
Administrative Hearing Examiner	1
Assistant to the City Manager	1
City Manager	1
Community Services Specialist III	2
Deputy City Manager	1
Digital Communications Coordinator	1
Homeless Services Coordinator	1
Program Manager II	1
ANIMAL CARE SERVICES	
Animal Services Manager	1
Registered Veterinary Technician	1
Veterinarian	1
CODE ENFORCEMENT GROUP	
Code Enforcement Officer	1
Code Enforcement Supervisor	1
DIVERSITY, EQUITY AND INCLUSION DIVISION	
Diversity, Equity, and Inclusion Officer	1
OFFICE OF BUDGET AND FISCAL MANAGEMENT	
Budget Manager	1
Senior Management Analyst	1
OFFICE OF ECONOMIC DEVELOPMENT	
Assistant Management Analyst	1
Civic Arts Coordinator	1
Community Development Project Coordinator	1
Economic Development Project Coordinator	1
Manager of Economic Development	1
Senior Economic Development Project Coordinator	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities, and non-profit organizations in which they have an investment or in which they are a director officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by the division or program to which the designated employee is assigned.

Category 3

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by any division or program in the Department of Health, Housing and Community Services.

DEPARTMENT OF INFORMATION TECHNOLOGY APPENDIX

Designated Employees	Disclosure Categories
Application Programmer Analyst II	1
Customer Service Manager	1
Database Administrator	1
Director of Information Technology	1
Information Security Manager	1
Information Systems Manager	1
Program Manager I, II	1
Senior Information Systems Specialist	1
Senior Management Analyst	1
Senior Systems Analyst	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities, and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

FINANCE DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
ADMINISTRATION	
Deputy Director of Finance	1
Director of Finance	1
Senior Systems Analyst	1
Systems Accountant	1
ACCOUNTING DIVISION	
Accounting Manager	1
Senior Accountant	2
TREASURY DIVISION	
Revenue Development Specialist II	1
Revenue Development Supervisor	1
Treasury Manager	1
REVENUE COLLECTIONS DIVISION	
Revenue Collection Manager	1
GENERAL SERVICES DIVISION	
Buyer	1
Contract Administrator	1
General Services Manager	1
Senior Buyer	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) is a financial institution or is otherwise eligible under state law to have city funds, including pension, retirement and deferred compensation funds, deposited with it or invested in it;

(b) is of the type which has provided services, including but not limited to professional advice on investment, bond, tax or legal matters, to the Finance Department within the previous two years;

(c) is subject to a City of Berkeley licensing requirement; or

(d) provides real property sales or management services or owns or operates real property of the type leased or purchased by the City of Berkeley within the previous two years.

FIRE AND EMERGENCY SERVICES DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
FIRE - OFFICE OF THE CHIEF	
Administrative & Fiscal Services Manager	1
Associate Management Analyst	3
Communications Specialist	4
Fire Chief	1
Principal Program Manager	1
TRAINING	
Assistant Fire Chief	1
Fire Captain I, II	2, 3
OPERATIONS	
Assistant Fire Chief	1
Battalion Chief	1
Deputy Fire Chief	1
Fire Captain I, II	2, 3
Fire Mechanic Lead	4
FIRE PREVENTION	
Assistant Management Analyst	2, 4
Deputy Fire Marshal	1
Fire and Life Safety Plans Examiner	2, 4
Fire Marshal	1
Fire Prevention Inspectors	2
SPECIAL OPERATIONS DIVISION OFFICE OF EMERGENCY SERVICES	
Emergency Services Coordinator	4
Program Manager I, II	1

Designated Employees	Disclosure Categories
EMERGENCY MEDICAL SERVICES	
Assistant Fire Chief	1
Emergency Medical Services Quality Improvement & Education Coordinator	2, 3
Fire Captain I, II	2, 3
Paramedic Supervisor	2, 3
WILDLAND URBAN INTERFACE	
Assistant Fire Chief	1
Assistant Fire Inspector	2
Fire Prevention Inspectors	2

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property, and all sources of income, including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose any interest in commercial, industrial, or institutional real property; in residential rental property consisting of three or more units; or any other property subject to fire inspection. In addition, designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) owns, manages, or operates real property of the type subject to fire inspection; or

(b) is in the building and construction industry, including but not limited to architects, developers, contractors, sub-contractors, materials suppliers or consultants.

Category 3

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment, or services of the type utilized by the Fire and Emergency Services Department.

Category 4

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment or services of the type utilized by the division or program of the Fire and Emergency Services Department to which the designated employee is assigned.

HEALTH, HOUSING AND COMMUNITY SERVICES DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
OFFICE OF THE DIRECTOR	
Accounting Office Specialist Supervisor	4
Administrative & Fiscal Services Manager	1
Associate Management Analyst	2
Community Services Specialist II	4, 6
Community Services Specialist III	4, 6, 8
Deputy Director of Health, Housing & Community Services	1
Director of Health, Housing & Community Services	1
Epidemiologist	8
Health Officer	1
Health Services Program Specialist	3
Principal Program Manager	1
Program Manager I, II	1
Public Health Program Physician/Deputy Health Officer	1, 6
Senior Health Management Analyst	4, 6
Senior Health Services Program Specialist	4, 6
Senior Management Analyst	2
Supervising Public Health Nurse	4, 6
AGING SERVICES DIVISION	
Manager of Aging Services	1
Mental Health Clinical Supervisor	4, 6
Senior Citizen Center Director	4, 6
Seniors Nutrition Program Supervisor	4, 6
Transportation Services Coordinator	4, 6

Designated Employees	Disclosure Categories
HOUSING AND COMMUNITY SERVICES DIVISION	
Associate Management Analyst	6
Associate Planner	8
Building Inspector I (Certified)	1
Community Development Project Coordinator	1
Community Services Specialist II & III	8
Homeless Services Coordinator	8
Manager of Housing and Community Services	1
Program Manager II	1
Senior Community Development Project Coordinator	1
Senior Management Analyst	2
ENVIRONMENTAL HEALTH DIVISION	
Environmental Health Supervisor	1
Manager of Environmental Health	1
Registered Environmental Health Specialist	8
Senior Environmental Health Specialist	1
Vector Control Technician	8
MENTAL HEALTH DIVISION	
Assistant Manager of Mental Health Services	1
Associate Management Analyst	4,8
Community Services Specialist III	4,6
Health Services Program Specialist	2
Manager of Mental Health Services	1
Mental Health Clinical Supervisor	4, 6
Mental Health Program Supervisor	2
Supervising Mental Health Nurse	4, 6
Supervising Psychiatrist	1

Designated Employees	Disclosure Categories
PUBLIC HEALTH DIVISION	
Community Services Specialist I	4, 8
Community Services Specialist III	4, 6
Health Nutrition Program Coordinator	4, 6
Health Services Program Specialist	3
Health Services Supervisor	1
Lactation Counselor	4,6
Manager of Public Health Services	1
Public Health Investigator	4,6
Senior Health Services Program Specialist	4, 6
Supervising Public Health Nurse	4, 6

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by any division or program in the Department of Health, Housing and Community Services.

Category 3

Designated employees assigned to this category shall disclose any interest in real property located within a Berkeley target area or neighborhood strategy area. In addition they shall also disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non- profit organization or source of income is:

a) a building contractor or subcontractor of the type performing work under Berkeley Housing Rehabilitation Programs; or

b) is from individuals who have applied for or received housing rehabilitation assistance from the City of Berkeley within the previous two years.

Category 4

Designated employees assigned to this category shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells or otherwise provides goods or services of the type utilized by the division or program in the Department of Health, Housing and Community Services to which the designated employee is assigned.

Category 5

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

a) manufactures, distributes, sells installs or otherwise markets equipment for energy conservation or alternative energy development; or

b) provides services, including but not limited to design, repair, advocacy or consultation services, in the areas of energy conservation or alternative energy development.

Category 6

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment, or in which they are a director, officer, partner, trustee, employee or hold any position of management and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which receives funds under contract with the City of Berkeley to:

a) Serve the social welfare needs of the people of Berkeley; or

b) Provide health services, including but not limited to emergency services, obstetric, gynecological or maternity care, care for chronic or communicable diseases, and mental health; or

c) Provide services to the aging; or

d) Lease, own, or operate real property of the type suitable for the program or services under the supervision of the designated employee; or of the type suitable to be leased, owned, or operated by the City of Berkeley for health programs under the supervision of the designated employee.

Category 7

Designated employees assigned to this category shall disclose any interest in real property consisting in whole or in part of residential rental property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of

management; and income, including gifts, loans and travel payments; if the business entity or source of income has an interest in, operates or manages residential rental property.

Category 8

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

a) is of the type whose contracts with the City of Berkeley are monitored by the Department of Health, Housing and Community Services or which
receives funds under contract with the City of Berkeley to serve the social welfare needs of the people of the Berkeley; or

b) is of the type which manufactures, distributes, sells or otherwise provides goods or services of the type utilized by the designated employee's division of the Department of Health, Housing and Community Services

Category 9

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment, or in which they are a director, officer, partner, trustee, employee or hold any position of management; any interest in real property within one-fourth mile of any Berkeley Senior Center and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which receives funds under contract with the City of Berkeley to:

a) Serve the social welfare needs of the people of Berkeley; or

b) Provide health services, including but not limited to emergency services, care for chronic or communicable diseases, and mental health; or

c) Provide services to the aging; or

d) Lease, own, or operate real property of the type suitable for the program or services under the supervision of the designated employee; or of the type suitable to be leased, owned, or operated by the City of Berkeley for community services programs under the supervision of the designated employee.

HUMAN RESOURCES DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
Associate Human Resources Analyst (Recruitment / Exams)	2
Director of Human Resources	1
Employee Relations Manager	1
Equal Employment, Opportunity & Diversity Officer	1
Human Resources Manager	1
Occupational Health and Safety Officer	2, 3
Occupational Health and Safety Specialist	3
Senior Human Resources Analyst	2, 3
Training Officer	2
Worker's Compensation Analyst	3
BENEFITS DIVISION	
Associate Human Resources Analyst	3

Disclosure Categories

Category 1

Designated employees in this category shall disclose all business entities and non-profit organizations in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property and all sources of income, including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) is a labor union; or

(b) is of the type which has provided the Human Resources Department within the previous two years with testing materials or services, or with services of any other kind including but not limited to consultant services or medical examination services; or

(c) provides training, organizational development or facilitator services.

Category 3

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which provides insurance of any kind, including but not limited to workers' compensation, health, life or liability insurance or related services.

LIBRARY DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
ADMINISTRATION SERVICES	
Administrative & Fiscal Services Manager	1
Deputy Director of Library Services	1
Director of Library Services	1
CIRCULATION SERVICES DIVISION	
Circulation Services Manager	1
CHILDREN'S / NEIGHBORHOOD SERVICES DIVISION	
Library Services Manager	1
EQUITY, DIVERSITY, AND INCLUSION	
Program Manager II	1
MAINTENANCE DIVISION	
Senior Building Maintenance Supervisor	1
TECHNICAL SERVICES & INFOMATION TECHNOLOGY	
Library Information Systems Administrator	1
Library Services Manager	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

MAYOR AND COUNCIL DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
Mayor	1
City Councilmembers	1
Chief of Staff	1
Assistant to the Mayor	1
Legislative Aide	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY APPENDIX

Designated Employees	Disclosure Categories
Associate Management Analyst (Administrative Analyst)	1
Associate Management Analyst (Data Analyst)	1
Associate Management Analyst (Policy Analyst)	1
Director of Police Accountability	1
Office of the Director of Police Accountability Investigator	1

Disclosure Category

Category 1

Designated employees assigned to this category shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization, or source of income:

(a) manufactures, distributes, sells or otherwise markets weapons, ammunition, or other law enforcement equipment;

(b) is of the type which offers law enforcement training courses considered by the Police Accountability Board and Office of the Director of Police Accountability; or

(c) is a member of the Berkeley Police Department.

PARKS, RECREATION & WATERFRONT DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
OFFICE OF THE DIRECTOR	
Administrative Fiscal Services Manager	1
Assistant Civil Engineer (Registered)	1
Associate Civil Engineer	1
Capital Improvement Programs Manager	1
Deputy Director	1
Director of Parks, Recreation and Waterfront	1
Senior Management Analyst	1
Supervising Civil Engineer	1
PARKS DIVISION	
Building Maintenance Supervisor	2, 3
Parks Superintendent	1
Senior Building Maintenance Supervisor	2, 3
Senior Forestry Supervisor	2, 3
Senior Landscape Gardener Supervisor	2, 3
RECREATION DIVISION	
Aquatics Coordinator	3
Aquatics Facilities Supervisor	3
Camp Manager	2, 3, 4
Recreation and Youth Services Manager	1
Recreation Coordinator	3
Recreation Program Supervisor	1
WATERFRONT DIVISION	
Harbormaster	3, 5
Waterfront Manager	1
Waterfront Supervisor	2, 5

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property and all sources of income, including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which manufactures, distributes, sells, leases or otherwise provides the Parks, Recreation & Waterfront Department with:

(a) goods of any kind**,** including but not limited to heavy equipment, vehicles, machinery, tools, fuel products or other equipment; or

(b) services of any kind, including but not limited to building or construction services and consultant services.

Category 3

Designated employees assigned to this category, shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment, machinery, supplies or services of the type used by the division or program of the Parks, Recreation & Waterfront Department to which the designated employee is assigned.

Category 4

Designated employees assigned to this category shall disclose all interests in real property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) owns, operates or manages real property; or

(b) is a utility; or

(c) is in the building or construction industry, including but not limited to architects, engineers, building construction contractors or subcontractors, materials suppliers, or consultants.

Category 5

Designated employees assigned to this category shall disclose:

(a) all interests in real property located on or within one-fourth mile of the Berkeley Waterfront, including any leasehold interest in berths at the Berkeley Marina; and

(b) any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee or employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(i) is located on the Berkeley Waterfront;

(ii) has an interest in real property on the Berkeley Waterfront; or does business, has done business within the previous two years, plans to do business on the Berkeley Waterfront, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals on the Berkeley Waterfront.

PLANNING AND DEVELOPMENT DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
BUILDING AND SAFETY DIVISION	
Assistant Building and Safety Manager	1
Building and Safety Manager	1
Building Inspector I, II (Certified)	2, 4
Building Plans Engineer	2, 4
Building Plans Examiner	2, 4
Community Services Specialist I, II	2, 4
Resilient Buildings Program Manager	1
Senior Building Inspector	2, 4
Senior Building Plans Engineer	2, 4
Supervising Building Inspector	2, 4
HOUSING CODE ENFORCEMENT DIVISION	
Assistant Inspector	1
Assistant Management Analyst	1
Housing Inspector I, II (Certified)	1
Senior Housing Inspector (Certified)	1
LAND USE PLANNING DIVISION	
Assistant Planner	1
Associate Planner	1
Land Use Planning Manager	1
Planning Technician	1
Principal Planner	1
Senior Planner	1

Designated Employees	Disclosure Categories
OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT	
Associate Management Analyst	2, 4
Community Services Specialist I, II, III	2, 4
Energy Program Manager	1
OFFICE OF THE DIRECTOR / ADMINISTRATION	
Administrative and Fiscal Services Manager	1
Assistant Management Analyst	1
Associate Management Analyst	1
Deputy Director of Planning and Development	1
Director of Planning and Development	1
Senior Management Analyst	1
PERMIT SERVICE CENTER	
Permit Center Coordinator	1
Permit Specialist	2, 4
Senior Permit Specialist	2, 4
TOXICS MANAGEMENT DIVISION	
Hazardous Materials Manager	1
Hazardous Materials Specialist I, II	3

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose all interests in real property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income has an interest in real property or is in the building and construction industry, including but not limited to architects, developers, contractors, sub-contractors, materials suppliers or consultants.

Category 3

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) produces, uses, collects or disposes of hazardous and toxic materials; or

(b) provides consulting services in the areas of source reduction and recycling, and the management, treatment and disposal of hazardous wastes and materials.

Category 4

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) manufactures, distributes, sells installs or otherwise markets equipment for energy conservation or alternative energy development; or

(b) provides services, including but not limited to design, repair, advocacy or consultation services, in the areas of energy conservation or alternative energy development.

POLICE DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
Administrative & Fiscal Services Manager	1
Chief of Police	1
Deputy Police Chief	1
Police Captain	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

PUBLIC WORKS DEPARTMENT APPENDIX

Designated Employees	Disclosure Categories
ENGINEERING DIVISION	
ADA Program Coordinator	2, 4
Assistant Civil Engineer (Registered)	2, 4
Assistant Management Analyst	3
Assistant Public Works Engineer	2
Associate Civil Engineer	2, 4
Building Inspector	1, 6
Chief of Party	2
Engineering Inspector	2, 6
Engineering Technician	2, 4
Environmental Compliance Specialist	2, 4
Junior Public Works Engineer	2
Manager of Engineering	1, 4
Senior Building Inspector	2, 6
Senior Drafting Technician	2, 4
Senior Engineering Inspector	2, 6
Supervising Civil Engineer	1, 4, 6
EQUIPMENT MAINTENANCE DIVISION	
Equipment Maintenance Superintendent	2, 4
Mechanic Supervisor	3
Senior Equipment Supervisor	3
FACILITIES MANAGEMENT DIVISION	
Building Maintenance Supervisor	3, 6
Communications Supervisor	1
Electrical Supervisor	1, 4

Designated Employees	Disclosure Categories
FACILITIES MANAGEMENT DIVISION	
Environmental Compliance Specialist	3, 7
Facilities Maintenance Superintendent	2, 6
Lead Communications Technician	1
OFFICE OF THE DIRECTOR	
Administrative & Fiscal Services Manager	1
Assistant Management Analyst	2
Associate Management Analyst	2
Community Development Project Coordinator	1, 4
Deputy Director of Public Works	1
Director of Public Works	1
Disability Services Specialist	2, 4
Occupational Health and Safety Officer	2, 3
Public Works Operations Manager	1, 4
Senior Management Analyst	2
Solid (Zero) Waste and Recycling Manager	1, 5
STREETS DIVISION	
Assistant Management Analyst	2, 4
Public Works Maintenance Superintendent	2
Public Works Supervisor	3
Senior Public Works Supervisor	3
Sewer Maintenance Assistant Supervisor	3

Designated Employees	Disclosure Categories
TRANSPORTATION DIVISION	
Assistant Management Analyst	2
Associate Civil Engineer	2, 4
Associate Planner	2,4
Associate Transportation Engineer	2, 4
Deputy Director of Public Works	1
Parking Meter Maintenance and Collection Supervisor	2
Parking Services Manager	1
Principle Transportation Planner	1
Senior Planner	1
Senior Public Works Supervisor	3
Supervising Civil Engineer	1
Supervising Traffic Engineer	1
Traffic Maintenance Supervisor	2
Transportation Manager	1
ZERO WASTE DIVISION	
Associate Management Analyst	2
Environmental Compliance Specialist	1
Field Representative	2
Program Manager I	1, 3, 5
Public Works (Zero Waste) Operations Manager	1, 4, 5
Recycling Program Manager	3, 5
Senior Solid (Zero) Waste Supervisor	2
Solid (Zero) Waste and Recycling Manager	1, 5
Solid (Zero) Waste Supervisor	3, 5

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property; and all sources of income, including gifts, loans and travel payments.

Category 2

Designated employees assigned to this category shall disclose entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income is of the type which manufactures, distributes, sells, leases or otherwise provides goods or services of the type used by any division or program of the Public Works Department.

Category 3

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income manufactures, distributes, sells, leases or otherwise provides goods, equipment, machinery, supplies or services of the type used by the division or program of the Public Works Department to which the designated employee is assigned.

Category 4

Designated employees assigned to this category shall disclose all interests in real property. In addition, they shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) owns, operates or manages real property; or

(b) is a utility; or

(c) is in the building or construction industry, including but not limited to architects, engineers, building construction contractors or subcontractors, materials suppliers, or consultants.

Category 5

Designated employees assigned to this category shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity**,** non-profit organization or source of income is of the type which:

(a) collects or hauls solid waste;

(b) builds or operates any solid waste disposal facility, transfer or processing station or resource recovery facility;

(c) engages in solid waste recycling activities; or

(d) acts as a consultant to entities or organizations engaged in the above activities.

Category 6

Designated employees assigned to this category shall disclose any interest in real property located in an area of Berkeley in which the utility lines have not been undergrounded. In addition, they shall disclose business entities, or non-profit organizations, in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans and travel payments; if the business entity or source of income is a public utility company which does any work related to the provision of utility services, is a construction company or subcontractor of such company or has an interest in real property in an area of Berkeley in which the utility lines have not been undergrounded.

Category 7

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income including gifts, loans and travel payments; if the business entity, non-profit organization or source of income:

(a) produces, uses, collects, stores, or disposes of hazardous or toxic materials; or

(b) provides consulting services in the areas of source reduction or recycling, or the management, treatment or disposal of hazardous wastes or materials.

RENT STABILIZATION BOARD APPENDIX

	Disclosure Categories
BOARD MEMBERS	
Commissioners	1, 2, 3
EXECUTIVE OFFICE	
Executive Director	1, 2, 3
FINANCE DIVISION	
Administrative and Fiscal Services Manager	2, 3
Assistant Management Analyst	2, 3
HEARING DIVISION	
Hearing Examiners	2, 3
Senior Hearing Examiner	2, 3
LEGAL DIVISION	
General Counsel	1, 2, 3
Staff Attorneys II & III	1, 2, 3
PLANNING DIVISION	
Associate Planner	2, 3
Senior Planner	2, 3
PUBLIC INFORMATION DIVISION	
Community Services Specialist II, III	2, 3
REGISTRATION DIVISION	
Senior Management Analyst	2, 3
RENT BOARD EXECUTIVE OFFICE	
Executive Administrative Assistant	2, 3
Digital Communications Coordinator	2, 3
RENT BOARD PUBLIC INFORMATION UNIT	
Community Development Program Coordinator	2, 3

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose:

(a) All investment and interest in, and all sources of income from real property including but not limited to ownership, sale, management, transfer or exchange.

(b) All investments in and sources of income, including gifts, loans and travel payments from entities which own, sell, manage, transfer or exchange real property.

(c) Any management position including but not limited to a director, officer, partner or trustee in any business entity or non-profit organization subject to or potentially affected by the regulatory authority of the Rent Board.

(d) The assuming office statement shall disclose all interests and dealings in real property, including but not limited to ownership, sale, management, transfer or exchange, and interests in entities whose primary purpose is the ownership, sale, management, transfer or exchange of real property, during the previous three years.

Category 2

Designated employees assigned to this category shall disclose:

(a) All investments and interests in and all sources of income from real property, including but not limited to ownership, sale, management, transfer or exchange, subject to the regulatory authority of the Rent Board.

(b) All investments and business positions in and sources of income, including gifts, loans and travel payments from entities which own, sell, manage, transfer or exchange real property, subject to the regulatory authority of the Rent Board.

Category 3

Designated employees assigned to this category shall disclose investments and business positions in business entities, non-profit organizations and sources of income, including gifts, loans and travel payments of the type which, within the past two years, have contracted with the City of Berkeley to provide services, supplies, materials, machinery or equipment to the Board.

BOARD OF LIBRARY TRUSTEES APPENDIX

Designated Officials

Members of the Board

Disclosure Category

Members of the Board shall disclose any interest in real property within a 1/2 mile of any Berkeley municipal library. In addition, members of the Board shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel-payments; if the business entity, non-profit organization, or source of income is of the type which:

1) manufactures, repairs, distributes, sells, leases or otherwise markets library materials and equipment including, but not limited to, books, periodicals, art slides or prints, records, and cataloguing equipment or systems; or

2) has contracted with the Berkeley Library Department within the previous two years to provide any other kinds of goods or services to the Department.

CANNABIS COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose:

1) All interests in real property located in the City of Berkeley; or

2) Any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income is of the type which:

   a) manufactures, distributes, sells, installs, or otherwise markets equipment or supplies for cultivation or consumption of the plant Cannabis sativa L. or any of its derivatives; or

   b) operates any cannabis business or organization, including collectives and dispensaries; or

   c) engages in activities or provides services that involve planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing, any part of the plant Cannabis sativa L. or any of its derivatives.

CIVIC ARTS COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities, and non-profit organizations in which they have an investment, or in which they are a director, officer, partner, employee, or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

1) has applied for, is receiving, or within the previous two years has received, funds through the City to advance the Arts in Berkeley; or

2) has profited from the creation, production, sale, or display of any artistic endeavor; or

3) has provided services, goods, or equipment to artistic endeavors.

COMMISSION ON AGING APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income has applied for, is receiving or within the previous two years has received funds through the City of Berkeley to provide services to the aging. In addition, members of the Commission shall disclose any interest in real property located within 1/4 mile of any of the Berkeley Senior Centers.

COMMISSION ON DISABILITY APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities and non-profit organizations in which they hold an investment or in which they are a director, officer, partner, trustee, employee or have any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income within the previous two years has provided services, goods, or equipment to disabled persons.

COMMISSION ON LABOR APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

1) is a union or other organization which represents or has sought to represent employees or management in collective bargaining; or

2) has applied for, is receiving, or within the previous two years has received funds through the City of Berkeley to provide services to organizations whose purpose is to serve the legal rights and economic interests of labor.

COMMUNITY HEALTH COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity or non-profit organization provides goods or services relating in any way to the provision, administration or financing of health care or health planning, education and information.

DESIGN REVIEW COMMITTEE APPENDIX

Designated Officials

Members of the Committee

Disclosure Category

All members of the committee shall disclose any interest in real property consisting in whole or in part of a building located in any commercially zoned area in the City of Berkeley. In addition, members of the Committee shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income has an interest in real property consisting in whole or in part of a building located in a commercially zoned area; derives income from the sale of construction supply materials; or performs construction services or renovation services including landscaping, architectural, and interior decorating.

DISASTER AND FIRE SAFETY COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose all interests in real property located in the City of Berkeley.

In addition, members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee, or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

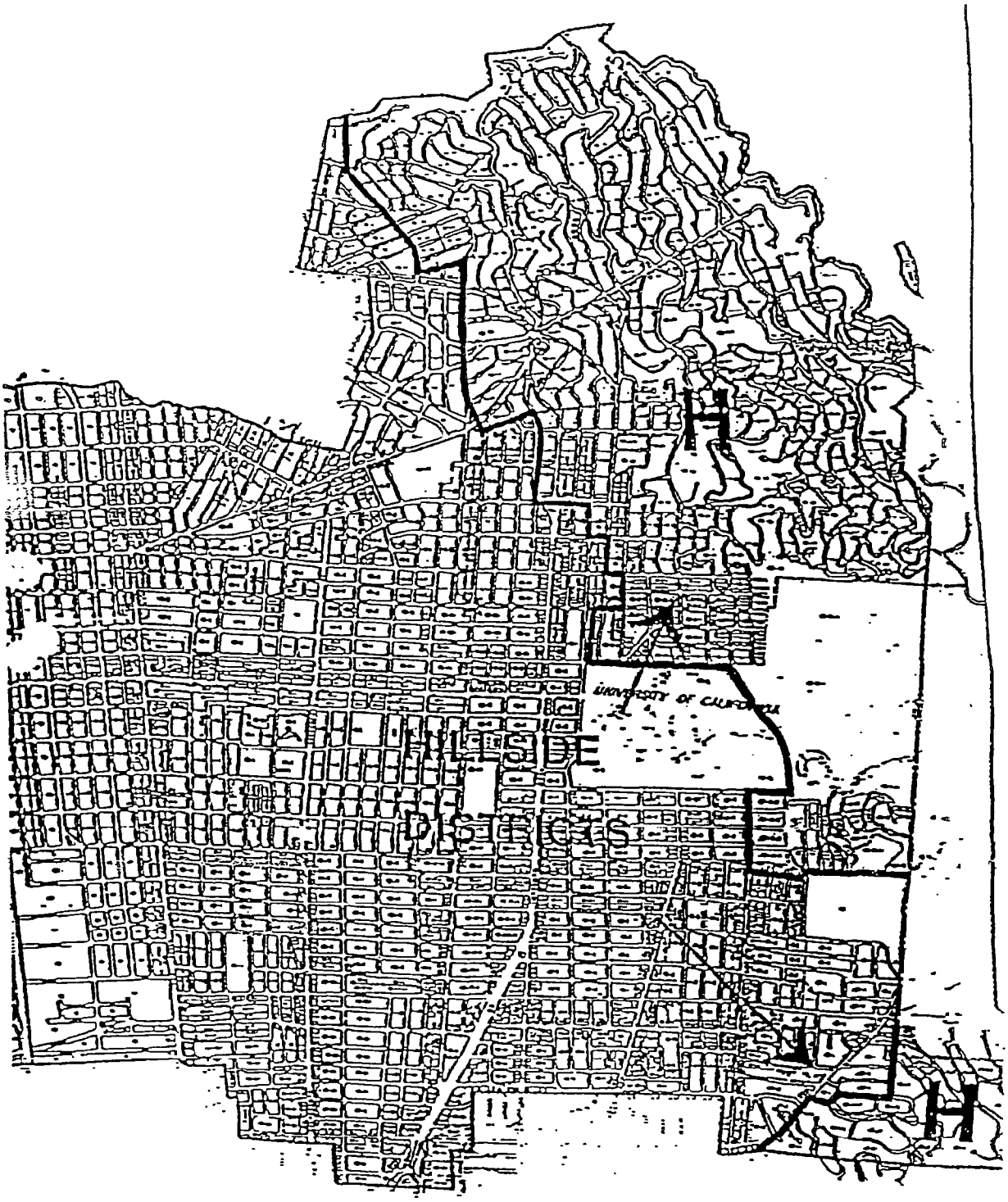
1) manufactures, distributes, sells, leases, or otherwise provides goods or services that may be used in planning, preparing for or responding to a disaster or emergency as defined in BMC Ch. 2.88.020; or

2) provides consulting services in the areas of disaster management or disaster preparedness; or

3) offers disaster preparedness, fire service, or emergency medical services training courses; or

4) acts as a consultant to organizations engaged in fire inspection, fire prevention, code enforcement, chipper and debris removal, landscaping or any other fire preparedness service; or

5) provides architectural, engineering or construction work in the areas of seismic retrofitting, upgrades or disaster recovery.



ATTACHMENT A TO DISASTER AND FIRE SAFETY COMMISSION

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ELMWOOD BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD APPENDIX

Designated Officials

Members of the Board

Disclosure Category

All members of the Board shall disclose all interests in real property located in or within one mile of the Elmwood Business Improvement District as defined in Attachment A to this Appendix, and any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income; if the business entity, non-profit organization, or source of income is:

1) located in or within one mile of the Elmwood Business Improvement District; or

2) has an interest in real property located in or within one mile of the Elmwood Business Improvement District; or

3) does business, has done business within the previous two years, or plans to do business in or within one mile of the Elmwood Business Improvement District, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals located in or within one mile of the Elmwood Business Improvement District.

ATTACHMENT A

ELMWOOD BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD APPENDIX

7.84.030 Boundaries of district.

The boundaries of the District are as specified in this section and in the District's Boundary Map attached to the ordinance codified in this chapter and on file with the office of the City Clerk.

Western Boundary. A line connecting the western edge of all parcels fronting on the western side of College Avenue in the C-E zoning district from 2832 College to 2992 College but including the City-owned Elmwood parking lot that is accessed from Russell Street, and addresses on Ashby from 2629 to 2648. The parcels along the western boundary are as follows:

Assessor's Book 053:

Block 1695: Parcels 11, 12-1, and 12-2.

Assessor's Book 052:

Block 1568: Parcels 3, 4-1, 5-1, 5-2, 6-2, 7, 9, 11-1, 12-1, 49, 50, 51, 52, 53, 55, and 56.

Block 1573: Parcels 2, 4-1, 6, 14, 15, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, and 103.

Eastern Boundary. A line connecting the eastern edge of all parcels fronting on the eastern side of College Avenue from 2887 College Avenue to 2999 College Avenue and 2701 Webster Street. The parcels along the eastern boundary are as follows:

Assessor's Book 053:

Block 1696: Parcel 15.

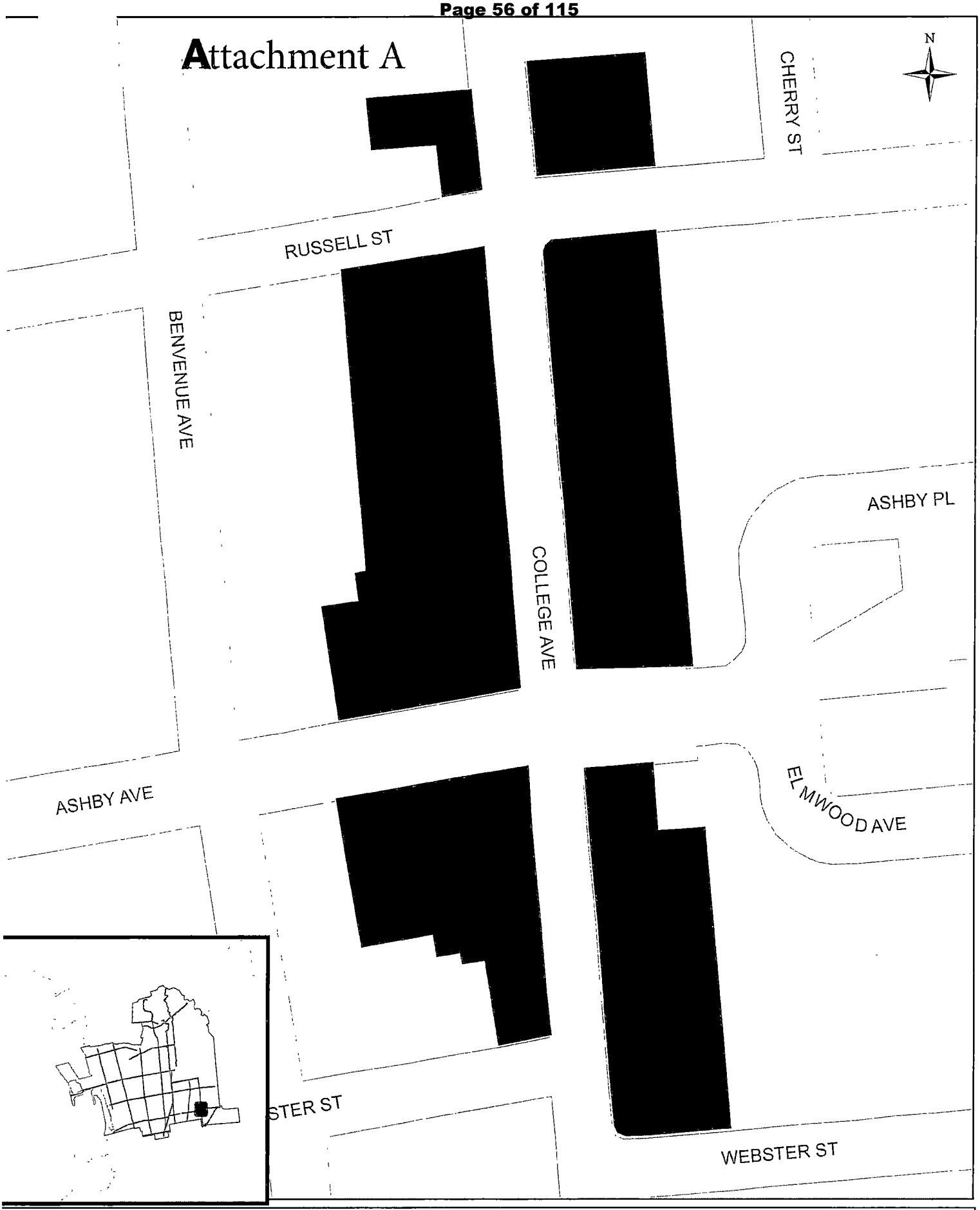
Assessor's Book 052:

Block 1567: Parcels: 16, 17, 18, 19, 20, 21, 22, 23, 24, 62, 63, 64, 66, 67, 68, 87, 88, 89, 90, and 91.

Southern Boundary. Webster Street.

Northern Boundary. A line connecting the northern edge of parcel 053-1695-011 (2832 College) on the western side of College and the northern edge of parcel 053-1696-015 (2887 College) on the eastern side of College. (Ord. 7317-NS § 3 (part), 2013)

Attachment A



ELMWOOD BUSINESS IMPROVEMENT DISTRICT

EXHIBIT B-10

0 1,900 3,800 7,600
Meters

September 10, 2013

ENVIRONMENT AND CLIMATE COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee, or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

1) is engaged in the building construction trades; or
2) manufactures, distributes, sells, installs, or otherwise markets equipment for energy conservation or alternative energy development; or
3) provides services, including but not limited to design, repair, advocacy, financial, or consultation services, in the areas of energy conservation or alternative energy development; or
4) produces, uses, collects or disposes of hazardous and toxic materials; or
5) provides consulting services in the areas of source reduction and recycling, and the management, treatment and dispersal of hazardous wastes and materials.

FAIR CAMPAIGN PRACTICES COMMISSION APPENDIX
OPEN GOVERNMENT COMMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income qualifies as a “committee” or is otherwise required to file campaign reports under the Berkeley Election Reform Act of 1974 (BMC Ch. 2.12), acts as a consultant on campaign or lobbying matters, or pays or employs a local government lobbyist registered under the Lobbyist Registration Act (BMC Ch. 2.09).

HOMELESS SERVICES PANEL OF EXPERTS

Designated Officials

Members of the Commission

Disclosure Category

All members of the commission shall disclose all interests in real property located in the City of Berkeley.

In addition, members of the commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

1) is engaged in serving the housing or social welfare needs of the homeless in the City of Berkeley; or

    a. owns or manages real property in Berkeley; or

    b. derives income from the sale of construction materials, or performs construction or renovation services, including landscaping, architectural, and interior decorating.

HOUSING ADVISORY COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Board shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

HUMAN WELFARE AND COMMUNITY ACTION COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income is of the type which receives funds under contract with the City of Berkeley to serve the social welfare needs of the people of Berkeley.

INDEPENDENT REDISTRICTING COMMISSION

Designated Officials

Members of the Commission

Disclosure Categories

Members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

JOINT POWERS FINANCING AUTHORITY APPENDIX

Designated Officials

Members of the Authority

Disclosure Category

Members of the Authority shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

LANDMARKS PRESERVATION COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose any interest in real property located in the City of Berkeley consisting in whole or in part of a building more than 40 years old. In addition, members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income has an interest in real property located in the City of Berkeley consisting in whole or in part of a building more than 40 years old.

LOAN ADMINISTRATION BOARD APPENDIX

Designated Officials

Members of the Board

Disclosure Category

All members of the Board shall disclose all business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

MENTAL HEALTH COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities and non-profit organizations in which they have an investment or are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which has received mental health funds administered by the City of Berkeley.

In addition, members of the Commission shall disclose any interest in real property located within 1/4 mile of any clinical mental health site operated by the City of Berkeley or supported in whole or in part by funds administered by the City of Berkeley.

PARKS, RECREATION AND WATERFRONT COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

1) is engaged in park design, construction, maintenance or renovation or in the manufacture, distribution or repair of park, recreation or playground equipment; or

2) is related to the work in the field of early childhood development, education, childcare, recreational programs and activities; or

3) is located on the Berkeley Waterfront; or

4) has an interest in real property on the Waterfront; or

5) provides services, goods, or equipment related to the care, treatment or control of animals; or

6) does business, has done business within the previous two years, or plans to do business with any city owned animal shelter, including but not limited to architects, engineers, building contractors, lawyers and others involved in projects or proposals connected with the building or modification of any City owned animal shelter; or

7) all interests in real property within ¼ mile of any Berkeley park, mini-park or municipal recreation facility or within ¼ mile of any open space suitable for development into a park or mini-park; or

8) all interests in real property located on or within 1/4 mile of the Berkeley Waterfront, including any leasehold interest in berths at the Berkeley Marina; or

9) does business, has done business within the previous two years, or plans to do business on the Berkeley Waterfront, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals on the Berkeley Waterfront.

PEACE AND JUSTICE COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities, non-profit organizations, and financial institutions in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

1) has applied for, is receiving or within the previous two years has received funds through the City of Berkeley to serve the goal of creating a world community in which the relations between people are based on equality and respect for human rights, or the abhorrence of exploitation and oppression; or

2) has profited from the manufacture, sale, development, or testing of any weapon, or any device, substance, chemical, or geological agent, which is designed or used principally as a means of individual or mass destruction; or

3) is from individuals who control or serve as directors of financial institutions.

PERSONNEL BOARD APPENDIX

Designated Officials

Members of the Board

Disclosure Category

All members of the Board shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or the source of income is:

1) a union or other organization which represents or has sought to represent employees in collective bargaining; or

2) a health plan, an insurance company, or a financial institution offering services of the type made available as fringe benefits to unrepresented employees of the City of Berkeley.

PLANNING COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

POLICE ACCOUNTABILITY BOARD APPENDIX

Designated Officials

Members of the Board

Disclosure Category

All members of the Board shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income:

1) manufactures, distributes, sells or otherwise markets weapons, ammunition, or other law enforcement equipment; or

2) is of the type which offers law enforcement training courses considered by the Commission; and

3) is a member of the Berkeley Police Department.

REIMAGINING PUBLIC SAFETY TASK FORCE

Designated Officials

Members of the Task Force

Disclosure Categories

All members of the Task Force shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

SAFE STREETS CITIZEN OVERSIGHT COMMITTEE APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all sources of income, including gifts, loans, and travel payments; and all interests in real property located in the City of Berkeley.

SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD APPENDIX

Designated Officials

Board Members

Disclosure Category

All members of the Board shall disclose all interests in real property located on or within one mile of the Solano Avenue Business Improvement District as defined in Attachment A to this Appendix, and any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income; if the business entity, non-profit organization, or source of income is:

1) located in or within one mile of the Solano Avenue Business Improvement District; or

2) has an interest in real property located in or within one mile of the Solano Avenue Business Improvement District; and

3) does business, has done business within the previous two years, or plans to do business in or within one mile of the Solano Avenue Business Improvement District, including but not limited to architects, engineers, real estate developers, building contractors, lawyers and others involved in projects or proposals located in or within one mile of the Solano Avenue Business Improvement District.

ATTACHMENT A

SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD APPENDIX

Boundaries of the Solano Avenue Business Improvement District

ZONE A
Includes all businesses on real estate parcels with frontage on Solano Avenue or in the C-SO zone between The Alameda and the Berkeley/Albany line.

Northern Boundary:
A line connecting the northern edges of all parcels fronting on the northern side of Solano Avenue or in the C-SO zone from the Albany Town Line to The Alameda. The parcels along the northern boundary are as follows:

Assessor's Map 62:
Block 2848: Parcels 13 and 14
Block 2870: Parcels 16,17-2, 18,19 and 20
Block 2872: Parcels 17,18,19, 20, 21, 22, 23, 24, 25 and 26
Block 2871: Parcels 7-2, 10, 11, 12-1, 15-1, 16-1, 19, 20, 21 and 22
Assessor's Map 61:
Block 2602: Parcels 2, 3-1, 3-2, 4, 5, 5-1, 6, 8, 9, 33-1, 35-4, 37, 38, 40-1, 43-1,44-1, 45, 46, 47, 48, 49, 50 and 51

Eastern Boundary
The western edge of The Alameda

Southern Boundary
1. A line connecting the southern edges of all parcels fronting on the southern side of Solano Avenue or in the C-SO zone from The Alameda to the Albany Town Line. The parcels along the southern boundary are as follows:

Assessor's Map 61
Block 2603: Parcels 1,3-3 and 4
Block 2611: Parcels 1-2, 4, 25-3, 25-4 and 28-1
Block 2612: Parcels 1 and 2
Block 2613: Parcels 1-1, 5-1 and 6
Block 2614: Parcels 1, 2, 3, 4 and 22 through 28

2. The northern edge of Solano Avenue from Tulare Avenue to a point approximately 100 feet west of Neilson Street.

ATTACHMENT A

SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD APPENDIX

Western Boundary
The Albany Town Line

ZONE B
Includes all businesses within the boundaries of the District on parcels not fronting on Solano Avenue between The Alameda and the Berkeley/Albany line or in the C-SO zone. The boundaries of the Zone B areas are as follows:

Area 1
A line around the three parcels immediately south of Zone A on the western edge of The Alameda. This area includes the following parcels:

Assessor's Map 61
Block 2603: Parcels 5, 6, and 7

Area 2
A line around the block enclosed by the eastern edge of The Alameda, the southern edge of Solano Avenue, the western edge of Contra Costa Avenue and the northern Edge of Los Angeles Avenue. This area includes the following parcels:

Assessor's Map 61
Block 2575: Parcels 40-1, 41, 42, 43 and 44

Area 3
A line around Parcel 3-7, Block 2571, Assessor's Map 61

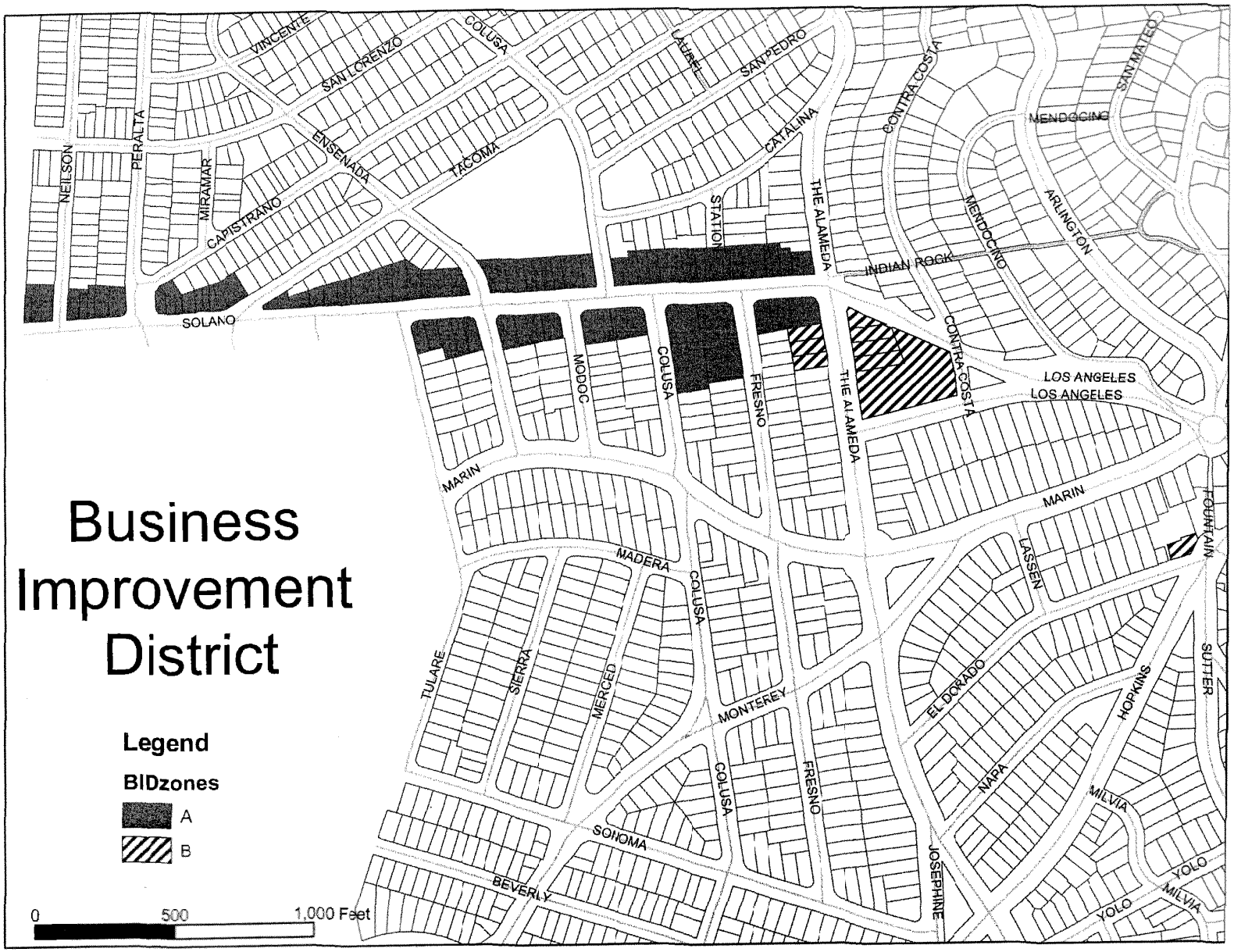

Business Improvement District
Legend
BIDzones
A
B
0
500
1,000 Feet
VINCENTE
SAN LORENZO
COLUSA
LAUREL
SAN PEDRO
CONTRA COSTA
SAN MATEO
NEILSON
PERALTA
MIRAMAR
ENSENADA
TACOMA
CATALINA
MENDOCINO
ARLINGTON
CAPISTRANO
STATION
THE ALAMEDA
INDIAN ROCK
SOLANO
MODOC
FRESNO
LOS ANGELES
MARIN
MADERA
LASSEN
FOUNTAIN
TULARE
SIERRA
MERCED
MONTEREY
EL DORADO
HOPKINS
SUTTER
NAPA
MILVIA
SONOMA
BEVERLY
JOSEPHINE
YOLO

Exhibit B-28

SUCCESSOR AGENCY APPENDIX

Designated Officials and Employees	Disclosure Categories
Members of the Successor Agency	1
Staff of the Agency	1

Disclosure Categories

Category 1

Designated employees assigned to this category shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans and travel payments.

SUGAR-SWEETENED BEVERAGE PRODUCT PANEL OF EXPERTS APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose business entities or non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization or source of income:

1) provides services related to youth food and nutrition programs or school-based food and nutrition programs; or

2) provides childhood nutrition education; or

3) employment by or income from Berkeley Unified School District; or

4) provides health care services that address diabetes, weight or other conditions that result from consumption of sugar; and

5) conducts public health research related to categories 1, 2 or 3 above.

TRANSPORTATION AND INFRASTRUCTURE COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

All members of the Commission shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all sources of income, including gifts, loans, and travel payments; and all interests in real property located in the City of Berkeley.

ZERO WASTE COMMISSION APPENDIX

Designated Officials

Members of the Commission

Disclosure Category

Members of the Commission shall disclose any business entity or non-profit organization in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; and income, including gifts, loans, and travel payments; if the business entity, non-profit organization, or source of income is of the type which:

1) collects or hauls solid waste; or

2) builds or operates any solid waste disposal facility, transfer or processing station or resource recovery facility; or

3) engages in solid waste recycling activities; and

4) acts as a consultant to entities or organizations engaged in the above activities.

ZONING ADJUSTMENTS BOARD APPENDIX

Designated Officials

Members of the Board

Disclosure Categories

All members of the Board shall disclose all business entities and non-profit organizations in which they have an investment or in which they are a director, officer, partner, trustee, employee or hold any position of management; all interests in real property located in the City of Berkeley; and all sources of income, including gifts, loans, and travel payments.

CONSULTANTS APPENDIX[1]

Designated Employees	Disclosure Categories
Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof	1
Consultants who act in a staff capacity with the City, and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.	Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.

Category 1

Designated consultants assigned to this category shall disclose:

(a) All business entities or non-profit corporations in which they are a director, officer, partner, trustee, employee or hold a position of management; interests in real property, investments; and income, including gifts, loans and travel payments. [2]

(b) When the consultant is a corporation or partnership, only individuals from the firm that participate in City decisions or act in a staff capacity must file disclosure statements.

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[1] Only consultants who make a governmental decision or act in a staff capacity as defined in 2 Cal. Code Regs. Section 18701, as amended from time to time, shall be subject to economic disclosure requirements.

[2] Consultants who make governmental decisions shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The chief executive officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The chief executive officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

RETIRED ANNUITANT APPENDIX

Designated Employees	Disclosure Categories
Retired Annuitants who perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.	*

Disclosure Categories

*Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.

EXHIBIT E - LISTING OF ALL BERKELEY CONFLICT OF INTEREST CODE DEPARTMENT, COMMISSION, CONSULTANT, AND RETIRED ANNUITANT APPENDICES

EXHIBIT	DEPARTMENTS
A-1	City Attorney's Office
A-2	City Auditor's Office
A-3	City Clerk Department
A-4	City Manager's Department
A-5	Department of Information Technology
A-6	Finance Department
A-7	Fire and Emergency Services Department
A-8	Health, Housing & Community Services Department
A-9	Human Resources Department
A-10	Library Department
A-11	Mayor and Council
A-12	Office of the Director of Police Accountability
A-13	Parks, Recreation and Waterfront Department
A-14	Planning and Development Department
A-15	Police Department
A-16	Public Works Department
A-17	Rent Stabilization Board

EXHIBIT	BOARDS & COMMISSIONS
B-1	Board of Library Trustees
B-2	Cannabis Commission
B-3	Civic Arts Commission
B-4	Commission on Aging
B-5	Commission on Disability
B-6	Commission on Labor
B-7	Community Health Commission
B-8	Design Review Committee
B-9	Disaster and Fire Safety Commission
B-10	Elmwood Business Improvement District Advisory Board
B-11	Environment and Climate Commission

EXHIBIT E - LISTING OF ALL BERKELEY CONFLICT OF INTEREST CODE DEPARTMENT, COMMISSION, CONSULTANT, AND RETIRED ANNUITANT APPENDICES

EXHIBIT	BOARDS & COMMISSIONS
B-12	Fair Campaign Practices Commission - Open Government Commission
B-13	Homeless Services Panel of Experts
B-14	Housing Advisory Commission
B-15	Human Welfare and Community Action Commission
B-16	Independent Redistricting Commission
B-17	Joint Powers Financing Authority
B-18	Landmarks Preservation Commission
B-19	Loan Administration Board
B-20	Mental Health Commission
B-21	Parks, Recreation and Waterfront Commission
B-22	Peace and Justice Commission
B-23	Personnel Board
B-24	Planning Commission
B-25	Police Accountability Board
B-26	Reimagining Public Safety Task Force
B-27	SAFE STREETS Citizen Oversight Committee
B-28	Solano Avenue Business Improvement District Advisory Board
B-29	Successor Agency
B-30	Sugar-Sweetened Beverage Product Panel of Experts
B-31	Transportation and Infrastructure Commission
B-32	Zero Waste Commission
B-33	Zoning Adjustments Board

EXHIBIT	CONSULTANT
C-1	Consultant

EXHIBIT	RETIRED ANNUITANT
D-1	Retired Annuitant

Attachment 2

City Attorney's Office 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
Assistant City Attorney	1				
Assistant to the City Attorney	1				
City Attorney	1				
Deputy City Attorney I, II, III, IV	1				
Paralegal	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)

POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES
Senior Paralegal	1		12/10/2024 Concil meeting, Reso 71,615-N.S.
Risk Manager	1		

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	X
Approved, NO amendments:	

Dept. Director's Name: Farimah F. Brown

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/14/2025

City Auditor's Office 2025 APPENDIX - DUE 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
Audit Manager	1				
Auditor I, II	1				
City Auditor	1				
Deputy City Auditor for Payroll Management	1				
Senior Auditor	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	
Approved, NO amendments:	X

Dept. Director's Name: Jenny Wong

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 7/29/2025

City Clerk Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
Assistant City Clerk	1				
City Clerk	1				
Deputy City Clerk	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	
Approved, NO amendments:	X

Dept. Director's Name: Mark Numainville

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/6/25

City Manager's Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
ADMINISTRATION					
Administrative Hearing Examiner	1				
Assistant to the City Manager	1				
City Manager	1				
Community Services Specialist II	2			X	Reclassified to Community Services Specialist III
Deputy City Manager	1				
Digital Communications Coordinator	1				
Homeless Services Coordinator	1				
Program Manager I, II	1			X	Program Manager II only
Senior Management Analyst	1	X		X	Reclassifed to Program Manager II
ANIMAL CARE SERVICES					
Animal Services Manager	1				
Registered Veterinary Technician	1				
CODE ENFORCEMENT GROUP					
Code Enforcement Officer	1				
Code Enforcement Supervisor	1				
DIVERSITY, EQUITY AND INCLUSION DIVISION					
Diversity, Equity, and Inclusion Officer	1				
OFFICE OF BUDGET AND FISCAL MANAGEMENT					
Associate Management Analyst	1	X		X	Reclassified to Senior Management Analyst
Budget Manager	1				
Senior Management Analyst	1				
OFFICE OF ECONOMIC DEVELOPMENT					
Assistant Management Analyst	1	X			Inactive Position
Civic Arts Coordinator	1				
Community Development Project Coordinator	1				

Economic Development Project Coordinator	1				
Manager of Economic Development	1				
Senior Economic Development Project Coordinator	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)

POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES
Veterinarian	1	Animal Care Services	7/30/2024 Council Meeting, Resolution No. 71,475–N.S. -- Registered Veterinary Technician position listed above under Animal Care Services
Accounting Office Specialists III	n/a	Office of Budget and Fiscal Management	7/11/2023 Council Meeting, Resolution No. 70,948–N.S -- AOS III does not fall under one of the qualifying categories for Form 700

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	✓
Approved, NO amendments:	

Dept. Director's Name: Paul Faddoul

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 7/31/25

Department of Information Technology 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
Application Programmer Analyst II	1				
Customer Service Manager	1				
Database Administrator	1				
Director of Information Technology	1				
Information Security Manager	1				
Information Systems Manager	1				
Program Manager I, II	1				
Senior Information Systems Specialist	1				
Senior Management Analyst	1				
Senior Systems Analyst	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)

POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	
Approved, NO amendments:	X

Dept. Director's Name: Barry Jennings Acting IT Director (on behalf of Kevin Fong)

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/1/2025

Finance Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
ADMINISTRATION					
Director of Finance	1				
Senior Systems Analyst	1				
Systems Accountant	1				
ACCOUNTING DIVISION					
Accounting Manager	1				
Senior Accountant	2				
TREASURY DIVISION					
Revenue Development Specialist II	1				
Revenue Development Supervisor	1				
Treasury Manager	1				
REVENUE COLLECTIONS DIVISION					
Revenue Collection Manager	1				
GENERAL SERVICES DIVISION					
Buyer	1				
Contract Administrator	1				
General Services Manager	1				
Senior Buyer	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)

POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES
Deputy Director of Finance	1	ADMINISTRATION	Added

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	x
Approved, NO amendments:	

Dept. Director's Name: Henry Oyekanmi

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/1/2025

Fire and Emergency Services Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
FIRE - OFFICE OF THE CHIEF					
Administrative & Fiscal Services Manager	1				
Associate Management Analyst	3				
Communications Specialist	4				
Fire Chief	1				
Principal Program Manager	1				
TRAINING					
Assistant Fire Chief	1				
Fire Captain I, II	2,3				
OPERATIONS					
Assistant Fire Chief	1				
Battalion Chief	1				
Deputy Fire Chief	1				
Fire Captain I, II	2,3				
FIRE PREVENTION					
Assistant Management Analyst	2,4				
Deputy Fire Marshal	1				
Fire and Life Safety Plans Examiner	2,4				
Fire Marshal	1				
Fire Prevention Inspectors	2				
SPECIAL OPERATIONS DIVISION OFFICE OF EMERGENCY SERVICES					
Emergency Services Coordinator	4				
Program Manager I, II	1				

EMERGENCY MEDICAL SERVICES					
Assistant Fire Chief	1				
Emergency Medical Services Quality Improvement & Education Coordinator	2, 3				
Fire Captain I, II	2, 3				
Paramedic Supervisor	2, 3				
WILDLAND URBAN INTERFACE					
Assistant Fire Chief	1				
Fire Prevention Inspectors	2				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)

POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES
Assistant Fire Inspector	2	Wildland Urban Interface	7/30/2024 Council meeting, Resolution No. 71,474–N.S.
Community Emergency Response Team (CERT) Civilian Instructor	none	Office of Emergency Services	7/9/2024 Council meeting, Resolution No. 71,441–N.S.
Fire Mechanic Lead	4	Operations	5/20/2024 Council meeting, Resolution No. 71,766–N.S.

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	X
Approved, NO amendments:	

Dept. Director's Name: David Sprague

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/22/2025

Health, Housing & Community Services Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
OFFICE OF THE DIRECTOR					
Accounting Office Specialist Supervisor	4				
Administrative & Fiscal Services Manager	1				
Associate Management Analyst	2				
Community Services Specialist I	4, 6	X		X	Community Services Specialist II
Community Services Specialist III	4, 6, 8				
Deputy Director of Health, Housing & Community Services	1				
Director of Health, Housing & Community Services	1				
Epidemiologist	8				
Health Officer	1				
Health Services Program Specialist	3				
Principal Program Manager	1				
Program Manager I, II	1				
Public Health Program Physician/Deputy Health Officer	1, 6				
Senior Health Management Analyst	4, 6				
Senior Health Services Program Specialist	4, 6				
Senior Management Analyst	2				
Supervising Public Health Nurse	4, 6				
AGING SERVICES DIVISION					
Manager of Aging Services	1				
Mental Health Clinical Supervisor	4, 6				
Senior Citizen Center Director	4, 6				
Senior Health Services Program Specialist	4, 6	X		X	Seniors Nutrition Program Supervisor
Transportation Services Coordinator	4, 6				
HOUSING AND COMMUNITY SERVICES DIVISION					
Associate Management Analyst	6				
Associate Planner	8				

Building Inspector I (Certified)	1				
Community Development Project Coordinator	1				
Community Services Specialist II & III	8				
Homeless Services Coordinator	8				
Manager of Housing and Community Services	1				
Senior Community Development Project Coordinator	1				
Senior Management Analyst	2				
ENVIRONMENTAL HEALTH DIVISION					
Environmental Health Supervisor	1				
Manager of Environmental Health	1				
Registered Environmental Health Specialist	8				
Senior Environmental Health Specialist	1				
Vector Control Technician	8				
MENTAL HEALTH DIVISION					
Assistant Manager of Mental Health Services	1				
Community Services Specialist II	4				Add Community Services Specialist III
Health Services Program Specialist	2				
Manager of Mental Health Services	1				
Mental Health Clinical Supervisor	4, 6				
Mental Health Program Supervisor	2				
Supervising Mental Health Nurse	4, 6				
Supervising Psychiatrist	1				
PUBLIC HEALTH DIVISION					
Community Services Specialist I	4, 8				
Community Services Specialist III	4, 6				
Epidemiologist	8	X			
Health Nutrition Program Coordinator	4, 6				
Health Services Program Specialist	3				
Health Services Supervisor	1				
Manager of Public Health Services	1				
Senior Health Services Program Specialist	4, 6				
Supervising Public Health Nurse	4, 6				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**
Public Health Investigator	4, 6	Public Health	7/30/2024 Counicl meeting, Resolution No. 71,473–N.S.
Lactation Counselor	4, 6	Public Health	7/30/2024 Counicl meeting, Resolution No. 71,031–N.S.
Program Manager II	1	Housing	
Associate Management Analyst	4, 8	Mental Health	
Community Services Specialist III	4, 6	Mental Health	

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	X
Approved, NO amendments:	

Dept. Director's Name: Tanya Bustamante for Scott Gilman

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/15/2025

Human Resources Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
Associate Human Resources Analyst (Recruitment / Exams)(Employee Relations)	2				
Director of Human Resources	1				
Employee Relations Manager	1				
Equal Employment, Opportunity & Diversity Officer	1				
Human Resources Manager	1				
Occupational Health and Safety Officer	2, 3				
Occupational Health and Safety Specialist	3				
Senior Human Resources Analyst	2, 3				
Training Officer	2				
Worker's Compensation Analyst	3				
BENEFITS DIVISION					
Associate Human Resources Analyst	3				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**
Graphic Designer			We don't have that classification in HR, so it should be deleted.

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	X
Approved, NO amendments:	

Dept. Director's Name: Janelle Rodrigues

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/11/2025

Library Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
ADMINISTRATION SERVICES					
Administrative & Fiscal Services Manager	1				
Deputy Director of Library Services	1				
Director of Library Services	1				
CIRCULATION SERVICES DIVISION					
Circulation Services Manager	1				
CHILDREN'S / NEIGHBORHOOD SERVICES DIVISION					
Library Services Manager	1				
EQUITY, DIVERSITY, AND INCLUSION					
Program Manager II	1				
MAINTENANCE DIVISION	1				
Senior Building Maintenance Supervisor	1				
TECHNICAL SERVICES & INFOMATION TECHNOLOGY					
Library Information Systems Administrator	1				
Library Services Manager	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	
Approved, NO amendments:	X

Dept. Director's Name:	Theresa Mayer
Dept. Director's Affirmation:	I hereby affirm that I personally reviewed this report
Date:	8/14/2025

Office of the Director of Police Accountability 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
Associate Management Analyst (Administrative Analyst)	1				Position under a City Council imposed hiring freeze
Associate Management Analyst (Data Analyst)	1				
Associate Management Analyst (Policy Analyst)	1				
Director of Police Accountability	1				
Office of the Director of Police Accountability Investigator	1				Position under a City Council imposed hiring freeze

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	X
Approved, NO amendments:	

Dept. Director's Name: Hansel Alejandro Aguilar

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/14/2025

Parks, Recreation and Waterfront Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
OFFICE OF THE DIRECTOR					
Assistant Civil Engineer (Registered)	1				
Associate Civil Engineer	1				
Capital Improvement Programs Manager	1				
Deputy Director	1				
Director of Parks, Recreation and Waterfront	1				
Senior Management Analyst	1				
Supervising Civil Engineer	1				
PARKS DIVISION					
Building Maintenance Supervisor	2, 3				
Parks Superintendent	1				
Senior Building Maintenance Supervisor	2, 3				
Senior Forestry Supervisor	2, 3				
Senior Landscape Gardener Supervisor	2, 3				
RECREATION DIVISION					
Aquatics Coordinator	3				
Aquatics Facilities Supervisor	3				
Camp Manager	2, 3, 4				
Recreation and Youth Services Manager	1				
Recreation Coordinator	3				

Recreation Program Supervisor	1				
WATERFRONT DIVISION					
Harbormaster	3,5				
Waterfront Manager	1				
Waterfront Supervisor	2,5				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**
Administrative Fiscal Services Manager	1	Office of the Director	This is a new position (established in Feb, 2025)

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	Yes
Approved, NO amendments:	

Dept. Director's Name: Frederick Scott Ferris

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 8/21/2025

Planning and Development Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	CATEGORY	DELETE (Only delete eliminated positions)	DISCLOSURE CATEGORY CHANGE (List new category in notes)	TITLE REVISION (List new titles in notes)	NOTES
BUILDING AND SAFETY DIVISION					
Assistant Building and Safety Manager	1				
Building and Safety Manager	1				
Building Inspector I, II (Certified)	2, 4				
Building Plans Engineer	2, 4				
Building Plans Examiner	2, 4				
Community Services Specialist I, II	2, 4				
Resilient Buildings Program Manager	1				
Senior Building Inspector	2, 4				
Senior Building Plans Engineer	2, 4				
Supervising Building Inspector	2, 4				
HOUSING CODE ENFORCEMENT DIVISION					
Assistant Inspector	1				
Assistant Management Analyst	1				
Housing Inspector I, II (Certified)	1				
Senior Housing Inspector (Certified)	1				
LAND USE PLANNING DIVISION					
Assistant Planner	1				
Associate Planner	1				
Land Use Planning Manager	1				
Planning Technician	1				
Principal Planner	1				
Senior Planner	1				

OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT					
Associate Management Analyst	2, 4				
Community Services Specialist I, II, III	2, 4				
Energy Program Manager	1				
OFFICE OF THE DIRECTOR / ADMINISTRATION					
Administrative and Fiscal Services Manager	1				
Assistant Management Analyst	1				
Associate Management Analyst	1				
Community Services Specialist II	2, 4	X			Converted to Senior Management Analyst in FY25
Deputy Director of Planning and Development	1				
Director of Planning and Development	1				
PERMIT SERVICE CENTER					
Permit Center Coordinator	1				
Permit Specialist	2, 4				
Senior Permit Specialist	2, 4				
TOXICS MANAGEMENT DIVISION					
Hazardous Materials Manager	1				
Hazardous Materials Specialist I, II	3				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)

POSITIONS TITLE	CATEGORY (Required)	DIVISION (Required)	NOTES
Senior Management Analyst	1	Office of the Director / Administration	The Community Services Specialist II position was converted to a Senior Management Analyst position in FY25 via desk audit

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	x
Approved, NO amendments:	

Dept. Director's Name: Jordan Klein

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 7/24/2025

Police Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
Administrative & Fiscal Services Manager	1				
Chief of Police	1				
Deputy Police Chief	1				
Police Captain	1				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	
Approved, NO amendments:	X

Dept. Director's Name: Jennifer Louis

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date: 7/21/2025

Public Works Department 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
ENGINEERING DIVISION					
Assistant Civil Engineer (Registered)	2,4				
Assistant Management Analyst	3				
Assistant Public Works Engineer	2				
Associate Civil Engineer	2, 4				
Building Inspector	1, 6				
Chief of Party	2				
Engineering Inspector	2, 6				
Engineering Technician	2, 4				
Environmental Compliance Specialist	2, 4				
Junior Public Works Engineer	2				
Manager of Engineering	1, 4				
Senior Building Inspector	2, 6				
Senior Drafting Technician	2, 4				
Senior Engineering Inspector	2, 6				
Supervising Civil Engineer	1, 4, 6				
EQUIPMENT MAINTENANCE DIVISION					
Equipment Maintenance Superintendent	2, 4				
Senior Equipment Supervisor	3				
FACILITIES MANAGEMENT DIVISION					
ADA Program Coordinator	2, 4	n/a	n/a	n/a	The ADA Program Coordinator position belongs in the Engineering Division (rather than the Facilities Management Division). This poisition is not involved in "[m]aking a governmental decision" but is often involved in "[p]articipating in the making of a decision."
Building Maintenance Supervisor	3, 6				

Communications Supervisor	1				
Electrical Supervisor	1, 4				
Environmental Compliance Specialist	3, 7				
Facilities Maintenance Superintendent	2, 6				
Lead Communications Technician	1				
Senior Building Maintenance Supervisor	3, 6	Delete			This position was eliminated years ago
Senior Electrical Supervisor	1, 4	Delete			This position was eliminated years ago
OFFICE OF THE DIRECTOR					
Administrative & Fiscal Services Manager	1				
Assistant Management Analyst	2				
Associate Management Analyst	2				
Community Development Project Coordinator	1, 4				
Deputy Director of Public Works	1				
Director of Public Works	1				
Disability Services Specialist	2, 4				
Occupational Health and Safety Officer	2, 3				
Public Works Operations Manager	1, 4				
Senior Management Analyst	2				
Solid (Zero) Waste and Recycling Manager	1, 5				
STREETS DIVISION					
Assistant Management Analyst	2, 4				
Public Works Maintenance Superintendent	2				
Public Works Supervisor	3				
Senior Public Works Supervisor	3				
Sewer Maintenance Assistant Supervisor	3				
TRANSPORTATION DIVISION					
Assistant Management Analyst	2				

Assistant Planner	2, 4	delete			Assistant Planners don't have sufficient authority to be required to report
Assistant Transportation Engineer	2, 4	delete			Assistant Engineers don't have sufficient authority to be required to report
Associate Civil Engineer	2, 4				
Associate Planner	1		2, 4		Associated Planners should be category 2,4
Associate Transportation Engineer	2, 4				
Deputy Director of Public Works	1				This is included under the Office of the Director and can be removed from this section.
Parking Meter Maintenance and Collection Supervisor	2				
Parking Services Manager	2		1		
Principal Planner	1			Principle Transportation Planner	The civil service title is Principal Planner, but the functional title is Principal Transportation Planner.
Senior Planner	1				
Senior Public Works Supervisor	3				Though this position could exist in the Transportation Division; it is not active right now.
Supervising Civil Engineer (CIP)					
Supervising Traffic Engineer	1, 4		1		
Traffic Maintenance Supervisor	2				

ZERO WASTE DIVISION

Associate Management Analyst	2				
Environmental Compliance Specialist	1				
Field Representative	2				
Public Works (Zero Waste) Operations Manager	1, 4, 5				
Recycling Program Manager	3, 5				
Senior Solid (Zero) Waste Supervisor	2,4				
Solid (Zero) Waste and Recycling Divison Manager	1,4,5				

Solid (Zero) Waste Supervisor	3,4,5				

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**
Program Manager I	1,3,5	Zero Waste Division	Position is vacant, in recruitment stage. Position will manage the compliance over the closed Cesar Chavez Landfill
Transportation Manager	1	Transportation	Position filled - Mark Helmbrecht
Supervising Civil Engineer	1	Transportation	This is Ken Jung's title/position
Mechanic Supervisor	3	Equipment Maintenance	Not new positions, but not on the list.

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	☑
Approved, NO amendments:	☐

Signed by:

00C606B976414C9...

Dept. Director's Name: _____

Dept. Director's Affirmation: I hereby affirm that I personally reviewed this report

Date:) "$ #!#&

Rent Stabilization Board 2025 Appendix - Due 8/14/2025

Please complete the affirmation at the end of the worksheet and return it to the City Clerk Department (Commission@berkeleyca.gov)

EXISTING DEPARTMENT POSITIONS (as defined under the current Conflict of Interest Code)	**CATEGORY**	**DELETE** (Only delete eliminated positions)	**DISCLOSURE CATEGORY CHANGE** (List new category in notes)	**TITLE REVISION** (List new titles in notes)	**NOTES**
Administrative and Fiscal Services Manager	2, 3				Finance Division
Assistant Management Analyst	2, 3				Finance Division
Associate Management Analyst	2, 3				Administration Division
Associate Planner	2, 3				Planning Division
Community Services Specialist II, III	2, 3				Public Information Division
Executive Director	1, 2, 3				Executive Office
General Counsel	1, 2, 3				Legal Division
Hearing Examiners	2, 3				Hearings Division
Senior Hearing Examiner	2, 3				Hearings Division
Senior Management Analyst	2, 3				Registration Division
Senior Planner	2, 3				Planning Division
Staff Attorneys II & III	1, 2, 3				Legal Division

Please provide a list of new department positions added since June 1, 2023 (add lines as needed)			
POSITIONS TITLE	**CATEGORY** (Required)	**DIVISION** (Required)	**NOTES**
Community Development Program Coordinator	2,3	Rent Board Public Information Unit	
Executive Administrative Assistant	2,3	Rent Board Executive Office	
Digital Communications Coordinator	2,3	Rent Board Executive Office	

DEPARTMENT HEAD AUTHORIZATION

Mark the appropriate statement

Approved as amended:	DLW
Approved, NO amendments:	
Dept. Director's Name:	DéSeana Williams
Dept. Director's Affirmation:	I hereby affirm that I personally reviewed this report
Date:	8/11/2025

Office of the City Manager

07

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Rex Brown, Diversity, Equity, and Inclusion Officer

Subject: Acceptance of Grant Funds and Contract: Healthy Black Families – Equity 4 Black Berkeley (E4BB) Transition

RECOMMENDATION

Adopt a Resolution:

1. Accepting $90,000 in grant funds from the San Francisco Foundation to support the Equity 4 Black Berkeley (E4BB) initiative; and

2. Authorizing the City Manager, or designee, to execute a contract and any amendments with Healthy Black Families (HBF) for an amount not to exceed $90,000 to provide technical assistance, fiscal sponsorship, and organizational development services to support the establishment of an independent nonprofit organization to carry forward the work of Equity 4 Black Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

The $90,000 grant from the San Francisco Foundation will be deposited into a special revenue fund established for this purpose and appropriated to the City Manager's Office for expenditure. No General Fund resources are required.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley partnered with the San Francisco Foundation (SFF) and Healthy Black Families (HBF) to advance Equity 4 Black Berkeley (E4BB) — a community-driven initiative addressing the historic and ongoing impacts of segregation, redlining, and displacement of Black residents.

Healthy Black Families (HBF) was identified as the lead community partner based on its established nonprofit governance structure, administrative capacity to manage grants, and its direct role in convening the E4BB community leadership group. HBF has also been integral to sustaining E4BB's programming and partnerships during its transition from City incubation to independent governance. Contracting with HBF ensures continuity, fiscal accountability, and the community's active leadership in the initiative's next phase.

E4BB builds on prior work to implement Berkeley's Right to Return and Affordable Housing Preference Policy, expanding the City's commitment to equitable housing access, community stability, and generational wealth repair.

To ensure sustainability beyond City incubation, SFF has awarded a $90,000 grant to support the transition of E4BB into an independent, community-governed nonprofit entity. Under this agreement, the City will serve as fiscal intermediary, contracting directly with HBF to provide organizational development, fiscal sponsorship, and technical assistance necessary for establishing the independent nonprofit. HBF may engage specialized consultants to provide technical assistance – such as legal incorporation support, organizational design, and capacity-building – but will remain the primary implementing entity responsible for contract performance, deliverables, and reporting. While HBF will lead the on-the-ground implementation, the City Manager's Office will oversee contract performance, review deliverables and invoices. The City Manager's Office will maintain administrative control of the contract, including the right to request modifications, pause disbursements, or reject deliverables not aligned with City expectations. In addition, quarterly check-ins will continue with the City of Berkeley and the San Francisco Foundation to review progress, share updates, and support overall accountability.

Together, the City, HBF, and SFF will collaborate to ensure the transition of E4BB into a community-governed organization that reflects shared accountability, fiscal transparency, and measurable progress toward equity outcomes.

BACKGROUND

The Equity 4 Black Berkeley initiative originated in the Mayor's Office and transitioned to the City Manager's Office to align with the City's broader equity infrastructure.

Since its inception, E4BB has supported community engagement around the City's Right to Return and Affordable Housing Preference policy, convened a community leadership group representing displaced Black residents, and partnered with the San Francisco Foundation to define the governance and capacity-building roadmap now moving into implementation. These foundational efforts established trust, visibility, and the structure that the current grant will build upon.

Healthy Black Families—a 501(c)(3) nonprofit with deep community roots—has served as the project anchor and fiscal sponsor for E4BB during its development phase. The E4BB leadership group will be re-engaged during the next phase to help guide implementation planning and ensure accountability to community-defined goals. This next stage, funded through SFF's $90,000 grant, focuses on capacity building, governance, and the creation of a legally incorporated nonprofit capable of stewarding E4BB's mission and programs independently. Planning and alignment with City equity frameworks ensures that the emerging nonprofit is structured to complement, rather than duplicate, existing City equity initiatives and accountability systems. This step

helps establish a durable foundation for independent governance that remains strategically connected to City priorities.

The project's scope includes:

- Phase 1: Planning and alignment with City equity frameworks.
- Phase 2: Legal formation and governance structure.
- Phase 3: Administrative systems and capacity building.
- Phase 4: Transition and independent launch.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental impacts or opportunities associated with this action.

RATIONALE FOR RECOMMENDATION
Accepting the grant and contracting with HBF will ensure that Equity 4 Black Berkeley transitions from City incubation to a sustainable, community-led structure. This approach leverages HBF's community trust, administrative capacity, and established governance systems to manage the project effectively while the new E4BB entity is developed.

This action also advances the City's equity commitments in a fiscally and operationally responsible manner. Accepting these funds now solidifies the City's leadership in supporting Black-led community governance.

ALTERNATIVE ACTIONS CONSIDERED
Not accepting the grant or delaying execution would stall momentum and risk loss of external funding support from SFF.

CONTACT PERSON
Rex Brown, Diversity, Equity, and Inclusion Officer – City Manager's Office
(510) 981-7019

Attachments:
1: Resolution

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

ACCEPTANCE OF GRANT FUNDS AND CONTRACT: HEALTHY BLACK FAMILIES – EQUITY 4 BLACK BERKELEY TRANSITION

WHEREAS, the San Francisco Foundation (SFF) has awarded a $90,000 grant to the City of Berkeley to be administered through a contract with Healthy Black Families (HBF), the designated community partner for the Equity 4 Black Berkeley (E4BB) initiative; and

WHEREAS, the E4BB initiative advances Berkeley's Right to Return and Affordable Housing Preference Policy, addressing historic racial inequities in housing, displacement, and economic opportunity; and

WHEREAS, Healthy Black Families (HBF), a local 501(c)(3) nonprofit, has been designated as the fiscal sponsor and contractor responsible for carrying out the work plan, including capacity building, governance development, and organizational formation; and

WHEREAS, the City Manager's Office will oversee the contract and ensure compliance with grant requirements in coordination with SFF; and

WHEREAS, the contract will include monthly progress reports and quarterly coordination meetings to ensure transparency and accountability; and

WHEREAS, acceptance of these grant funds will have no impact on the City's General Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City hereby accepts $90,000 in grant funds from the San Francisco Foundation and authorizes the City Manager or his designee to execute a contract and any amendments with Healthy Black Families, in an amount not to exceed $90,000, to implement the Equity 4 Black Berkeley Transition Project, through June 30, 2026.

08

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Authorizing the City Manager to Sign the Downtown Property-Based Business Improvement District (PBID) Petition and Ballot on Behalf of the City of Berkeley

RECOMMENDATION
Adopt a Resolution:

1. Authorizing the City Manager to approve and sign the "Preliminary Petition to Reestablish the Downtown Berkeley Property-Based Business Improvement District" document on behalf of City-owned properties in the proposed Downtown PBID area; and

2. In the event the petition is successful in generating a ballot process to reestablish a Downtown PBID, authorizing the City Manager to vote YES on any ballots on behalf of City-owned properties in the proposed Downtown PBID area.

SUMMARY
The current Downtown Berkeley Property and Business Improvement District (DPBID or the District) is scheduled to expire on December 31, 2026. The DPBID provides services for environmental and economic enhancements in Berkeley's Downtown area. The Downtown Berkeley Association (DBA), as the District's owners' association, has begun the legal process to re-establish the DPBID for a third term. The first step of that process requires that petitions representing at least 50% of the total amount of the proposed assessment be submitted to the City Clerk. If petitions representing 50% or more of the total assessment are received, then the City Clerk will send ballots to all of the proposed assessees within the DPBID boundary.

The City of Berkeley owns 14 (fourteen) parcels included in the proposed re-established DPBID; this includes one parcel owned by the Berkeley Joint Powers Authority or JPA. The new annual assessment to the city will be approximately $204,244. This accounts for 7.65% of the DPBID's overall assessment budget. The City will be asked to pay for the "general benefit" portion of the District budget in addition to the assessments on

City-owned properties (which will increase to 2% from the current rate of 1.05%). The *DPBID Management District Plan* (Exhibit A) provides a more thorough explanation of the background and calculation of the District's general benefit amount. The Downtown Berkeley PBID general benefit amount is estimated to be $58,351 in the first year of the reestablished PBID. Together assessments on City-owned property and general benefit payments will total $262,596 in the first year of the assessment (FY27).

FISCAL IMPACTS OF RECOMMENDATION

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments in PBIDs and other special benefit districts, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills typically submitted in November and February of each Fiscal Year (July 1 – June 30). Payments would be due from non-property tax-paying entities such as the City (and the University) at roughly the same time. The City's initial assessment payment in Fiscal Year 2027 (FY27) would be $204,244. In 2011 at the initial establishment of the PBID, the City increased parking rates at meters in the Downtown area to generate funds to pay for the City DPBID assessment costs, with the institution of dynamic pricing for parking in the Downtown (the "goBerkeley" program) this is still a sufficient method to support the payment of the DPBID assessment costs. The DPBID board (per the adopted District Management Plan) would have the authority to raise assessment rates as much as 5% per year to keep pace with the consumer price index and other program costs. The DPBID board would continue to be primarily comprised of assessed property owners, including the City, who would themselves be subject to any assessment level increases.

In addition to assessments, the City will be asked to pay for the "general benefit" portion of the budget. As required by state law, the general benefits of an assessment district must be quantified so that the cost of the activities that are attributed to general benefit can be deducted from the amounts assessed against each specially benefitted parcel. In most California cities where there is a general benefit cost associated with a PBID, the municipality pays that portion of the budget. The engineer's report commissioned for the reestablishment of the DPBID in 2025 calculates that the general benefit for the district represents $58,351 of the total budget. Together assessments on City-owned property and general benefit payments will total $262,596 in the first year (FY27) and will continue for the following 10 years.

CURRENT SITUATION AND ITS EFFECTS

The renewal of the Downtown PBID is a Strategic Plan Priority Project, advancing our goals to:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- foster a dynamic, sustainable, and locally-based economy.

Formed in 2011 by Downtown Berkeley property owners, the DPBID is a special district that collects a self-governed assessment on property to provide environmental

enhancements through hospitality, maintenance and beautification services, and economic enhancements to improve the Downtown business climate. The DPBID was formed with an initial five-year term in 2011 and renewed for 10 years in 2016. The DPBID is set to expire at the end of 2026, unless it is reestablished for a third term (proposed for 10 years) by Downtown property owners and the City of Berkeley.

Reestablishment Process
As allowed by state law, the existing DPBID is working to reestablish itself for a second ten-year term, and a third term since its initial establishment in 2011. Upon receipt of petitions signed by property owners representing greater than 50% of the District budget, the City of Berkeley will initiate a ballot procedure to officially reestablish the Downtown PBID. Governed by the Downtown Berkeley Association board of directors, the reestablished DPBID work program would continue to provide both environmental and economic enhancements for parcels in the district. As described in the newly updated and adopted *DPBID Management District Plan* (Exhibit A), the proposed DPBID would provide funding for enhanced maintenance, hospitality, beautification, placemaking, business support and attraction, event and marketing programs, above and beyond those services provided by the City of Berkeley.

Location
The district boundaries encompass the core of the downtown area focused along the Shattuck and University Avenue corridors in Downtown Berkeley (See DPBID Boundary Map, *DBA Strategic Plan*, Exhibit C, page 4). To assess for the special benefit each parcel receives from the Downtown PBID activities, the two benefit zones (**Premium and Standard Zones**) will continue.

Services
The DPBID will finance improvements and activities that will improve Downtown Berkeley's environment for property owners, residents, workers and visitors, including:

Environmental Enhancements
- Cleaning/Hospitality Ambassadors will provide sweeping, scrubbing and pressure washing sidewalks, litter and graffiti removal, trash removal, visitor information, merchant outreach, city services liaison, event support.
- Homeless Outreach Ambassador will provide outreach and referrals for shelter and social services to unhoused persons in the district.
- The Ambassadors and Economic Vitality team will provide beautification and placemaking improvements that make Downtown Berkeley more visually attractive, which may include enhanced landscaping, public art, holiday décor, signage, streetscape, planters, urban design, etc.

- A new Safety Ambassador program will address public safety concerns, mental health crises, open drug use, and safety escorts, and work with local police and business and property owners to prevent crime and address quality of life issues.

Economic Enhancements

- The Economic Vitality team will support Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment, including:
- Marketing and communications to support PBID activities and improvements and promote a positive image for Downtown Berkeley.
- Special events and promotions to bring more customers and economic vitality to the Downtown.
- Leadership through research and community education to represent the downtown community with one clear voice.

Financing Method

Levy of assessments upon real property that benefit from improvements and activities is calculated like so:

[Assessment Rates] * [Lot + Building Square Footage]

Annual assessments are based upon an allocation of land use type, program costs, benefit zone, and a calculation of lot square footage plus building square footage.

Estimated annual maximum assessment rates for the first year of the district are:

Parcel Zone and Type	**Assessment Rates**
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

General Benefit Allowance

An allowance is made for general benefits that the district may provide to either the parcels outside the district boundary or to the public at large. Any PBID services that are found to provide general benefit cannot be paid for with assessment revenue. A certified engineer has estimated that the general benefit from services accounts for $58,351 of

the estimated budget, resulting in a total assessment budget for year one of the renewed DPBID of $2,668,086 (not including general benefit).

Costs & Rates
Annual assessments are based upon an allocation of program costs within two benefit zones (“standard” and “premium”) and a calculation of land or lot square footage plus building square footage within each zone. Two benefit zones, “Premium” and “Standard” provide two different levels of service. The “Premium” service zone encompasses the area of highest intensity of use and receives more services. Environmental services (i.e. improved cleaning, hospitality, landscaping and placemaking) will be approximately twice as frequent in the “Premium” zone as in the “Standard” zone. Economic enhancements (i.e. marketing, parking management, and business support) will be distributed equally throughout the district. Properties with residential, government and tax-exempt uses will pay an adjusted rate. Residential properties will fully benefit from environmental services, but they will not benefit from economic enhancements and their assessments will be adjusted accordingly. Tax-exempt and government properties will not gain the full benefit from environmental services as compared to commercial and residential properties, and their assessments are also adjusted accordingly.

Rate Adjustment & Cap
Over the past 10 years of the DPBID, which ends on December 31, 2026, rates will have increased an average of 2.2% per year. Some years, there was no rate increase indicated (i.e. 2020, 2021) and other years the board approved a 2.5% increase (2018, 2019) or a 4.5% increase (2025). The new rates listed above for the reestablished DBPID project an approximate, one-time 18.4% rate adjustment over the 2026 assessment rates. The adjustment to a new base rate is needed to keep up with increasing labor costs associated with the Ambassador program and to launch new initiatives related to the cleaning, security and the marketing of the District. Following renewal of the Downtown PBID District, annual assessments may increase no more than 5% per year consistent with the increase in consumer price index (CPI) and increases in program costs. The determination of annual adjustments in assessment rates will be subject to the annual review and approval of the DBA Board of Directors.

Baseline City Services
The City of Berkeley will provide an accounting of baseline services that are currently provided within the District and will continue through the duration of the planned renewal. (See Exhibit D).

Collection
PBID assessments appear as a separate line item on the annual Alameda County property tax bills. The DBA will directly invoice tax exempt/government entities which are not included in Alameda County property tax billing systems.

Governance
The PBID will continue to be managed by the Downtown Berkeley Association (DBA) board of directors. A majority of the DBA board is composed of property owners and/or their representatives within the PBID.

District Reestablishment
California law for PBID district formation requires the submission of petitions signed by property owners in the proposed district who will pay more than 50% of the total assessments (i.e. petitions must represent more than *50% of the $1,334,043 to be assessed*). Petitions are submitted to the City of Berkeley's City Clerk. The City Clerk will mail ballots to all affected property owners. The majority of ballots returned, as weighted by assessments to be paid, must be in favor of the PBID in order for the City Council to consider approval and reestablishment of the Downtown PBID.

Duration
Collection of the first year's assessments will be included in Alameda County's 2026-2027 or (Fiscal Year 2027 or FY27) tax bill. Services will begin January 1, 2027 and continue through December 31, 2036. A five-year review of the district will evaluate market conditions and the need for any adjustments to the Downtown PBID Management District Plan. Any subsequent renewal of the district (FY 2037) will require a new management plan, petition and mail ballot process.

BACKGROUND
In 2009, the DBA undertook a Strategic Action Planning process. As a result, in 2011 the DBA worked with property owners and City Council to establish a PBID to replace the existing business license-based district for five years. This new legal framework allowed for a considerable expansion of services including added hospitality staff, extensive upgrading of planters and landscaping services as well as added marketing and communications efforts. The district was renewed in 2016 for a term of 10 years, and the enabling legislation for that PBID is set to expire on December 31, 2026. This effort would reestablish the PBID for a second 10-year term – with collections coinciding with the start of the 2027 Fiscal year (July 1, 2026).

To prepare for the renewal of the DPBID, the DBA retained the services of Progressive Urban Management Associates, Inc. ("PUMA") to update the organization's strategic plan. With priorities gained from the DBA Board of Directors, stakeholder focus groups and responses to an online community improvement survey, the adopted DBA Strategic Plan (June 2025) and the proposed new DPBID *Management District Plan* will offer support for the environmental and economic enhancement services outlined above. As with all Business Improvement Districts, these additional DPBID funded services would augment, not replace, the City's existing level of "baseline" services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the DBA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District encompasses the area surrounding the Downtown Berkeley BART Station and several AC Transit lines which provide easy accessibility for visitors coming to and from this popular regional destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

This private/public partnership will continue the significant resources for Downtown Revitalization and maintenance that has had a positive transformational effect on the physical and economic health of Berkeley's Downtown area.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1: Resolution

- Exhibit A: Management District Plan for the Renewal of the Downtown Berkeley Property-Based Business Improvement District (October 2025)
- Exhibit B: Preliminary Petition to Reestablish the Downtown Berkeley Property-Based Business Improvement District (October 2025)
- Exhibit C: DBA Strategic Plan (June 2025)
- Exhibit D: Baseline City Services Document (September 2025)

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

AUTHORIZATION TO SIGN DOWNTOWN PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT OR “PBID” PETITION AND BALLOT ON BEHALF OF THE CITY

WHEREAS, under the provisions of Proposition 218 in the California Constitution, government agencies receiving benefit must pay assessments in Property-Based Business Improvement Districts (PBIDs) and other special benefit districts, just like private property owners; and

WHEREAS, the Downtown Berkeley Association (DBA) undertook a Strategic Planning Process involving input from stakeholders across the District; and

WHEREAS, the DBA Strategic Plan envisioned increased services to address the cleanliness, safety and economic development challenges in the District; and

WHEREAS, the DBA dedicated extensive resources to determine the best method to generate funding to implement their plan and concluded that continuing the property-based business improvement district (PBID) in Berkeley’s Downtown was the best method; and

WHEREAS, the DBA Board developed and approved a Downtown PBID Management District Plan and are now moving forward with a petition process to authorize a ballot that would reestablish the Downtown PBID for a third term of 10 years.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve and sign the “Preliminary Petition to Reestablish the Downtown Berkeley Property-Based Business Improvement District” document on behalf of City-owned properties in the proposed Downtown PBID area; and

BE IT FURTHER RESOLVED that in the event the petition is successful in generating a ballot process to reestablish the Downtown PBID for a third term of 10 years, the City Manager is authorized to vote YES on any ballots on behalf of City-owned properties in the proposed Downtown PBID area.

Exhibits
A: *Management District Plan* for the Renewal of the Downtown Berkeley Property-Based Business Improvement District or DPBID (October 2025)
B: Preliminary Petition to Reestablish the Downtown Berkeley Property-Based Business Improvement District (October 2025)
C: Downtown Berkeley Association (DBA) Strategic Plan (June 2025)
D: Baseline City Services Document (September 2025)

Downtown Berkeley
Property-Based Business Improvement District
Berkeley, California

Management District Plan



October 24, 2025

Prepared by:
Kristin Lowell, Inc. and
Progressive Urban Management Associates, Inc.

Prepared pursuant to the State of California
Property and Business Improvement District Law of 1994
and Article XIIID of the California Constitution
to create a property-based business improvement district.

MANAGEMENT DISTRICT PLAN
for renewal of the
Downtown Berkeley
Property-Based Business Improvement District (PBID)

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ATTACHMENT

A. Engineer's Report
B. Base Level Services Agreement
C. Strategic Plan Executive Summary

SECTION 1: EXECUTIVE SUMMARY

The Downtown Berkeley Property-Based Business Improvement District ("PBID") was first formed in 2011 and renewed in 2016. Building on the success of the PBID over the last 15 years, Downtown property and business owners seek to renew the district for an additional 10 years. The Downtown Berkeley Association (DBA) board of directors has approved a new PBID Management District Plan that responds to market trends and respond to conditions that can be reasonably expected through the next ten years.

As part of the PBID renewal initiative, the DBA engaged Progressive Urban Management Associates (PUMA) to analyze downtown dynamics and prepare a Strategic Plan to help guide Downtown and the PBID for the next 10 years. More than 700 Downtown Berkeley stakeholders contributed to the strategic planning process, including property owners, merchants, nonprofits, residents, students and civic partners. The key takeaways from the strategic plan found that:

- Downtown has ongoing challenges related to the unhoused population and storefront vacancies.
- The DBA is under-capitalized to address these challenges and needs to build organizational and financial capacity to provide impactful solutions.

It was clear that Downtown stakeholders and the DBA have 4 clear objectives and goals:

1. Ensure Downtown is consistently clean, safe and welcoming
2. Attract, retain and support locally owned businesses and nonprofits
3. Bring residents and visitors Downtown to patronize businesses, nonprofits and the arts
4. Be the leading convener and advocate for Downtown Berkeley.

The new Management District Plan will provide services to help address these challenges and meet these goals. Specific enhancements to the Downtown improvement program include:

1. Continuation of current Clean, Safe, Beautification, Marketing & Activation services
2. Reinstating a Safety Ambassador program, and
3. Option of later adding a staff member solely focused on Economic Development and Placemaking.

Summary Management Plan

Pursuant to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code § 36600 et seq.) (the "PBID Law"), the PBID is proposed to be renewed for a 10-year term. Upon receipt of petitions signed by property owners representing greater than 50% of the PBID assessable budget, the City will initiate a ballot procedure to officially form the PBID. Governed by the Downtown Berkeley Association as the Owners' Association, the PBID will deliver enhanced services to improve and convey special benefits to properties located within the PBID boundary, above and beyond those provided by the City.

The PBID will provide enhanced environmental improvements and activities, such as cleaning the Downtown, improving safety, beautifying the Downtown; as well as economic vitality enhancements such as marketing, communications and special events. Each of the activities is designed to meet the goals of the District; to improve the appearance and safety of the PBID, to

increase building occupancy and lease rates, to encourage new business development and attract ancillary businesses and services.

Location	The District boundary encompasses the core of the Downtown area focused along the Shattuck and University Avenue corridors in Downtown Berkeley. To assess for the special benefit each parcel receives from the PBID activities, two benefit zones will continue. (See Section 2 for full description and boundary map.)
Services & Activities	The PBID will finance services that will enhance the experience within the Downtown area for property owners, businesses, residents, employees, and visitors, including: **Clean, Safe and Beautiful:** • Cleaning/Hospitality Ambassadors will provide sweeping, scrubbing and pressure washing sidewalks, litter and graffiti removal, trash removal, visitor information, merchant outreach, city services liaison, event support. • Homeless Outreach Ambassador will provide outreach and referrals for shelter and social services to unhoused persons in the district. • The Ambassadors and Economic Vitality team will provide beautification and placemaking improvements that make Downtown Berkeley more visually attractive, which may include enhanced landscaping, public art, holiday décor, signage, streetscape, planters, urban design, etc. • A new Safety Ambassador program will address public safety concerns, mental health crises, open drug use, and safety escorts, and work with local police and business and property owners to prevent crime and address quality of life issues. **Marketing & Activation:** • The Economic Vitality team will support Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment, including: • Marketing and communications to support PBID activities and improvements and promote a positive image for Downtown Berkeley. • Special events and promotions to bring more customers and economic vitality to the Downtown. **Economic Development & Placemaking:** (*These services are proposed as an optional enhancement to the PBID, subject to DBA board approval, but are not included in Year 1 budget.*) • A new Economic Development Placemaking Manager will promote and support local business and property owners with a focused role on reducing empty storefronts, retaining and attracting businesses, compiling hyper-local market data, and other efforts that attract investment to the Downtown. • This new Manager will also focus on new placemaking programs to beautify Downtown and attract new investment and visitors to the

Downtown including murals, window graphics/displays, sculpture, sidewalk seating/commerce and other activations.

Advocacy, Management & Contingency:

- The CEO and the DBA team will advocate for policy issues that will improve the Downtown business environment,
- And demonstrate leadership through research and community education to represent the Downtown community with one clear voice,
- And provide daily management to carry out the day-to-day PBID operations,
- And manage contingency for unforeseen expenses.

Method of Financing

Levy of assessments upon real property that receive a special benefit from enhanced services.

Budget

The total budget for its first year of operations is **$2,917,537**, as follows:

EXPENDITURES	TOTAL BUDGET	% of Budget
Clean, Safe and Beautiful	$2,234,962	76.60%
Marketing and Activation	$438,672	15.04%
Management & Contingency	$243,903	8.36%
Total Expenditures	**$2,917,537**	**100.00%**
REVENUES		
PBID Assessments	$2,668,086	91.45%
General Benefit (1)	$58,351	2.00%
Other Revenues (2)	$191,100	6.55%
Total Revenues	**$2,917,537**	**100.00%**

(1) A certified engineer has estimated that the general benefit from the PBID services accounts for $58,351 of the estimated budget.

(2) Revenues from events, contract services and other sources.

Assessments

Annual assessments are based upon an allocation of land use type, program costs, benefit zone, and a calculation of lot square footage plus building square footage. Estimated annual maximum assessment rates for the first year of the district are:

Assessment Rates	Lot + Bldg SF
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

CPI Increase	Assessments will be subject to an annual increase of up to 5% per year to address changes in the cost of providing services. The determination of annual adjustments in assessment rates will be subject to review and approval by the PBID Owners' Association (i.e. the DBA Board of Directors) and City Council and will be subject to the requirements of the PBID Law. The Owners' Association will develop annual budgets and service programs each year which will be presented to the City Council for approval.
Optional Economic Development Boost	To add Economic Development / Placemaking services focusing on retail attraction, storefront activation, investment, placemaking and small business support to the PBID, the Owner's Association (i.e. DBA Board of Directors) may elect to boost the budget in any of the first five (5) years of the PBID but are not included in Year 1 budget.
City Services	The City has established and documented the baseline of pre-existing City services. The PBID will not replace any pre-existing general City services.
Collection	PBID assessments appear as a separate line item on the annual Alameda County property tax bills.
District Governance	The PBID will be managed by the Downtown Berkeley Association, a nonprofit organization that acts as the PBID Owners' Association. The Owners' Association is governed by a Board of Directors comprised of a majority of PBID property owners. The Board will determine PBID annual services and budgets.
District Formation	The PBID Law requires the submission of petitions signed by property owners in the proposed district who will pay more than 50% of the total assessments (i.e., petitions must represent **more than 50% of the $2,668,086** to be assessed). Petitions are submitted to the City Clerk, who then mails ballots to all assessed property owners. The majority of ballots returned, as weighted by assessments to be paid, must be in favor of the PBID for the City Council to approve the formation.
Duration	The PBID will have a 10-year term and will run from January 1, 2027, through December 31, 2036. Any subsequent renewal of the PBID will require a new Management District Plan, petition, and ballot process, and may be renewed up to 10 years.

SECTION 2: PBID BOUNDARY

PBID Boundary

The existing PBID district encompasses the core of the Downtown area along the Shattuck Avenue corridor bounded by Delaware Street to the north, Oxford/Fulton Streets to the east, Carleton Street to the south and Grant Street to the west.

Benefit Zones

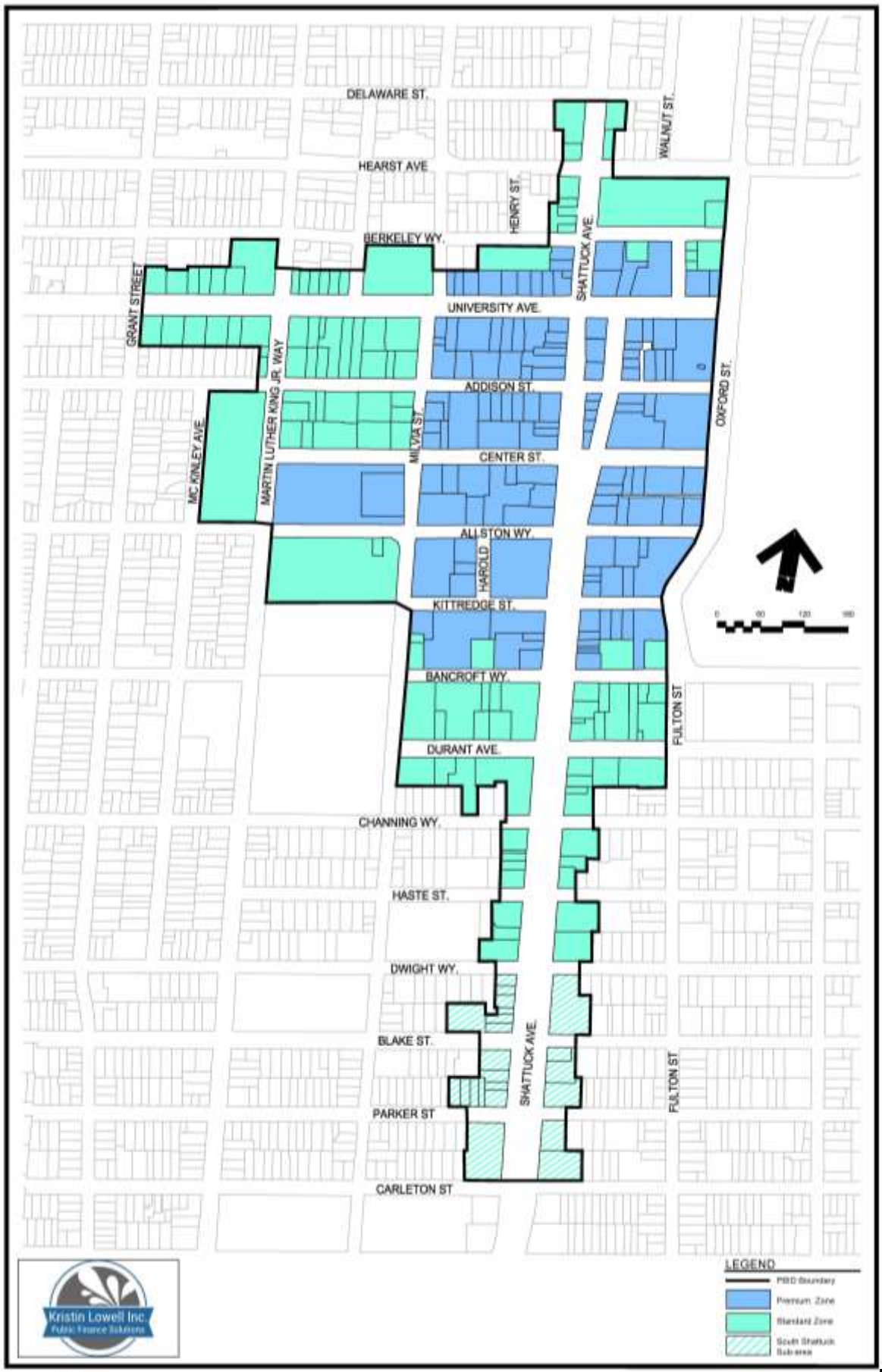
For the past 15 years the PBID has been allocated into two benefit zones that align with pedestrian traffic and the need for the PBID services:

Premium Zone: Encompasses the central Downtown core and the area of highest intensity of use (blue parcels on the boundary map). The Premium Zone requires more services due to its high concentration of commerce, tourism, and public activity, where higher foot traffic and business density requires the highest level of PBID services. Its services include but are not limited to more coverage of the Cleaning/Hospitality Ambassadors, with more frequent patrols, pressure washing, and litter and trash removal. The deployment frequencies for the clean and safe services will be approximately double the service level in the standard zone.

Standard Zone: Includes all other parcels not included in the Premium Zone and is primarily parcels on the periphery of the Downtown core to the north, west and south (green parcels on the boundary map). These areas have less commercial density and pedestrian traffic than the Premium Zone and do not require the same level or frequency of the PBID services.

The South Shattuck sub-area within the Standard Zone Includes three blocks along Shattuck Avenue between Dwight Way and Carleton Street (green hatched parcels on the boundary map). This area will receive the same Standard Zone level of services from the PBID; however, this area is also located in the City's Adeline Corridor Planning Area. A new PBID may be formed within the Adeline Corridor Planning Area within the next ten years. If a new PBID is formed, property owners within this sub-area may opt out of the Downtown PBID and become part of a new PBID.

A map of the proposed district boundary and benefit zones is on the following page.


DELAWARE ST.
HEARST AVE.
BERKELEY WY.
UNIVERSITY AVE.
ADDISON ST.
CENTER ST.
ALLSTON WY.
KITTREDGE ST.
BANCROFT WY.
DURANT AVE.
CHANNING WY.
HASTE ST.
DWIGHT WY.
BLAKE ST.
PARKER ST
CARLETON ST
GRANT STREET
MC KINLEY AVE.
MARTIN LUTHER KING JR. WAY
MILVIA ST.
HENRY ST.
SHATTUCK AVE.
WALNUT ST.
OXFORD ST.
HAROLD
FULTON ST
FULTON ST
SHATTUCK AVE.
Kristin Lowell Inc.
Public Finance Solutions
LEGEND
PBID Boundary
Premium Zone
Standard Zone
South Shattuck Sub-area

SECTION 3: PBID ACTIVITY AND IMPROVEMENT PLAN

Background

Informed by a participatory strategic planning process that included extensive community outreach (including stakeholder roundtables with property, business owners, residents, and neighbors; online surveys; and meetings with the DBA Board of Directors), the PBID priorities continue to be, and will expand upon, the following improvements and activities:

- Clean, Safe and Beautiful
- Marketing, Activation and Economic Development
- Management and Operations

The specially benefited parcels within the boundaries of the PBID are a unique mix of retail, office, services, government, education, non-profit, and residential uses. The PBID improvements and activities are designed to provide special benefits to each of the individual assessed parcels: to improve the appearance and safety of the area, to increase building occupancy and lease rates, to encourage new business development and support existing businesses, and to attract visitors to venues and events. All PBID improvements and activities are over and above the City's baseline of services, and each of the PBID services provides particular and distinct benefits to each of the individual assessed parcels within the PBID. To ensure that parcels outside of the PBID will not specially benefit from the improvements and services funded with the assessment, improvements and services will only be delivered to individual assessed parcels within the boundaries of the PBID and will not extend beyond.

Based upon these findings, the following narrative provides recommendations for the PBID's first year of operation. PBID activities may be amended in subsequent years within the following general categories. Final activities and budgets will be subject to the review and approval of the DBA Board of Directors (the PBID Owners' Association).

Clean, Safe and Beautiful

The area of top concern with stakeholders is providing services that will make Downtown more secure, functional, and attractive. Safety is foundational to any urban environment – for people to visit, work or live in the district, they expect a welcoming and comfortable experience. Hence, the PBID will be strengthened by adding Safety Ambassadors moving forward. The Management Plan provides funding for both Cleaning/Hospitality and Safety Ambassador programs including labor costs, management personnel, equipment and supplies. The Plan also includes funding for Homeless Outreach support to the unhoused population in Downtown Berkeley.

These activities and improvements are intended to improve commerce and the quality of life by making each individual assessed parcel safer, cleaner and more attractive, which will encourage investment dollars Downtown and generate additional pedestrian traffic. Clean, Safe and Beautiful activities specially benefit each individual assessed parcel, including commercial, government, parking, education, nonprofits and residential properties. Ensuring Downtown is clean, safe, and well-maintained is essential for supporting businesses, promoting economic vitality, and enhancing the overall experience for tenants, residents and visitors alike.

Cleaning/Hospitality Ambassadors



To maintain consistently clean standards in the District, the Cleaning/Hospitality Ambassador program will continue to provide services as it has for the past 15 years. The purpose of Cleaning/Hospitality Ambassadors is to provide cleaning, sweeping, scrubbing and pressure washing of sidewalks, trash and graffiti removal, as well as visitor information, merchant outreach, event support. The special benefit to parcels from these services is increased commercial activity, which directly relates to increases in lease rates and customer usage. Further benefits include cleaner, healthier streets, and an improved pedestrian experience. A multi-dimensional approach has been developed consisting of the following elements.

Sidewalk Maintenance: Uniformed, radio-equipped Cleaning/Hospitality Ambassadors sweep and remove litter and other refuse from sidewalks and gutters in the District and clean all public hardscape in the District such as trash receptacles, benches, and parking meters.

Graffiti Removal: The Cleaning/Hospitality Ambassadors remove graffiti using solvents and pressure washing. The District maintains a zero-tolerance policy for graffiti reachable at safe levels. The goal it to remove all accessible graffiti within 48 hours of notification.

Sidewalk Pressure Washing: Sidewalk pressure washing is provided on a regular schedule basis as per below schedule. Also, spot washing is provided daily throughout the District on an as needed basis.

Trash Collection

Cleaning/Hospitality Ambassador top off trash cans as needed daily between pickups by the City. Trash receptacles are also cleaned and maintained regularly.

Landscape Maintenance: Cleaning/Hospitality Ambassadors maintain landscape areas including, circular planters, temporary planters and hanging baskets provided by the DBA. Tree wells are also maintained and kept free of litter and weeds and reported to the City for replanting dead or missing street trees.

Special Collections

Cleaning/Hospitality Ambassadors are also available to collect, and/or notify City for pick-up, bulky items such as bike carcasses, stolen shopping carts or other large items illegally dumped in the District.

Maintenance Problems Requiring Third Party Intervention

Cleaning/Hospitality Ambassadors also report to City problems in the District that create blighted or unsafe conditions, that are monitored but outside the scope the of the District responsibilities. Types of problems include blocked or damaged sewers or drains, damaged sidewalks/ streets/alleys, non-operating streetlights, damaged or missing street signs, etc.

Homeless Outreach Ambassador

The Homeless Outreach Ambassador engages with unhoused community members, builds trusting relationships, and connects people to critical resources such as emergency shelter, transitional and permanent housing, healthcare, mental health services, and substance abuse support. This outreach-driven approach is designed to reduce barriers to care, promote stability, and support individuals in navigating the path toward long-term housing and self-sufficiency. The Homeless Outreach Ambassador also responds to merchant and property owner requests for outreach at encampments at or near their business.

Safety Ambassadors *(New service addition)*

Safety Ambassadors will provide daily monitoring and patrol services. The Ambassadors will patrol regular routes by foot or bike and respond to on-demand service calls. The purpose of the Safety Ambassadors is to address safety concerns, mental health crises, open drug use, and safety escorts, and work with local police and business and property owners to prevent crime and address quality of life issues. The Safety Ambassadors will work to de-escalate anti-social behaviors and report illegal activities including criminal activities and vandalism. They also report maintenance issues and perform outreach to the unsheltered homeless. These Ambassadors, who act as the "eyes and ears" on the street will supplement, not replace, other ongoing police, security, and patrol efforts within the District. The Safety Ambassadors will maintain communication with the Berkeley Police Department, Code Enforcement, and Public Works with the intent of reporting illegal activity or an emergency infrastructure occurrence. The Safety Ambassadors will cover the entire District and communicate with businesses, visitors, residents, and employees within it.





Vision of Downtown Berkeley's future from DBA Strategic Plan survey

Estimated deployment of the Cleaning/Hospitality Ambassadors and Safety Ambassadors and is anticipated as follows, subject to actual daily district needs:

Cleaning/Hospitality Ambassadors	Premium Zone	Standard Zone
Average Weekly Coverage	***840 hours per week (21 F.T.E.)***	
	7 days/week	**5 days/week**
Coverage in all areas	8-16 hours	6-8 hours
Method of coverage	Foot patrol	Foot patrol
Cleaning rounds	4 rounds per shift	2 rounds per shift
Litter removal / pan & broom	Twice per day	Once per day
Detail cleaning of public amenities	Twice per day	Once per day
Pressure washing - scheduled cleaning	Four times/year	Two times/year
Pressure washing - spot cleaning	Daily as needed	Daily as needed
Graffiti removal	Daily as needed	Daily as needed
Weed removal	Daily as needed	Daily as needed
Business contacts	6 per shift	3 per shift
Outreach with street populations	Daily	Daily
Reporting	Daily	Daily

Safety Ambassadors	Premium Zone	Standard Zone
Average Weekly Coverage	***112 hours per week (2.8 F.T.E.)***	
Method of coverage	Foot & Bike Patrol	Foot & Bike Patrol
Safety rounds	4 rounds per shift	2 rounds per shift
Business contacts	8 rounds per shift	4 rounds per shift
Quality of Life & Safety Incidents	Daily as needed	Daily as needed

Beautification/Placemaking.
In addition to clean and safe services, the PBID budget may include funds for beautification and placemaking improvements that are defined as cosmetic enhancements that improve the appearance and walkability within the PBID, in turn encouraging customer traffic and improved quality of life for residents, workers and visitors alike. Examples of beautification improvements might include:



- Landscaping, planters, hanging flower baskets and other green elements
- Seasonal holiday decorations and banners
- Cosmetic capital improvements, including street furniture, information kiosks, pedestrian lighting and other amenities
- Wayfinding and directional signage to help visitors navigate through the Downtown
- Temporary and permanent public art installations
- Installation of bicycle racks and other amenities to encourage bicycle use
- Programming of public spaces, such as BART Plaza
- Planning and design processes to improve public spaces throughout the Downtown
- Other improvements as determined year-to-year by the DBA board of directors
- Other cosmetic enhancements that improve the PBID's appearance.

Marketing, Activation and Economic Development

Downtown Berkeley's unique character and appeal are shaped by its vibrant mix of small, locally owned businesses; nonprofit organizations that serve diverse communities and a rich array of arts and cultural venues. Like many cities across the country, Berkeley's storefront economy was hit hard by the pandemic and continues to face challenges amid ongoing recovery efforts and broader economic uncertainty. These conditions have strained local businesses and slowed or stalled new development, contributing to a high storefront vacancy rate in the Downtown area. While the DBA has long supported business and property owners, there is now a clear opportunity to strengthen and formalize this area of work within the organization.

Arts, Culture, Entertainment
A key goal is to advance Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment. Downtown has a rich and varied collection of arts and cultural venues. The Berkeley Repertory Theater is one of the most acclaimed community theaters in the nation. The University of California's Berkeley Art Museum and Pacific Film Archive (BAMPFA) is also located Downtown. Other venues, featuring both live and visual arts, restaurants and other entertainment options, are sprinkled throughout the Downtown. Arts, culture and entertainment create a differential advantage for Downtown and add to the quality of life for Berkeley residents. The PBID

will provide leadership and programs to enhance Downtown's image as a unique arts and cultural destination.

Marketing and Communications



The marketing and communications efforts of the Economic Vitality team will be strengthened to support all components of the PBID Management Plan. Overall, the Marcom program will promote the vision of the Downtown as the dynamic heart of the Berkeley community, inspiring commerce, culture, learning and stakeholder engagement. Additionally, the team will create awareness of environmental services program including cleaning, hospitality, safety, beautification and placemaking changes being made to improve the Downtown. Marcom related to the economic development portion of the work program will: advance the image and branding of the Downtown; highlight the unique startup ecosystem and the arts, culture and entertainment character of the Downtown; attract new and returning visitors to Downtown to live, work, eat, drink, play, engage, and be inspired; promote local businesses, cultural venues and nonprofits; support new investment opportunities for retail, office and housing; and promote easy and affordable access via transit and parking. The DBA Vitality team may also develop and promote events, often with strategic partners, that aligned with the Downtown vision and mission, bringing residents and visitors from the entire Bay Area to Downtown Berkeley.

Economic Development & Placemaking *(potential new initiative)*

Many place management organizations provide dedicated support to property owners and commercial brokers in attracting new retail, nonprofit, office, arts and culture ventures to their downtowns, by offering services such as technical assistance workshops, one-on-one permitting and licensing guidance, block-by-block commercial market data (foot traffic, local versus chain composition, price trends, etc.), storefront improvement grants, pop-up retail opportunities, and connecting entrepreneurs with local resources and funding opportunities. These activities aim to enhance Downtown Berkeley as a center for unique startups, shopping, food & drink, arts and entertainment while also meeting the growing needs of residents and employees. This area will focus on providing support services to help businesses thrive, such as a new advocacy and liaison role to navigate permitting processes. In addition many business improvement districts provide dedicated support for placemaking projects on both private and public property attracting visitors and new investment to the Downtown, including murals, sculpture, window film, signage, enhanced landscaping, and pop-up art. Advancing Downtown Berkeley's status as a unique destination for startups, arts, culture, shopping, and dining, with a blend of one-of-a-kind local and national tenants, in a welcoming and creative pedestrian oriented environment, is a clear priority for Downtown stakeholders.

Leadership

The PBID will support research and community education efforts that help to evaluate the impacts of public policies and issues on the Downtown business and investment climate. The PBID will

support efforts to advance policies that improve the overall quality of life and economic and cultural vitality of the Downtown. The PBID will also inform stakeholders of various policy initiatives and how they can engage in City and other agency processes, so their voices are heard and considered. The PBID may also partner with other local and regional organizations to more effectively achieve stakeholder goals.

Management, Operations & Contingency

Like any business, the PBID requires a professional staff to properly manage programs, communicate with stakeholders and provide leadership. To reduce administrative costs, leverage funding and avoid duplication of enhanced services, this plan anticipates that the DBA will continue to manage and provide the day-to-day PBID services. PBID funds can be further leveraged by sponsorships from special events, service contracts, advertising & promotions, grants, parking revenues and earned income. This professional staff represents the District's interests in advocacy and relationships with local government and media, in addition to coordinating and complying with all contractual obligations to the City of Berkeley and vendors. In support of these efforts, funding is allocated to pay for contract services; office, operations and storage rent; furniture, equipment and supplies, telephone/internet access; legal and accounting services; travel and conference expenses; insurance (workers compensation, general liability and directors/officers' liability); dues/subscriptions; and database maintenance. Personnel expenses include salaries, benefits and payroll taxes.

Reserve: An operating reserve will be maintained for the PBID as determined annually by the Board of Directors. The reserve can also be utilized as a contingency fund to address unforeseen expenses.

SECTION 4: PBID ASSESSMENT BUDGET

2027 PBID Assessment Budget

The following table outlines the PBID maximum assessment budget for 2027.

EXPENDITURES	TOTAL BUDGET	% of Budget
Clean, Safe and Beautiful	$2,234,962	76.60%
Marketing and Activation	$438,672	15.04%
Management and Contingency	$243,903	8.36%
Total Expenditures	**$2,917,537**	**100.00%**
REVENUES		
PBID Assessments	$2,668,086	91.45%
General Benefit	$58,351	2.00%
Other Revenues (1)	$191,100	6.55%
Total Revenues	**$2,917,537**	**100.00%**

(1) Revenues from events, contract services and other sources

Budget Adjustments

Assessments will be subject to an annual increase of up to 5% per year to address changes in the cost of providing services. Assessment budgets may also increase based on development in the PBID. The determination of annual adjustments in assessment rates will be subject to the review and approval of the DBA Board of Directors, serving as the PBID Owners' Association.

The table below illustrates the estimated maximum budget for each year of the PBID based on the maximum percentage increase discussed above.

	Clean, Safe and Beautiful	Marketing and Activation	Management	TOTAL
Year 1	$2,234,962	$438,672	$243,903	$2,917,537
Year 2	$2,346,710	$460,606	$256,098	$3,063,414
Year 3	$2,464,046	$483,636	$268,903	$3,216,585
Year 4	$2,587,248	$507,818	$282,348	$3,377,414
Year 5	$2,716,610	$533,209	$296,466	$3,546,284
Year 6	$2,852,441	$559,869	$311,289	$3,723,599
Year 7	$2,995,063	$587,862	$326,853	$3,909,779
Year 8	$3,144,816	$617,256	$343,196	$4,105,268
Year 9	$3,302,057	$648,118	$360,356	$4,310,531
Year 10	$3,467,160	$680,524	$378,374	$4,526,057

Economic Development & Placemaking Boost: To add economic development services focusing on retail attraction, storefront activation, placemaking and small business support to the PBID, the Owner's Association (i.e. Downtown Berkeley Association) may elect to boost the budget in any of the first five (5) years of the PBID. The chart below illustrates the impact of this boost to the budget, beginning in Year 2. *Note: Year 2 budget reflects both the maximum 5% increase plus the additional cost adding in economic development.*

	Clean, Safe and Beautiful	Marketing and Activation	Management	TOTAL
Year 1	$2,358,746	$314,888	$243,903	$2,917,537
Year 2	$2,476,684	$543,209	$256,098	$3,275,990
Year 3	$2,600,518	$570,369	$268,903	$3,439,790
Year 4	$2,730,544	$598,888	$282,348	$3,611,780
Year 5	$2,867,071	$628,832	$296,465	$3,792,368
Year 6	$3,010,424	$660,274	$311,289	$3,981,987
Year 7	$3,160,946	$693,288	$326,853	$4,181,086
Year 8	$3,318,993	$727,952	$343,196	$4,390,141
Year 9	$3,484,943	$764,349	$360,355	$4,609,648
Year 10	$3,659,190	$802,567	$378,373	$4,840,130

Any accrued interest or delinquent payments will be expended in the above categories. The cost of PBID improvements and activities may vary in any given year depending on market conditions and the cost of providing those services. Expenditures for each of the line items may be adjusted up or down 20% between them to continue the same level of service. The DBA Board of Directors shall make such a determination. In addition, any annual budget surplus, including those created through cost saving measures, unexpected reductions in expenses or unanticipated increases in income, will be rolled into the following year's budget. The budget will be adjusted accordingly consistent with the Management District Plan to adjust for surpluses that are carried forward to ensure that the PBID is spending these funds in a timely manner and is complying with applicable State laws and City policies. Any change in line-item expenditure and/or budget surplus will be approved by the DBA Board of Directors and submitted in the annual report, pursuant to Section 36650 of the State Law.

PBID Renewal

PBID funds may be used for renewing the district in 2037, or earlier if determined by the Board of Directors, to hire a consultant and pay the city administration fees to create a new management plan, initiate a petition drive, and assessment ballot initiative.

Bond Issuance

No bonds will be issued to finance improvements.

SECTION 5: ASSESSMENT METHODOLOGY

General

This Management District Plan provides for the levy of assessments for the purpose of providing improvements and activities that specially benefit real property in the PBID. These assessments are not taxes for the general benefit of the City but are assessments that convey special benefits to each individual assessed parcel for which the improvements and activities are provided.

Assessment Factors

The method used to determine proportional special benefits are measured by each parcel's lot square footage plus building square footage. Each parcel's proportional lot size and building square footage represents each parcel's proportional special benefit compared to other parcels within each respective benefit zone. Lot square footage is relevant to the best use of a property and will reflect the long term special benefit implications of the improvement district. Building square footage is relevant to the interim use of a property and is utilized to measure short and mid-term impacts.

Lot Square Footage Defined. Lot square footage is defined as the total amount of area within the borders of the parcel. The borders of a parcel are defined on the County Assessor parcel maps.

Building Square Footage Defined. Building square footage is defined as gross building square footage as determined by the outside measurements of a building.

Parcel Use Considerations

The methodology provides the following treatments for property used exclusively for residential, nonprofit and government, and parking structures:

- **Treatment of Residential Property:** Residential uses will fully benefit from the Clean, Safe and Beautiful services and will pay a full share of these services; however, Economic Development services will not benefit residential uses, and the residential rate is adjusted accordingly. The residential building square footage portion of commercial and mixed-use parcels will be subject to the adjusted residential assessment rate.
- **Assessment Policy on Nonprofit & Governmental Properties**: Properties that are exempt from property tax, including educational and governmental institutions, and nonprofit organizations (e.g. faith-based, low income housing, cultural, community services, etc.), will not benefit from increased commercial activity resulting from PBID services and thereby will receive reduced benefits from PBID services. An owner of real property located within the PBID boundaries may reduce their assessment if ALL the following conditions are met:

    1. The property owner is a nonprofit corporation that has obtained federal tax exemption under Internal Revenue Code section 501c3 or California franchise tax-exemption under the Revenue and Taxation Code Section 23701d.
    2. The class or category of real property has been granted an exemption, in whole or in part, from real property taxation.
    3. The nonprofit or governmental property owner occupies a majority of building square footage within the subject property.

4. The property owner makes the request in writing to the City of Berkeley prior to the submission of the PBID assessment rolls to the Alameda County Assessor (to accommodate periodic changes in ownership or use, on or before July 1 of each year), accompanied by documentation of the tax-exempt status of the property owner and the class or category of real property.
5. The City of Berkeley may verify the documentation of tax-exempt status and classification of the property for assessment purposes prior to submitting the assessments to the County Assessor.

If ALL of these conditions are met, the amount of the PBID assessment to be levied will be for three-quarters (75%) of the Clean, Safe and Beautiful services. In addition, these parcels will not benefit from the Economic Development services and thus will not be assessed for these services.

Treatment of Parking Structures: Parking structures receive different levels of benefit from PBID improvements and services based upon their use and ownership. Parking structures will be subject to one of the following methodologies:

a. Parking structure square footage that is integrated within and/or dedicated to a building, has the same ownership as the building, and the building has uses in addition to parking where parking is just an ancillary use, does not receive benefit from the PBID services and therefore square footage of the parking structure will not be assessed.
b. Stand-alone parking structures that are not ancillary to a building will receive the full benefit from PBID improvements and activities and will be assessed at standard assessment rates.

Benefit Units

Using the benefit zones and assessment factors described above we assign benefit units to each specially benefitted parcel. The total number of assessable Square Footage (SF) benefit units in the PBID are as follows:

Benefit Zone	Assessable Units Lot + Building SF
Premium Zone	
Commercial	6,208,030
Residential	2,630,490
Tax Exempt & Government	3,600,390
Total Premium Zone	***12,438,910***
Standard Zone	
Commercial	2,165,251
Residential	1,888,365
Tax Exempt & Government	1,840,319
Total Standard Zone	***5,893,935***
TOTAL:	**18,332,845**

Assessment Methodology

The proportionate special benefit each assessed parcel receives shall be determined in relationship to the entirety of the capital cost of the PBID improvements and activities. Due to the proportionate special benefits received by these individual parcels from the PBID services, these parcels will be assessed at a rate which is proportionate to the amount of special benefits received. Only special benefits are assessable, and these benefits must be separated from any general benefits. As required by the State Constitution Article XIIID Section 4(a), the general benefits of an assessment district must be quantified and separated out so that the cost of the activities that are attributed to general benefit are deducted from the cost assessed against each specially benefitted parcel. General benefits are benefits from the PBID activities and improvements that are not special in nature, are not "particular and distinct" and are not over and above the benefits that other parcels receive. The attached Engineer's Report has calculated that 2.0% of the PBID activities may be general in nature and will be funded from sources other than special assessments, see Section E of the Engineer's Report for discussion of special and general benefits.

Calculation of Assessments

Based on the assessment budget, benefit zone, land use type, and assessable benefit units, all of which are discussed above, the following tables illustrate the maximum first year annual assessment per assessable benefit unit. Note, assessment rates are rounded off to the fourth decimal place and a parcel's assessment may vary slightly when calculated using the assessment rates below.

Benefit Zone Adjustments: The assessments are adjusted to reflect anticipated service frequencies within each of two benefit zones:

- The Premium Zone, which includes the core of the PBID, provides a higher frequency of environmental enhancements.
- The Standard Zone, which includes areas on the periphery to the north, west and south, including the South Shattuck sub-area, offers a lower frequency of environmental enhancements.
- Commercial properties in both service areas will equally benefit from marketing, activation and economic development enhancements.

The resulting assessment calculation by service and benefit zone follows:

Assessment by Service	Per Sq.Ft. of Lot + Building
Clean, Safe and Beautiful: Premium Zone	$ 0.2463
Clean, Safe and Beautiful: Standard Zone	$ 0.1232
Marketing and Activation (commercial only)	$ 0.0778

Assessments rates by Benefit Zone and land use type will not exceed the following amounts during the first year of the renewed PBID:

Assessment Rates	Per Sq.Ft. of Lot + Building
Premium – Commercial	0.3241
Premium – Residential	0.2463
Premium - Tax Exempt/Govt	0.1848
Standard – Commercial	0.2010
Standard – Residential	0.1232
Standard - Tax Exempt/Govt	0.0924

Premium Zone - Sample Parcel Assessments

Commercial Parcel Assessment

To calculate the assessment for a commercial parcel in the Premium Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.3241 =
$5,671.75 total annual parcel assessment.

Residential Parcel Assessment

To calculate the assessment for a residential parcel in the Premium Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.2463 =
$4,310.25 total annual parcel assessment.

Tax Exempt/Government Parcel Assessment

To calculate the assessment for a tax exempt/government parcel in the Premium Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.1848 =
$3,234.00 total annual parcel assessment

Standard Zone - Sample Parcel Assessments

Commercial Parcel Assessment

To calculate the assessment for a commercial parcel in the Standard Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.2010 =
$3,517.50 total annual parcel assessment.

Residential Parcel Assessment

To calculate the assessment for a residential parcel in the Standard Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.1232 =
$2,156.00 total annual parcel assessment.

Tax Exempt/Government Parcel Assessment

To calculate the assessment for a tax exempt/government parcel in the Standard Zone with 10,000 lot square feet + 7,500 building square feet, its total parcel assessment is calculated as follows:

(10,000 + 7,500) x $0.0.0924 =
$1,617.00 total annual parcel assessment

Public Sector Participation

Existing City Services

The City Council, by adopting this plan, will confirm its intention to ensure an existing level of services in the District equivalent to the level that is being provided elsewhere in the City. Assessment funds will pay for services that are above and beyond those services provided by the City.

Rationale for Public Property Assessments

Proposition 218 states that no parcel is exempt from assessments if that parcel receives benefit from the improvements and activities. This includes government and Public use parcels. The City of Berkeley and any other government owned parcels within the PBID boundary will pay their assessment based on the special benefits conferred to those parcels. All publicly owned parcels specially benefit from the PBID activities as they make each assessed parcel cleaner, safer, more attractive, and economically vibrant. Specifically, these parcels specially benefit from: removing graffiti from their buildings, patrolling their sidewalks, connecting the homeless to available resources, cleaning up any debris or trash, pressure washing the sidewalks, beautifying the public right-of-ways, and increasing business development.

Therefore, government uses are assessed for the special benefits they receive from the PBID activities. The assessment methodology to allocate the cost of these improvements is consistent with all other land uses in the district: lot square footage plus building square footage as explained above.

Annual Assessment Adjustments

During the 10-year term assessments will be subject to an annual increase of up to 5% per year to address changes in the cost of providing services. Assessment budgets may also increase based on development in the PBID.

The Maximum Annual Assessments are shown below:

	Year 1	Year 2	Year 3	Year 4	Year 5
Premium: Commercial	$0.3241	$0.3404	$0.3574	$0.3752	$0.3940
Premium: Residential	$0.2463	$0.2587	$0.2716	$0.2852	$0.2994
Premium: Tax Exempt/Government	$0.1848	$0.1940	$0.2037	$0.2139	$0.2246
Standard: Commercial	$0.2010	$0.2110	$0.2216	$0.2327	$0.2443
Standard: Residential	$0.1232	$0.1293	$0.1358	$0.1426	$0.1497
Standard: Tax Exempt/Government	$0.0924	$0.0970	$0.1019	$0.1069	$0.1123

	Year 6	Year 7	Year 8	Year 9	Year 10
Premium: Commercial	$0.4137	$0.4344	$0.4561	$0.4789	$0.5029
Premium: Residential	$0.3144	$0.3301	$0.3466	$0.3640	$0.3822
Premium: Tax Exempt/Government	$0.2358	$0.2476	$0.2600	$0.2730	$0.2866
Standard: Commercial	$0.2565	$0.2693	$0.2828	$0.2969	$0.3118
Standard: Residential	$0.1572	$0.1651	$0.1733	$0.1820	$0.1911
Standard: Tax Exempt/Government	$0.1179	$0.1238	$0.1300	$0.1365	$0.1433

Economic Development & Placemaking Boost: To add economic development services focusing on storefront activation, placemaking and small business support to the PBID, the Owner's Association (i.e. Downtown Berkeley Association) may elect to boost the budget in any of the first three years of the PBID. The chart below illustrates the impact of this boost to the assessment rates, beginning in Year 2. *Note: Year 2 rates reflect both the maximum 5% increase plus the additional cost adding in economic development.*

	Year 1	Year 2	Year 3	Year 4	Year 5
Premium: Commercial	$0.3241	$0.3615	$0.3796	$0.3985	$0.4185
Premium: Residential	$0.2463	$0.2634	$0.2765	$0.2904	$0.3049
Premium: Tax Exempt/Government	$0.1848	$0.1975	$0.2074	$0.2178	$0.2287
Standard: Commercial	$0.2010	$0.2298	$0.2413	$0.2534	$0.2660
Standard: Residential	$0.1232	$0.1317	$0.1383	$0.1452	$0.1524
Standard: Tax Exempt/Government	$0.0924	$0.0988	$0.1037	$0.1089	$0.1143
	Year 6	**Year 7**	**Year 8**	**Year 9**	**Year 10**
Premium: Commercial	$0.4394	$0.4614	$0.4844	$0.5086	$0.5341
Premium: Residential	$0.3201	$0.3361	$0.3529	$0.3706	$0.3891
Premium: Tax Exempt/Government	$0.2401	$0.2521	$0.2647	$0.2779	$0.2918
Standard: Commercial	$0.2793	$0.2933	$0.3080	$0.3233	$0.3395
Standard: Residential	$0.1601	$0.1681	$0.1765	$0.1853	$0.1946
Standard: Tax Exempt/Government	$0.1200	$0.1260	$0.1324	$0.1390	$0.1459

PBID Guidelines

Time and Manner for Collecting Assessments

As provided by State Law, the District assessment will appear as a separate line item on annual property tax bills prepared by the County of Alameda. The City of Berkeley and/or the DBA may direct bill the first year's assessment for all property owners and may direct bill any property owners whose special assessment does not appear on the tax rolls for each year of the PBID term.

The assessments shall be collected at the same time and in the same manner as for the ad valorem property tax paid to the County of Alameda. These assessments shall provide for the same lien priority and penalties for delinquent payment as is provided for the ad valorem property tax.

However, assessments may be billed directly by the City for the first fiscal year of operation or for changes to assessments that occur during an assessment year and are prorated for a part of the year, and then by the County for all subsequent years. Any delinquent assessments owed for the first year will be added to the property tax roll for the following year as delinquent. These

assessments shall provide for the same lien priority and penalties for delinquent payment as is provided for the ad valorem property tax. The property owner means any person shown as the owner/taxpayer on the last equalized assessment roll or otherwise known to be the owner/taxpayer by the County. The City of Berkeley and/or the DBA is authorized to collect any assessments not placed on the County tax rolls, or to place assessments, unpaid delinquent assessments, or penalties on the County tax rolls as appropriate to implement this Management District Plan.

Disestablishment

State law provides for the disestablishment of a PBID pursuant to an annual process. The 30-day period begins each year on the anniversary day that the City Council first establishes the PBID. Within this annual 30-day period, if the owners of real property who pay more than 50% of the assessments levied submit a written petition for disestablishment, the PBID may be dissolved by the City Council. The City Council must hold a public hearing on the proposed disestablishment before voting on whether to disestablish the PBID.

Duration

The PBID will have a 10-year term commencing January 1, 2027, through December 31, 2036. Any major modifications or new or increased assessments during the term of the PBID that are not consistent with the provisions of the original Management District Plan will require a new mail ballot process.

Future Development

As a result of continued development, the PBID may experience the addition or subtraction of assessable footage for parcels included and assessed within the PBID boundaries. Parcels with a change in the building square or lot square footage need to provide notice of the change to the District by April 1st of each year. The future year's assessments will reflect the change.

Assessment Appeal Procedure

Property owners may appeal assessments that they believe are inaccurate. Appeals must be in writing, stating the grounds and providing proof of the appeal and filed with the DBA Board of Directors, serving as the Owners' Association prior to April 1 of each year. The Owners' Association shall review the appeal and will determine if the information provided warrants an adjustment to the assessment. Appeals shall be limited to the current assessment year. Any appeal not filed by April 1 shall not be valid. In any case, appeals will only be considered for the current year and will not be considered for prior years.

Implementation Timeline

The Downtown Berkeley PBID is expected to be renewed by July 2026 for inclusion of parcel assessments on the County of Alameda 2026/27 tax roll with an implementation date of the Management District Plan on January 1, 2027. Consistent with State law, the PBID will have a 10-year life through December 31, 2036.

SECTION 6: PBID GOVERNANCE

City Council

Following the submission of petitions from property owners representing more than 50% of the assessments to be paid, the City Council, upon holding a public hearing on the proposed PBID, may elect to renew the PBID. The PBID is renewed by a City Council resolution, including the levy of an assessment on property, if the assessment is first approved by parcel owners in a balloting process.

PBID Governance

The PBID Law establishes a governance framework that allows property owners who pay assessments the ability to determine how the assessments are used. This Management District Plan may be subject to changes if required by the state of California or the City of Berkeley.

The PBID shall continue to contract with the Downtown Berkeley Association (DBA), a nonprofit organization that acts as the Owners' Association and governing board for the PBID. The role of the Owners' Association is consistent with similar PBIDs and management organizations throughout California and the nation. The Owners' Association determines budgets, assessment adjustments and monitors service delivery. As part of the Management Plan, the nonprofit organization oversees the delivery of day-to-day PBID activities. The PBID Owners' Association Board of Directors will represent a cross section of property owners found throughout the district.

Brown Act & Public Records Act Compliance

The Owners' Association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association must act as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Board of Directors of the Owners' Association and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

Annual Report

The Owners' Association shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650. The annual report is a prospective report for the upcoming year and must include:

1. Any proposed changes in the boundaries of the PBID or in any benefit zones or classification of property within the district;
2. The improvements, maintenance, and activities to be provided for that fiscal year;
3. The estimated cost of providing the improvements, maintenance, and activities to be provided for that fiscal year;
4. The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year;
5. The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
6. The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this Plan.

SECTION 7: ASSESSMENT ROLL

The total assessment amount for FY 2026/27 is $2,668,086 apportioned to each individual assessed parcel, as follows.

APN	Owner	Site Address	Parcel Assessment
057- -2016-021-01	1812 University Ave Llc	1812 University Ave	$7,287.30
057- -2024-007-01	1935 Addison Street Llc	1935 Addison St	$11,396.24
057- -2022-019-01	1950 Addison Apartment Joint Venture Llc	1950 Addison St	$18,723.94
057- -2060-001-00	1950 Mlk Llc	1988 M L King Jr Way	$26,799.47
057- -2046-001-00	1951 Shattuck Llc	2108 Berkeley Way	$50,960.22
057- -2053-002-00	1974 Shattuck Avenue Llc	1974 Shattuck Ave	$2,933.54
057- -2026-007-02	2000 Center Street Llc	2175 Milvia St	$20,253.74
057- -2023-013-00	2001 Center Street Llc	2001 Center St	$14,151.33
057- -2025-002-00	2008 Shattuck Avenue Llc	2008 Shattuck Ave	$6,424.61
055- -1894-014-03	2025 Durant Avenue Llc	2025 Durant Ave	$15,301.78
055- -1894-015-01	2028 Bancroft Way Llc	2028 Bancroft Way	$5,021.84
057- -2025-017-03	2054 University Llc	2054 University Ave	$12,025.89
057- -2024-013-00	2099 Mlk Owner Llc	2099 M L King Jr Way	$11,187.84
057- -2023-001-00	2100 Shattuck Ave Lp	2104 Shattuck Ave	$17,382.11
057- -2030-001-00	2108 Allston Llc	2108 Allston Way	$14,250.19
057- -2029-013-00	2110 Kittredge Llc	2110 Kittredge St	$12,286.76
055- -1893-007-01	2124 Bancroft Way Llc	2124 Bancroft Way	$9,044.67
055- -1893-006-01	2125 Durant Avenue Llc	2125 Durant Ave	$481.53
057- -2031-011-00	2130 Center Llc	2130 Center St	$8,329.31
057- -2029-017-00	2176 Kittredge Owner Llc	2150 Kittredge St 100-728	$53,588.44
057- -2029-018-00	2176 Kittredge Owner Llc	2146 Kittredge St	$5,162.38
057- -2029-019-00	2176 Kittredge Owner Llc	2146 Kittredge St	$341.65
057- -2028-003-00	2274 Shattuck Qozb Llc	2274 Shattuck Ave	$18,650.18
055- -1894-017-04	2322 Shattuck Avenue Llc	2300 Shattuck Ave	$24,669.30
055- -1896-004-00	2420 Shattuck Avenue Llc	2428 Shattuck Ave	$1,619.24
055- -1896-004-00	2420 Shattuck Avenue Llc	2428 Shattuck Ave	$1,619.24
055- -1896-003-00	2420 Shattuck Llc	2420 Shattuck Ave	$2,081.88
055- -1896-003-00	2420 Shattuck Llc	2420 Shattuck Ave	$2,081.88
055- -1822-005-00	2524 Shattuck Blake Llc	2524 Shattuck Ave	$2,155.23
057- -2024-010-02	384 Promenade Llc & Wpg Promenade Llc Etal	1936 University Ave	$13,038.13
057- -2023-014-00	440 Jackson Street Llc	2115 Milvia St	$6,387.34
057- -2060-046-00	Acampora Rose Tr	1801 University Ave 309	$239.33
057- -2033-004-00	Addison Building Llc	2044 Kala Bagai Way	$7,841.14
057- -2022-014-01	Addison Llc	1912 Addison St	$1,277.94
057- -2060-041-00	Albanese Andres & Celina	1801 University Ave 407	$239.33
057- -2030-010-00	Amherst Ventures Llc	2231 Shattuck Ave	$8,559.70
057- -2050-031-01	Amistad House Llc	1810 Shattuck Ave	$6,581.98
055- -1821-026-00	Ampri Investments Inc	2030 Blake Stc	$308.55
055- -1821-027-00	Ampri Investments Inc	2030 Blake Stb	$307.94
057- -2028-013-00	Aochi Fusako J Tr	2000 Kittredge St	$4,612.95
057- -2030-008-00	Aquarius Twins Inc	2117 Kittredge St	$3,268.06

APN	Owner	Site Address	Parcel Assessment
057- -2031-008-00	Arding Jon D Tr & Martin David	2171 Shattuck Ave	$5,733.85
057- -2060-050-03	Arefi Ehsan & Arefy Katrin Tr	1809 University Ave	$528.96
057- -2032-018-00	Arlington Investment Co	134Berkeley Sq	$1,420.42
057- -2059-007-00	Ayyad Fred & Mona	1929 University Ave	$1,824.43
055- -1893-013-00	Baker Edward Tr	2327 Shattuck Ave	$410.19
057- -2032-016-00	Bancroft Susan E Trust	2115 Shattuck Ave	$1,964.66
055- -1894-016-00	Bancroft Way Properties Llc	2030 Bancroft Way	$1,547.08
057- -2032-022-00	Bank Of America	2129 Center St	$2,379.25
055- -1821-025-00	Belgrove Angela M & Swinderman Eric G	2030 Blake Std	$826.75
057- -2016-025-01	Berkeley Chamber Of Com	1834 University Ave	$1,263.78
057- -2032-021-00	Berkeley Downtown Hotel Owner	2121 Center St	$99,598.04
055- -1824-015-00	Berkeley Free Market Llc	2567 Shattuck Ave	$6,792.89
057- -2028-011-00	Berkeley Inn Llc	2001 Bancroft Way	$4,746.18
057- -2025-024-00	Berkeley Joint Powers Financin	2015 Addison St	$15,776.13
057- -2029-004-00	Berkeley Lodge No 270 I O O F	2288 Fulton St	$6,066.58
057- -2049-037-00	Berkeley Lofts Llc	1849 Shattuck Ave C1	$139.07
057- -2049-038-00	Berkeley Lofts Llc	1849 Shattuck Ave C2	$394.51
057- -2025-005-03	Berkeley Repertory Theatre	2071 Addison St	$1,724.39
057- -2025-008-00	Berkeley Repertory Theatre	2025 Addison St	$5,536.22
057- -2025-023-00	Berkeley Repertory Theatre	2009 Addison St	$9,896.06
057- -2023-021-02	Berkeley Traditional Music Fou	2026 Addison St	$2,811.90
057- -2023-021-03	Berkeley Traditional Music Fou	2020 Addison St	$3,082.21
055- -1894-007-02	Berkeley Unified School District	2000 Bancroft Way	$3,427.90
057- -2020-004-00	Berkeley Unified School District	1980 Allston Way	$4,424.23
057- -2020-005-03	Berkeley Unified School District	2223 M L King Jr Way	$26,213.08
055- -1822-009-01	Berkeley Vqof Ii Spe Llc	2035 Blake St	$14,388.08
057- -2032-010-00	Bettencourt Charles A & Jeanne K Trs	2109 Kala Bagai Way	$8,363.33
057- -2060-023-00	Biggs Ralph E	1801 University Ave 401	$239.33
055- -1821-024-02	Blake Street Sfc Llc & Blake S	2034 Blake St	$4,864.15
057- -2023-004-00	Bollibokka Shattuck Llc	2144 Shattuck Ave	$30,688.06
057- -2027-012-00	Bpr Properties Berkeley Llc	2060 Allston Way C	$40,805.37
057- -2049-030-00	Brooks Jody & Wiggin Annette	1849 Shattuck Ave 406	$120.83
057- -2060-050-01	Browning Robert P & Maio Linda R Trs	1801 University Ave A	$723.50
055- -1892-001-01	Buddhist Churches Of America	2140 Durant Ave	$5,231.09
057- -2022-008-00	Butler Larry Tr	1907 Center St	$1,893.20
057- -2023-003-00	C & V Shattuck Llc	2120 Shattuck Ave	$2,133.54
057- -2031-009-00	C S Company	2161 Shattuck Ave	$14,069.64
055- -1895-041-00	Ca Ag Logan Park Property Owner	2352 Shattuck Ave	$31,450.15
055- -1895-042-00	Ca Ag Logan Park Property Owner Phase Ii Llc	2370 Shattuck Ave	$16,224.36
057- -2027-011-00	Ca Student Living Berkeley Llc	2070 Allston Way	$14,452.14
057- -2034-007-00	Calif State Empl Cr Un	2033 Kala Bagai Way	$2,037.92
057- -2028-014-02	California Community Housing Agency	2022 Kittredge St	$41,395.10
055- -1893-011-00	California First Bank	2107 Durant Ave	$1,306.32
055- -1893-012-00	California First Bank	2333 Shattuck Ave	$5,505.05
057- -2060-030-00	Caloca Rosa N Tr	1801 University Ave 204	$239.33
057- -2029-015-00	Carlson Susan Tr	2138 Kittredge St	$3,021.48
057- -2030-003-00	Cerfam Llc	2134 Allston Way	$3,154.61

APN	Owner	Site Address	Parcel Assessment
055- -1891-012-00	Chan Kum L & Andrew Trs & Chan Kum L & Andrew Trs	2429 Shattuck Ave	$5,912.41
057- -2060-040-00	Chang Andy T & Terry L Etal	1801 University Ave 307	$239.33
057- -2032-012-00	Cheng Frank & Dorothy	2112 Addison St	$5,970.81
057- -2016-003-00	Cheng Te C Tr	2070 M L King Jr Way	$992.81
057- -2060-028-00	Chua Shirley C & Suisuilyn	1801 University Ave 303	$239.33
057- -2017-016-01	City Of Berkeley	2100 M L King Jr Way	$25,326.87
057- -2021-001-00	City Of Berkeley	2180 Milvia St	$21,423.76
057- -2021-002-00	City Of Berkeley	0 Center St	$22,561.90
057- -2022-006-00	City Of Berkeley	1947 Center St	$12,461.49
057- -2022-020-00	City Of Berkeley	0 Center St	$5,341.94
057- -2023-020-03	City Of Berkeley	2025 Center St	$52,152.34
057- -2028-005-00	City Of Berkeley	2031 Bancroft Way	$4,077.43
057- -2028-017-01	City Of Berkeley	2090 Kittredge St	$18,502.30
057- -2118-001-00	City Of Berkeley	2200 Fulton St	$0.00
057- -2119-001-00	City Of Berkeley	2200 Fulton Sta	$10,484.16
057- -2122-001-00	City Of Berkeley	2012 Berkeley Way	$13,704.20
057- -2122-002-00	City Of Berkeley	Berkeley Way	$604.36
057- -2122-003-00	City Of Berkeley	2020 Berkeley Way	$1,827.76
057- -2031-001-01	Core Berkeley Oxford Llc	2128 Oxford St	$6,454.76
057- -2031-013-00	Core Berkeley Oxford Llc	2142 Center St	$11,144.53
057- -2031-014-00	Core Berkeley Oxford Llc	2136 Center St	$3,740.34
057- -2060-026-00	Corr James C & Michaels Mary F Trs	1801 University Ave 402	$239.33
055- -1895-019-01	Cpf Berkeley Varsity Llc	2024 Durant Ave	$12,109.95
055- -1822-003-02	Creston Developments Llc	2514 Shattuck Ave	$2,279.24
057- -2026-013-00	Csq Fee Owner Ca Llc	2168 Shattuck Ave	$17,584.06
057- -2023-026-00	Cvbaf Acq Llc	2055 Center St	$52,993.72
057- -2049-021-00	Dang Dennis H	1849 Shattuck Ave 403	$120.83
057- -2120-001-00	David Brower Center	2150 Allston Way	$9,069.43
057- -2049-020-00	Delbonta Matthew A & Bell Jennifer M	1849 Shattuck Ave 303	$120.83
057- -2026-004-12	Dun Sherman S & Katherine Y Etal	2068 Center St	$2,814.25
055- -1892-015-00	Durant Berkeley Partners Lp	2367 Shattuck Ave	$2,226.18
055- -1892-016-00	Durant Berkeley Partners Lp	2349 Shattuck Ave	$3,762.22
057- -2031-003-00	Dwf Vi Vmg Allston Llc	2161 Allston Way	$14,237.82
055- -1893-005-03	Dwf Vi Vmg Stadium Llc	2310 Fulton St	$12,934.72
055- -1890-012-01	Dwight Way Residential Property Owner Llc	2121 Dwight Way	$15,909.79
057- -2024-004-00	East Bay Media Center	1939 Addison St	$780.71
057- -2024-008-01	East End Investors Group Inc	1950 University Ave	$5,233.34
055- -1892-013-01	Eastborough Properties Lp	2399 Shattuck Ave	$6,741.44
057- -2053-003-01	Fifth Keil Co	1998 Shattuck Ave	$6,656.06
057- -2053-003-02	Fifth Keil Co	1984 Shattuck Ave	$1,440.51
055- -1894-006-00	Figueroa Josefina D & Xavier M	2017 Durant Ave	$1,277.82
057- -2022-003-01	First Milvia Llc	2108 Milvia St	$1,396.76
057- -2022-017-01	First Milvia Llc	2100 Milvia St	$17,855.05
057- -2026-002-01	First Shattuck Llc	2150 Shattuck Ave	$60,078.24
057- -2026-005-01	First Shattuck Llc	2043 Allston Way	$7,216.51
057- -2026-012-03	First Shattuck Llc	2052 Center St	$40,491.27

APN	Owner	Site Address	Parcel Assessment
057- -2028-002-00	Fu Jihwa & Ji H Trs	2270 Shattuck Ave	$2,800.96
055- -1896-002-00	Fujikawa Mark A & Georgia Trs & Chun S R & Do Etal	2414 Shattuck Ave	$466.86
057- -2049-040-00	Gedr Hillside Llc	2102 Delaware St	$6,978.44
055- -1895-015-01	Genirberg Siblings Llc	2000 Durant Ave	$6,186.83
057- -2049-022-00	Giebeler Persis A	1849 Shattuck Ave 204	$120.83
057- -2049-026-00	Gilmour Susan R & Thomas S	1849 Shattuck Ave 305	$120.83
055- -1825-015-02	Global Alliance For Progress Llc	2621 Shattuck Ave	$9,711.42
055- -1825-019-00	Global Alliance For Progress Llc	2609 Shattuck Ave	$4,319.71
057- -2034-009-00	Golden Ca Property 1 Llc	2017 Kala Bagai Way	$2,306.64
055- -1892-014-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2375 Shattuck Ave	$1,176.30
055- -1897-006-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2450 Shattuck Ave	$5,637.29
057- -2024-021-01	Gordon John K & Mitchell Janis L Trs & Gordon Etal	1952 University Ave	$5,731.15
057- -2025-005-02	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2024 Shattuck Ave	$7,622.02
057- -2025-006-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2036 Shattuck Ave	$10,911.47
057- -2025-019-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2058 University Ave	$5,472.92
057- -2025-022-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2014 Shattuck Ave	$2,133.54
057- -2029-011-00	Gordon John K & Mitchell Janis L Trs & Gordon Etal	2277 Shattuck Ave	$2,999.67
057- -2025-004-00	Gordon John K & Mitchell Janis Trs & Gordon M Etal	2020 Shattuck Ave	$3,873.24
057- -2030-011-00	Gordon John K & Mitchell Janis Trs & Gordon M Etal	2225 Shattuck Ave	$1,388.33
057- -2053-004-02	Gordon John K & Mitchell Janis Trs & Gordon M Etal	2071 University Ave	$3,436.62
057- -2049-029-00	Gottlieb Sharona D	1849 Shattuck Ave 306	$120.83
057- -2024-015-03	Greenlining Institute	1916 University Ave	$3,191.12
057- -2029-012-00	H Drake Corporation	2271 Shattuck Ave	$3,312.79
055- -1821-028-00	Ha Yangwon K	2030 Blake Sta	$334.42
057- -2016-027-02	Hadjian Simin & Payvand Etal	1840 University Ave	$4,291.98
057- -2060-036-00	Hammond Lucia Tr	1801 University Ave 206	$239.33
057- -2059-006-00	Han Chang S & Yoon J	1941 University Ave	$2,403.84
057- -2060-043-00	Hart Elizabeth	1801 University Ave 308	$239.33
057- -2027-002-02	Head Lama Tibetan Nyingma Meditation Center	2210 Harold Way	$2,307.68
057- -2027-002-03	Head Lama Tibetan Nyingma Meditation Center	2018 Allston Way	$7,728.24
057- -2027-004-00	Head Lama Tibetan Nyingmapa Meditation Center	2222 Harold Way	$10,137.92
057- -2060-037-00	Hernandez Karyn L	1801 University Ave 306	$239.33
057- -2031-006-00	Hirahara Family Limited Partnership	2187 Shattuck Ave	$7,306.30
057- -2027-010-00	Hsr Berkeley Investments Llc	2060 Allston Way A	$40,899.38
057- -2049-015-00	Hu Victoria L	1849 Shattuck Ave 401	$120.83
057- -2059-010-00	Hultgren Robert P & Susan S Trs	1909 University Ave	$1,941.80
057- -2049-019-00	Huynh Matthew & Regina Trs	1849 Shattuck Ave 203	$120.83
057- -2032-015-00	Janta Realty Inc & Batra Manjul Tr	2100 Kala Bagai Way	$2,018.47
055- -1894-002-00	Jindo Ventures Llc	2037 Durant Ave	$5,162.19
057- -2053-001-00	Jlljar Llc	1950 Shattuck Ave	$4,399.01
055- -1821-003-00	Johnston Stewart L	2558 Shattuck Ave	$2,410.27
055- -1821-004-00	Johnston Stewart L	2576 Shattuck Ave	$1,385.91
057- -2025-013-01	K & M 2000 University Llc	2000 University	$12,871.01
057- -2032-011-00	K K & C Holdings Llc	2101 Kala Bagai Way	$5,326.72
057- -2049-023-00	Kalofonos Angeliki & Maria S	1849 Shattuck Ave 304	$120.83
057- -2025-016-00	Kam Yiu Lam & Shun To Lo Lam Lp	2042 University Ave	$4,722.57

APN	Owner	Site Address	Parcel Assessment
057- -2060-006-00	Kami Barry G & Cathy J Trs	1813 University Ave	$2,716.95
057- -2060-004-00	Kang Bu U & Jeong H Trs & Kang Phillip T	1823 University Ave	$2,111.62
057- -2060-005-00	Kang Bu U & Jeong H Trs & Kang Phillip T	1821 University Ave	$1,681.14
057- -2032-019-00	Kaplan Educational Centers Inc	2144 Kala Bagai Way	$5,011.98
057- -2031-002-00	Kashani Nasser & Pamela L Trs	2171 Allston Way	$12,712.64
057- -2060-031-00	Keas Mabel E	1801 University Ave 304	$239.33
057- -2060-044-00	Kehret Joseph G	1801 University Ave 408	$239.33
057- -2060-050-05	Kennedy Patrick C & Julie M Trs	1805 University Ave	$127.62
057- -2060-050-06	Kennedy Patrick C & Julie M Trs	1807 University Ave	$136.26
057- -2060-050-07	Kennedy Patrick C & Julie Trs	1807 University Ave A	$40.40
057- -2049-034-00	Kho Eric L	1849 Shattuck Ave 208	$120.83
057- -2053-005-00	Kl2067 University Llc	2067 University Ave	$9,250.33
057- -2060-003-00	Klatt Thomas E	1849 University Ave	$2,520.20
057- -2030-012-00	Kooyman Steven P& Susan J Trs	2219 Shattuck Ave	$3,244.07
057- -2049-016-00	Lai Roger Y	1849 Shattuck Ave 202	$120.83
055- -1896-005-00	Lair Qozb Llc	2440 Shattuck Ave	$9,389.19
055- -1893-015-01	Lakireddy Prasad R & Santi	2323 Shattuck Ave	$5,750.42
057- -2024-018-01	Lakireddy Prasad R & Santi	1942 University Ave	$7,100.98
055- -1897-002-00	Lakireddy Prasad R & Santi & Hanimireddy	2484 Shattuck Ave	$11,569.62
057- -2059-008-00	Lam Pauline P Etal	1921 University Ave	$1,600.75
057- -2023-012-00	Language Studies Inc	2015 Center St	$5,668.38
057- -2025-001-00	Lauson Llc	2000 Shattuck Ave	$8,822.98
057- -2024-011-00	Lee Sang H & Chung Eunjung	1915 Addison St	$2,652.64
057- -2049-017-00	Lhakey Pema	1849 Shattuck Ave 302	$120.83
057- -2060-022-00	Lin Diana M Tr	1801 University Ave 301	$239.33
057- -2060-024-00	Lin Diana M Tr	1801 University Ave 202	$239.33
057- -2026-004-05	Lmp Shattuck Property Owner Llc	2190 Shattuck Ave	$24,100.73
057- -2034-010-00	Lore Bca 2120 L P	2015 Kala Bagai Way	$20,408.03
057- -2060-032-00	Lyon David	1801 University Ave 404	$239.33
057- -2031-004-00	Magnes Museum Foundation	2121 Allston Way	$8,259.25
057- -2053-012-00	Mahrat Abdul & Reem Trs	1949 Milvia St	$3,452.35
057- -2025-010-01	Maia Holdings Llc	2001 Addison St	$14,342.58
057- -2060-034-00	Mak Kwan & Lishan	1801 University Ave 305	$239.33
057- -2050-005-00	Malin Robert O Inc	1848 Shattuck Ave	$1,593.72
057- -2049-014-00	Mamin Adrienne & Mamin Harry J & Marjorie Trs	1849 Shattuck Ave 301	$120.83
057- -2060-025-00	Mao Yuli	1801 University Ave 302	$239.33
057- -2031-005-00	Martin David J & Reid B Etal	2115 Allston Way	$2,915.39
057- -2051-053-00	Martin Reid & John	1912Shattuck Ave	$961.66
057- -2031-007-00	Martin Reid B & David R Etal	2181 Shattuck Ave	$3,312.47
057- -2051-004-00	Martin Reid B & David R Etal	1920 Shattuck Ave	$1,266.33
057- -2046-008-04	Mcref Achenson Llc	2125 University Ave	$49,309.36
057- -2046-011-01	Mcref Achenson Llc	1987 Shattuck Ave	$22,092.08
057- -2046-009-00	Mcref Bachenheimer Llc	2119 University Ave	$15,197.58
057- -2049-036-00	Mejia Cesar A	1849 Shattuck Ave 408	$120.83
057- -2123-001-00	Mevlanarumi Llc	2025 Kala Bagai Way	$7,201.14
057- -2033-001-01	Mgm Shattuck Llc	2000 Kala Bagai Way	$11,051.50
057- -2023-016-01	Milvia Berkeley Llc	0 Milvia St	$2,353.64

APN	Owner	Site Address	Parcel Assessment
055- -1822-002-01	Mmp Chestnut Llc	2506 Shattuck Ave	$1,625.67
057- -2016-002-00	Moaven Saghi Tr	2054 M L King Jr Way	$464.37
057- -2051-006-01	Moran Everett S Jr & Catharine Trs	1936 Shattuck Ave	$3,000.53
055- -1821-001-01	Natural Green Corporation	2550 Shattuck Ave	$5,638.90
057- -2051-005-00	Nineteen Hundred Twenty Six Shattuck Investors	1926 Shattuck Ave	$1,222.52
057- -2049-031-00	Niramol Chitrcharatn 2016 Living Trust	1849 Shattuck Ave 207	$120.83
057- -2049-032-00	Nisen Frederick P	1849 Shattuck Ave 307	$120.83
057- -2024-014-00	Norcal Properties Llc	1900 University Ave	$5,015.38
057- -2016-024-01	Ohay Philip L & Barbara L Trs	1824 University Ave	$4,176.22
057- -2034-006-00	Okada Bros Inc	2037 Kala Bagai Way	$9,659.93
057- -2120-002-00	Oxford Commercial Llc	2200 Fulton St C	$11,452.47
057- -2121-001-00	Oxford Plaza Lp	2175 Kittredge St	$30,226.15
057- -2016-018-01	P P M&B Berkeley Llc	1800 University Ave	$3,414.73
055- -1893-019-00	P T & T Co 279-1-12-6	0 Durant Ave	$21,627.71
055- -1893-020-00	P T & T Co 279-1-1-4	0 Bancroft Way	$1,306.32
055- -1820-001-01	Parkershattuck Owner Llc	2600 Shattuck Ave	$27,452.95
055- -1821-005-00	Parkershattuck Owner Llc	2598 Shattuck Ave	$5,642.12
057- -2028-004-00	Pasand Courtyard Llc	2276 Shattuck Ave	$15,088.12
057- -2060-048-00	Pathmarajah Canagaratnam Tr	1801 University Ave 210	$239.33
057- -2029-014-00	Peleg Yoram & Barbara L Trs & Weil Ben	2124 Kittredge St	$3,999.66
057- -2022-005-01	Peralta Community College District	2118 Milvia St	$6,590.29
057- -2026-010-00	Peralta Community College District	2016 Center St	$1,801.43
057- -2026-014-00	Peralta Community College District	2048 Center St	$34,169.97
055- -1894-003-01	Persian Center	2029 Durant Ave	$1,303.68
057- -2025-021-00	Reddy Hanumandla J & Hanumandla J Trs	2066 University Ave	$7,388.03
057- -2053-006-00	Reddy Hanumandla J & Hanumandla J Trs	2057 University Ave	$7,772.75
057- -2046-002-00	Regency 2120 Berkeley Way Llc	2120 Berkeley Way	$10,848.73
055- -1891-014-01	Regents Of The University Of California	2401 Shattuck Ave	$8,629.70
057- -2029-007-02	Regents Of The University Of California	2113 Bancroft Way	$6,014.39
057- -2029-009-00	Regents Of The University Of California	2105 Bancroft Way	$15,062.19
057- -2032-014-01	Regents Of The University Of California	2120 Oxford St	$18,817.69
057- -2034-003-00	Regents Of The University Of California	0 Addison St	$1,019.89
057- -2034-004-00	Regents Of The University Of California	2123 Addison St	$337.75
057- -2034-011-00	Regents Of The University Of California	2138 University Ave	$978.87
057- -2034-012-00	Regents Of The University Of California	2154 University Ave	$2,553.42
057- -2034-014-02	Regents Of The University Of California	2199 Addison St	$92.57
057- -2034-014-03	Regents Of The University Of California	2199 Addison St	$9,291.89
057- -2045-006-01	Regents Of The University Of California	1950 Oxford St	$90,499.79
057- -2047-004-00	Regents Of The University Of California	1900 Oxford St	$51,069.17
057- -2054-012-01	Regents Of The University Of California	1995 University Ave	$22,423.97
057- -2023-023-00	Rilco Addison Llc	2030 Addison St	$14,722.15
057- -2023-024-00	Rilco Addison Llc	2040 Addison St	$6,314.40
057- -2023-025-00	Ruegg & Ellsworth	2072 Addison St	$16,715.52
057- -2049-033-00	Ryu David J & Wu Christina L Trs	1849 Shattuck Ave 407	$120.83
055- -1895-018-01	Satellite First Communities L P	2020 Durant Ave	$3,724.07
057- -2049-028-00	Schirle Ann M Tr	1849 Shattuck Ave 206	$120.83
055- -1893-016-00	Segerberg Kenneth Tr	2301 Shattuck Ave	$3,053.99

APN	Owner	Site Address	Parcel Assessment
057- -2024-016-02	Severy Michelle A Tr & Aaronia Michael Jr Tr	1926 University Ave	$763.85
057- -2022-009-02	Shamszad Sasha G & Merideth B Trs	2105 M L King Jr Way	$3,397.45
057- -2022-013-04	Shamszad Sasha G & Merideth B Trs	1900 Addison St	$5,147.12
057- -2024-002-02	Shamszad Sasha G & Merideth B Trs	2020 Milvia St	$11,473.95
057- -2033-003-00	Shamszad Sasha G & Merideth B Trs	2021 Shattuck Ave	$9,060.59
057- -2049-024-00	Sharma Gauri Tr	1849 Shattuck Ave 404	$120.83
055- -1891-013-01	Shattuck Senior Homes Associates	2421 Shattuck Ave	$1,984.96
055- -1897-001-03	Shattuck Wicks Partnership Ltd	2480 Shattuck Ave	$3,591.59
055- -1822-006-00	Shen Tsui Y & Wu Yeu B	2530 Shattuck Ave	$2,089.92
057- -2060-038-00	Shoji Joseph	1801 University Ave 406	$239.33
057- -2016-022-00	Shree Laxmi Llc	1822 University Ave	$4,601.88
057- -2053-014-02	Shrimatis Limited Inc	2011 University Ave	$2,915.06
057- -2060-045-00	Sikaffy Amal	1801 University Ave 209	$239.33
057- -2049-013-00	Song Jia Y	1849 Shattuck Ave 201	$120.83
055- -1824-016-00	Southwick Timothy K & Susan E Trs	2555 Shattuck Ave	$1,721.54
055- -1892-018-01	Southwick Timothy K & Susan E Trs	2110 Durant Ave	$3,918.97
055- -1896-001-00	Southwick Timothy K & Susan E Trs	2410 Shattuck Ave	$4,466.63
057- -2060-002-00	Southwick Timothy Sr & Susan Trs	1865 University Ave	$3,776.28
057- -2023-017-01	Sterling Berkeley Addison L P	2101 Milvia St	$8,988.01
057- -2030-002-00	Sterling Berkeley Allston Lp	2116 Allston Way	$24,874.12
055- -1890-013-02	Sterling Berkeley Haste Lp	2451 Shattuck Ave	$17,299.51
057- -2047-002-01	Sterling Berkeley Oxford Lp	1910 Oxford St	$7,377.36
057- -2025-014-00	Sterling Berkeley University Ave Lp	2004 University Ave	$9,467.45
057- -2024-001-02	Stonefire Partners Llc	1974 University Ave	$20,160.17
055- -1823-011-01	Sutter Bay Hospitals	2104 Dwight Way	$3,892.39
057- -2060-035-00	Swanson Linda L	1801 University Ave 405	$239.33
057- -2049-025-00	Sweeney Zephyr & Dennis A	1849 Shattuck Ave 205	$120.83
057- -2060-042-00	Szabo Marshika L	1801 University Ave 208	$239.33
057- -2053-008-01	Talai Mohammad E & Kokab S Trs & Kashani Mans	2035 University Ave	$7,145.52
057- -2060-033-00	Tavakolizadeh Mehdi	1801 University Ave 205	$239.33
055- -1824-014-00	Thallaug Kirsten Tr & Thallaug Haakon E	2105 Parker St	$5,204.00
057- -2060-027-00	Thevanayagam Sabanayagam & Vasuki Etal	1801 University Ave 203	$239.33
057- -2060-049-00	Thomas Herb Tr	1801 University Ave 310	$239.33
057- -2049-018-00	Tiphane Bibiane Tr	1849 Shattuck Ave 402	$120.83
057- -2051-051-00	Tipping Zeniada L Tr	1900 Shattuck Ave	$2,381.87
057- -2051-052-00	Tipping Zeniada L Tr	1908 Shattuck Ave	$1,240.41
057- -2053-007-00	Trilink Real Estate Investment & Development Inc	2041 University Ave	$9,863.18
057- -2025-015-00	U C Studios Lp	2018 University Ave	$16,603.49
057- -20270-05-00	United States Postal Service	0 Milvia St	$15,687.63
057- -2060-047-00	Vajjravel Muralli & Rajalakshmi Hema	1801 University Ave 409	$239.33
057- -2024-012-00	Vedensky Properties Llc	1911 Addison St	$3,401.27
055- -1893-018-00	Vero Properties Llc	2126 Bancroft Way	$1,316.99
057- -2051-007-00	Vinland Property Invetment Llc	2053 Berkeley Way	$1,503.06
057- -2060-039-00	Wagele Nicholas	1801 University Ave 207	$239.33
057- -2028-012-00	Wander Robert H & Ingrid	2235 Milvia St	$845.90
057- -2030-009-00	Wise Stanley & Wise Addington L Jr Heirs Of E Etal	2115 Kittredge St	$8,736.44
055- -1822-001-00	Wong Franklin & Pui T Etal	2500 Shattuck Ave	$2,250.25

APN	Owner	Site Address	Parcel Assessment
057- -2060-029-00	Wong Mei L & Kuochen	1801 University Ave 403	$239.33
057- -2031-010-00	Wu Shu F Tr	2124 Center St	$4,523.16
057- -2049-027-00	Yang Judy C Tr & Yang Lucinda Etal	1849 Shattuck Ave 405	$120.83
057- -2034-005-00	Yaniv Gershon Tr & Nevo Dalia Tr	2119 Addison St	$7,096.60
057- -2059-011-00	Yearwood Ines L & Kahlil & Rodriguez R U Trs Etal	1901 University Ave	$2,012.08
057- -2053-011-00	Yee David	2017 University Ave	$4,504.68
057- -2060-021-00	Yeh Jeng R & Yang Chingmei Trs	1801 University Ave 201	$239.33
057- -2029-010-02	Young James C & Eddie Jr	2281 Shattuck Ave	$1,262.88
057- -2029-010-01	Young James C & Young Eddie Jr	2283 Shattuck Ave	$945.86
057- -2022-018-00	Young Mens Christian Association Of The East Bay	2109 M L King Jr Way	$2,508.98
057- -2026-015-00	Young Mens Christian Association Of The East Bay	2001 Allston Way	$25,378.05
057- -2049-035-00	Yu David T & Lisa L Trs	1849 Shattuck Ave 308	$120.83
055- -1893-001-00	Yu Inn N Tr	2190 Bancroft Way	$2,641.59
055- -1822-004-00	Yu Wah Y & Rui C Trs	2520 Shattuck Ave	$964.67
057- -2059-009-00	Z & L Pm Llc	1915 University Ave	$1,933.96
057- -2023-002-00	Zac Enterprise Llc	2116 Shattuck Ave	$1,769.85
TOTAL:			**$2,668,086.26**

PETITION TO RENEW THE DOWNTOWN BERKELEY PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT

(Pursuant to Sec. 36600 et seq. of the Calif. Streets and Highway Code)

This is a petition to initiate special assessment proceedings to renew the Property-based Business Improvement District (PBID) in accordance with the Property and Business Improvement District Law of 1994, California Streets and Highways Code Sections 36600 et seq., for the purpose of undertaking and implementing the Management District Plan, a summary of which is attached.

Legal Owner: City Of Berkeley
Owner % of Total Assessment: 7.06%

APN:	**Parcel Address *(if known)***	**2027 Parcel Assessment**
057- -2017-016-01	2100 M L King Jr Way	$25,326.87
057- -2021-001-00	2180 Milvia St	$21,423.76
057- -2021-002-00	0 Center St	$22,561.90
057- -2022-006-00	1947 Center St	$12,461.49
057- -2022-020-00	0 Center St	$5,341.94
057- -2023-020-03	2025 Center St	$52,152.34
057- -2028-005-00	2031 Bancroft Way	$4,077.43
057- -2028-017-01	2090 Kittredge St	$18,502.30
057- -2118-001-00	2200 Fulton St	$0.00
057- -2119-001-00	2200 Fulton Sta	$10,484.16
057- -2122-001-00	2012 Berkeley Way	$13,704.20
057- -2122-002-00	Berkeley Way	$604.36
057- -2122-003-00	2020 Berkeley Way	$1,827.76
		Annual Total $188,468.50

To complete your Petition please:

1) Check your affirmation YES,
2) Print your name, e-mail and phone number below, and
3) Sign and date below.

☐ YES, I approve of the proposed maximum assessment of $188,468.50 on the parcel(s) identified on this preliminary petition.

(Print) Name and Title of Owner of Record or an Authorized Representative *Email address* *Phone No.*

Signature of Owner of Record or the Representative Legally Authorized and Entitled to Sign this Petition *Date*

Please return this Preliminary Petition signed and dated to:

Downtown Berkeley Association
1917 Addison Street, Suite 191
Berkeley, CA 94704
info@downtownberkeley.com
Phone: 510.549.2230







Downtown Berkeley Association

STRATEGIC PLAN

June 2025



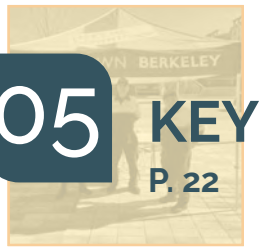




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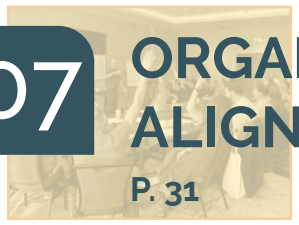
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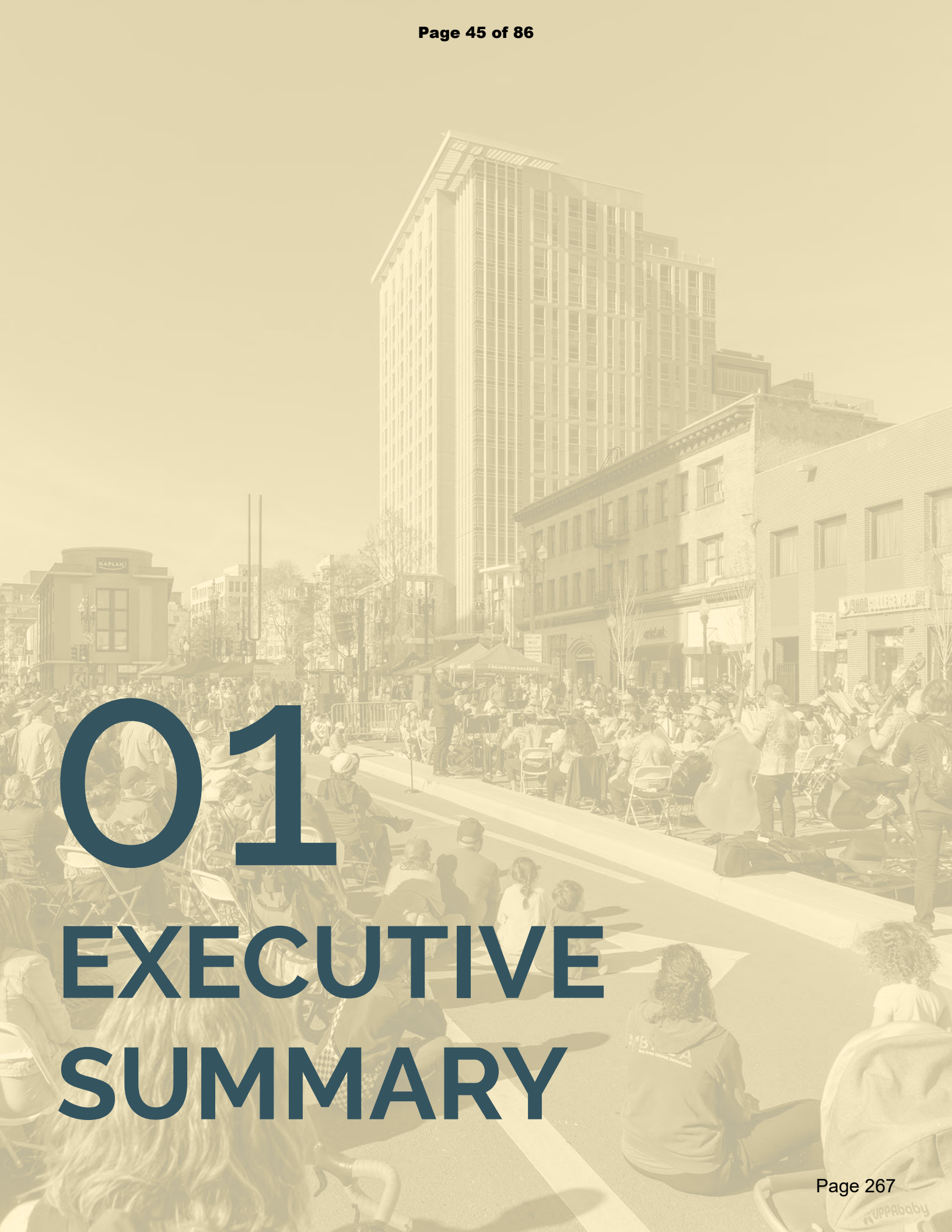
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01 EXECUTIVE SUMMARY

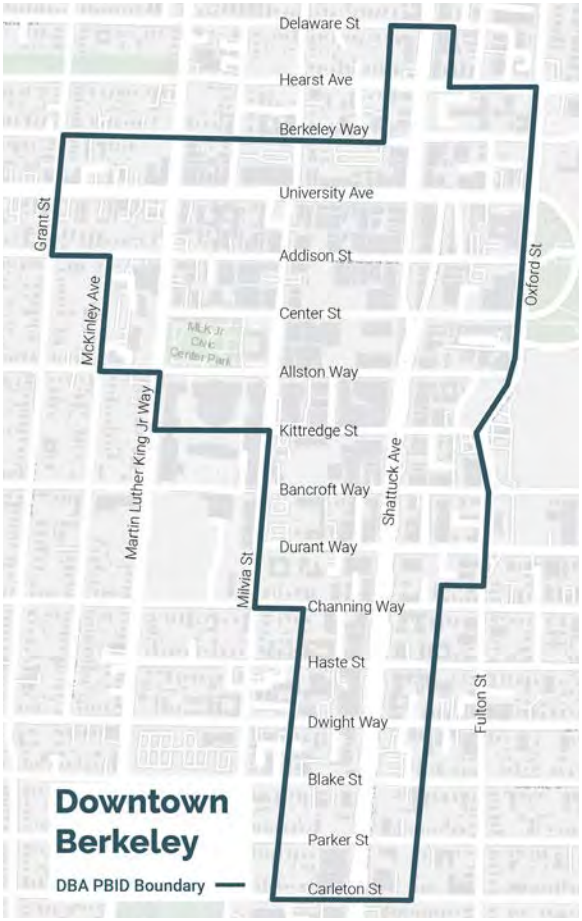
Introduction

Downtown Berkeley is the civic, cultural, and commercial heart of the city—home to leading academic institutions, a vibrant restaurant and entertainment scene, and a robust network of small businesses and nonprofits. Though it comprises just 2% of Berkeley's land area, Downtown accounts for 17% of all businesses, 10% of jobs, and 34% of the city's hotel rooms.

The **Downtown Berkeley Association (DBA)** is the 501(c)(6) nonprofit organization that oversees services funded through the Downtown Berkeley Property-Based Business Improvement District (PBID), including cleaning, maintenance, outreach, events, marketing, and advocacy. As the community emerges from the COVID-19 pandemic and grapples with rising storefront vacancies, public safety concerns, and affordability pressures, the DBA's role has never been more critical.

DBA's 2025 Strategic Plan update outlines a ten-year roadmap to guide the DBA's programs and operations. The plan was informed by input from DBA staff and Board leadership, and broad community feedback from business owners, property owners, residents, non-profits, educational institutions, and other community members interested in Downtown's future. In addition to community input, the plan was also shaped through an evaluation of current market trends impacting Downtown and an internal assessment of the DBA organization.

This Strategic Plan will not only guide the DBA's services and priorities over the next ten years, but will serve as the foundation for the PBID's 2026 state-mandated renewal process.



External Conditions & Trends

Downtown Berkeley's landscape is shaped by broader trends in demographics, real estate, and public life:

Population Growth: Downtown's population has grown 23% since 2010, outpacing the city overall, with younger and more diverse demographics.

Employment: Downtown comprises just 2% of the City's total land area, but is home to 17% of its businesses and 10% of its jobs.

Storefront Vacancy: Vacancy has climbed as high as 28% amid economic uncertainty, stalled development, and lingering pandemic impacts.

Multifamily Residential: 40% of Downtown residential units were built since 2014. However, lease-up rates have slowed recently, reflecting possible softening in the student housing market.

Office: Office vacancy hovers around 10%—lower than San Francisco or Oakland—but absorption remains sluggish. Office supply has been steadily decreasing in Downtown as Class B office space is torn down for new multifamily residential.

Tourism: While substantial new hotel supply has come online since 2014 and occupancy rates are beginning to recover from pandemic impacts, occupancy has not fully rebounded to pre-pandemic levels.

Homelessness: While recent progress has reduced the visible street population in Downtown Berkeley, safety concerns and disruptive behaviors persist.

Community Engagement

More than 700 Downtown Berkeley stakeholders contributed to the strategic planning process, including property owners, merchants, nonprofits, residents, students, and civic partners. Outreach methods included regular touchpoints with the DBA Board, focus groups organized by stakeholder interest in Downtown, individual interviews, and a widely-distributed online survey. This engagement shaped the core of the Strategic Plan.

Focus Groups & Individual Interviews

Key findings from engagement with over 200 Downtown Berkeley community members in focus groups and individual interviews include:

Strengths

- Multi-modal access and connectivity
- Arts and cultural vitality
- Diverse and engaged community
- DBA Ambassador program

Challenges

- Visible homelessness
- Safety concerns
- High storefront vacancy
- Uninviting public realm
- Decreasing commercial & residential affordability

Priorities

- Ensure a safe, clean, and welcoming environment
- Activate vacant storefronts and support local businesses
- Make the public realm more cohesive

Online Survey Highlights

To broaden community engagement and build on focus group and individual interview themes, a widely-distributed online survey was conducted that gathered 495 responses. In the survey, respondents were asked which three services or programs are most needed to improve Downtown Berkeley in the future. The top three selections were:

1. Ensure Downtown is consistently clean and well maintained (56%)
2. Improve security and safety (52%)
3. Provide support to locally-owned and small businesses (52%)

When asked to choose amongst a set of physical improvements, which three are the most important for the future of Downtown Berkeley, the three top choices were:

1. Fill and activate vacant storefronts (74%)
2. Add more green and open spaces where people can gather (34%)
3. Add more diverse types of housing at a variety of price points (30%)

Word cloud summarizing respondents' top three words to describe their vision for Downtown Berkeley in the future. The larger the word, the more frequently it was used.



Key Takeaways

The following key takeaways summarize important findings from discovery, community engagement, and the internal organizational assessment for DBA:

1. **Downtown is experiencing two concurrent crises impacting vibrancy and safety:**
   A. Berkeley's ongoing challenges related to its unhoused population, including encampments, disruptive behaviors, and violent incidents
   B. Stubborn storefront vacancy that creates gaps in the street level experience and adds to the perception and reality of safety issues
2. **DBA is currently under-capitalized given Downtown's challenges**
3. **Stakeholders have clear priorities for Downtown Berkeley moving forward:**
   A. Ensure Downtown is consistently safe and clean
   B. Fill and activate vacant storefronts and support existing small businesses
   C. Create a more cohesive Downtown experience, including improved lighting, more parks and community gathering spaces, public art, etc.
4. **DBA needs to build organizational and financial capacity to provide impactful solutions to address Downtown Berkeley's significant challenges**

Strategic Plan Framework

This Strategic Plan provides roadmap to guide DBA's work over the next ten years. The Plan is grounded in a clear vision, a mission statement for DBA, and four strategic goals with supporting objectives. While the goals are intended to remain consistent over the next decade, specific tactics will be implemented through adaptable annual workplans, with a recommended five-year checkpoint to assess progress and realign as needed.

Vision

Stakeholder engagement conducted as part of the Strategic Plan process was synthesized into the community's vision for Downtown Berkeley:

Downtown Berkeley is the heart of the community, offering a dynamic mix of living, learning, working, shopping, dining, cultural, and entertainment experiences.

Mission

A refreshed mission statement aligns with themes that arose through engagement with the Downtown Berkeley community, and is intended to clarify the DBA's role in achieving the vision for Downtown:

The DBA provides leadership and enhanced services to create and sustain a clean, safe, welcoming, and prosperous Downtown.

GOAL 1

Ensure Downtown Berkeley is consistently clean, safe, and welcoming.

- → Optimize DBA's Ambassador program dedicated to cleaning and maintaining the public realm.
- → Re-establish DBA's safety-focused Community Engagement Ambassador program.
- → Strengthen advocacy and partnerships to support compassionate solutions to unhoused challenges.
- → Anticipate maintenance obligations of existing and new streetscape amenities.

GOAL 2

Attract, retain, and support locally-owned, creative, and innovative businesses and nonprofits.

- → Support existing businesses and attract new storefront uses that diversify Downtown's offerings.
- → Collect, analyze, and communicate relevant and compelling data on the Downtown economy.
- → Advance placemaking/public realm investments that support economic vitality.
- → Foster a vibrant arts, culture, and nonprofit community in Downtown.
- → Work with merchants and property owners to maintain attractive public facing buildings, grounds, and businesses.

GOAL 3

Bring residents and visitors to Downtown to patronize businesses, nonprofits, and the arts.

- → Lead to efforts to market Downtown Berkeley's brand identity.
- → Develop promotions that support Downtown businesses and non-profits.
- → Engage and communicate with Downtown stakeholders
- → Utilize technologies (e.g., social media, video, AI) to engage various audiences.
- → Offer programming and events that appeal to a wide variety of Berkeley community members.

GOAL 4

Be the leading convener and advocate for Downtown Berkeley.

- → Advocate for local, regional, and state policies that benefit the Downtown economy and quality of life.
- → Strengthen collaboration with key civic, institutional, and nonprofit partners.
- → Work with partners to develop and implement plans and civic investments that align with DBA's vision for Downtown's future.

Organizational Alignment

To implement the preceding goals and objectives, DBA organizational recommendations emphasize near-term focus and optimization of resources to stabilize the Downtown environment and enhance the DBA's value proposition to ratepayers and key partner organizations.

Two key organizational recommendations that will substantially impact DBA's budget and annual work program are:

1. **The addition of a dedicated staff member focused on Economic Development and Placemaking,**
2. **The reinstatement of the DBA's Community Engagement/Safety Ambassador program.**

Additional recommendations include:



Organizational Structure

DBA will refine its organizational model by maintaining its 501(c)(6) structure and establishing a new 501(c)(3) affiliate to expand fundraising capacity and support special projects. Staff roles will be clarified across four key functions—Clean & Safe, Economic Development & Placemaking, Marketing & Communications, and CEO-led Advocacy—while the Board and prospective committees will reflect Downtown's evolving community and strategic priorities.



Revenue Diversification

To reduce reliance on PBID assessments, DBA will pursue a mix of revenue streams including sponsorships, earned income, contracted services, and charitable donations and grants through its new 501(c)(3). Diversified revenue can help support expanded clean and safe services, economic development, and public realm improvements.



Succession Planning

With the CEO planning to retire in 2027, DBA will initiate a formal succession process in late 2026. A search committee will guide recruitment and transition to ensure strong leadership continuity aligned with the Strategic Plan.



PBID Renewal

This Strategic Plan lays the foundation for DBA's 2026 PBID renewal, which will include updates to the Management District Plan, boundaries, service plan, and assessment methodology. Broad property and business owner support will be essential as DBA prepares for the petition and ballot process required by California law.



02 INTRODUCTION

About Downtown Berkeley

Berkeley is a nationally recognized center of academic excellence, cultural diversity, and civic engagement. Home to the University of California, Berkeley, the city benefits from a constant influx of talent, creativity, and global perspectives. At the heart of it all is Downtown Berkeley—the city's commercial, cultural, and transit-oriented core. Known for its walkable streets, historic character, world-class performing arts institutions, diverse nonprofit community, and thriving independent food scene, Downtown Berkeley serves as both a vital neighborhood hub and a destination for the broader Bay Area. Its strategic location, with access to BART, AC Transit lines, and regional pedestrian and bike networks, reinforces its importance as a dynamic, connected urban center.

About the Downtown Berkeley Association (DBA)

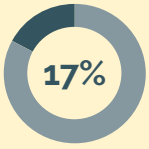
The Downtown Berkeley Association (DBA) is a 501(c)(6) nonprofit dedicated to fostering a welcoming, vibrant, and economically resilient Downtown. Originally founded in 1989 as a volunteer-led Main Street initiative, the DBA evolved into a Business Improvement District (BID) in the 1990s and later transitioned to a Property-Based Business Improvement District (PBID) in 2012 to address the district's growing needs. The PBID is funded through a special assessment on properties within the district and is managed by the DBA, which provides a range of services designed to support the area's vitality—including cleaning, maintenance, beautification, hospitality, outreach, marketing, events and programming, advocacy, and business support.

Today, the PBID represents 345 parcels, 264 property owners, and approximately 750 business and merchant tenants. Its boundaries extend from Delaware Street to the north, Carlton Street to the south, Grant Street to the west, and Oxford Street to the east, as illustrated in the map to the right.

The Value of Downtown Berkeley

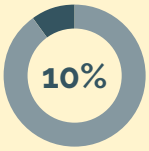
Downtown is just a **quarter square mile** or **2%** of the City's total land area, but it is home to:

1,200 businesses



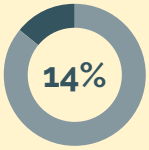
of the City's total

10,112 employees



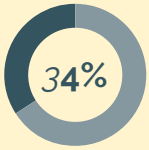
of the City's total

187 restaurants, bars, and shops



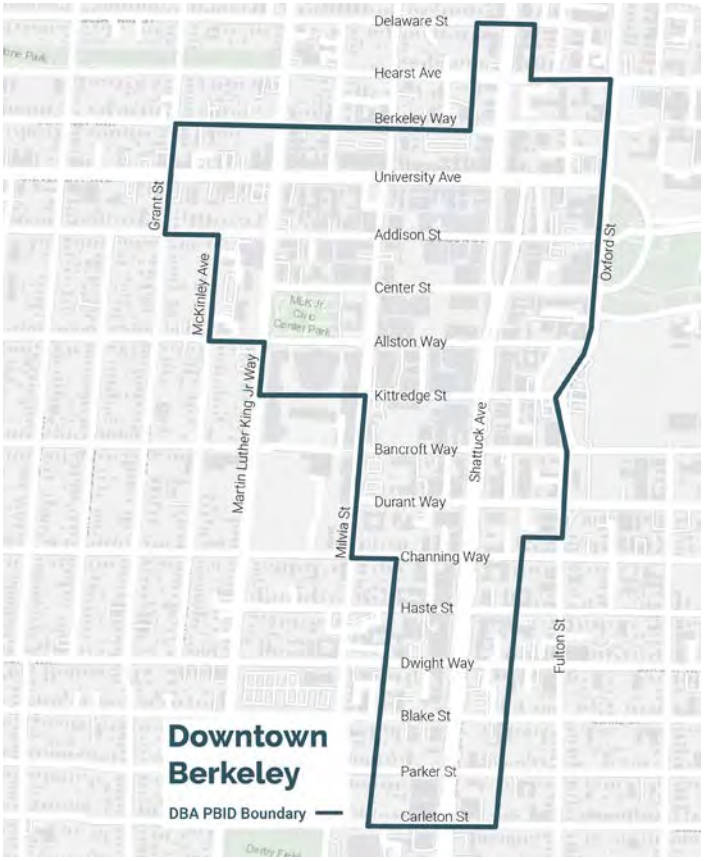
of the City's total

636 Hotel Rooms



of the City's total

Data from: Esri Business Analyst, CoStar, City of Berkeley



As Downtown Berkeley continues to evolve, it faces a set of complex, interrelated challenges. Public safety concerns, increasing storefront vacancies, and broader economic uncertainty have created an environment that is markedly different from when the last DBA Strategic Plan was completed in 2015. Like many downtowns nationwide, Berkeley is contending with stronger post-pandemic headwinds than it has in decades, particularly in terms of lingering pandemic recovery, persistent safety issues, rising affordability concerns, and federal political uncertainty.

Despite these challenges, there is broad recognition of the essential role the DBA plays in championing Downtown. The DBA's ongoing efforts to maintain cleanliness, assist small businesses, and activate public spaces are widely valued by Downtown stakeholders and the broader community. These initiatives not only enhance the immediate experience of the area but also contribute to the long-term economic vitality and attractiveness of Downtown Berkeley as a thriving urban center.

DBA's Impact by the Numbers

With **$2,119,471** in total 2024 revenue DBA's work includes:

- **20** Ambassadors
- **3,661** Merchant Checks
- **10,253** Hanging Baskets Watered
- **14** Community Events Produced, Partnered, or Supported
- **7,234** Visitor Information Contacts
- **5,015** Homeless Engagements
- **329,975** Trash Pounds Collected
- **3,217** Block Faces Weeded

Data from: DBA 2024 Annual Report

Strategic Plan & PBID Renewal Project Background

In early 2025, the DBA kicked off a process to update the organization's Strategic Plan and to renew the Downtown Property-Based Business Improvement District (PBID), as required by state statute. To facilitate the Strategic Plan and PBID Renewal process, DBA retained Progressive Urban Management Associates (P.U.M.A.) and Kristin Lowell Inc. P.U.M.A. and Kristen Lowell previously aided in establishing the Downtown Berkeley PBID in 2011 and the district's first renewal in 2016.

Overall objectives for the Strategic Plan and PBID Renewal processes include:

- Build on the work of past plans and respond to market trends to help guide the DBA in its response to conditions that can be reasonably expected through the next ten years
- Align the DBA with the dynamics of a rapidly changing economic, social, and political landscape, building on the organization's fundamental strengths, and exploring meaningful ways to become more responsive to community needs and aspirations

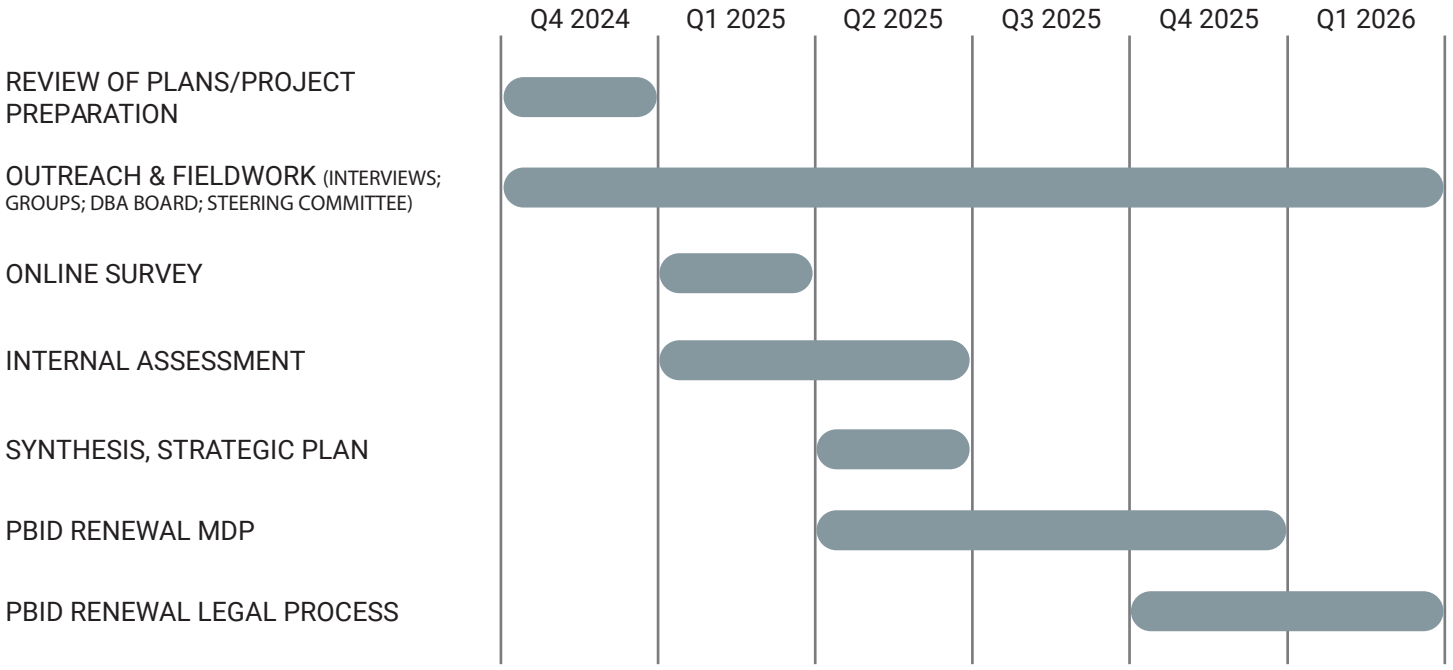
- Affirm program priorities for the DBA and develop holistic Strategic and PBID Renewal plans to sharpen the organization's value proposition and ensure that initiatives strengthen and unify overall district management efforts
- Engage a variety of Downtown Berkeley stakeholders (i.e., DBA board members, property owners, businesses, employees, residents, civic partners, etc.) in a participatory process to develop the Strategic and PBID Management Plans

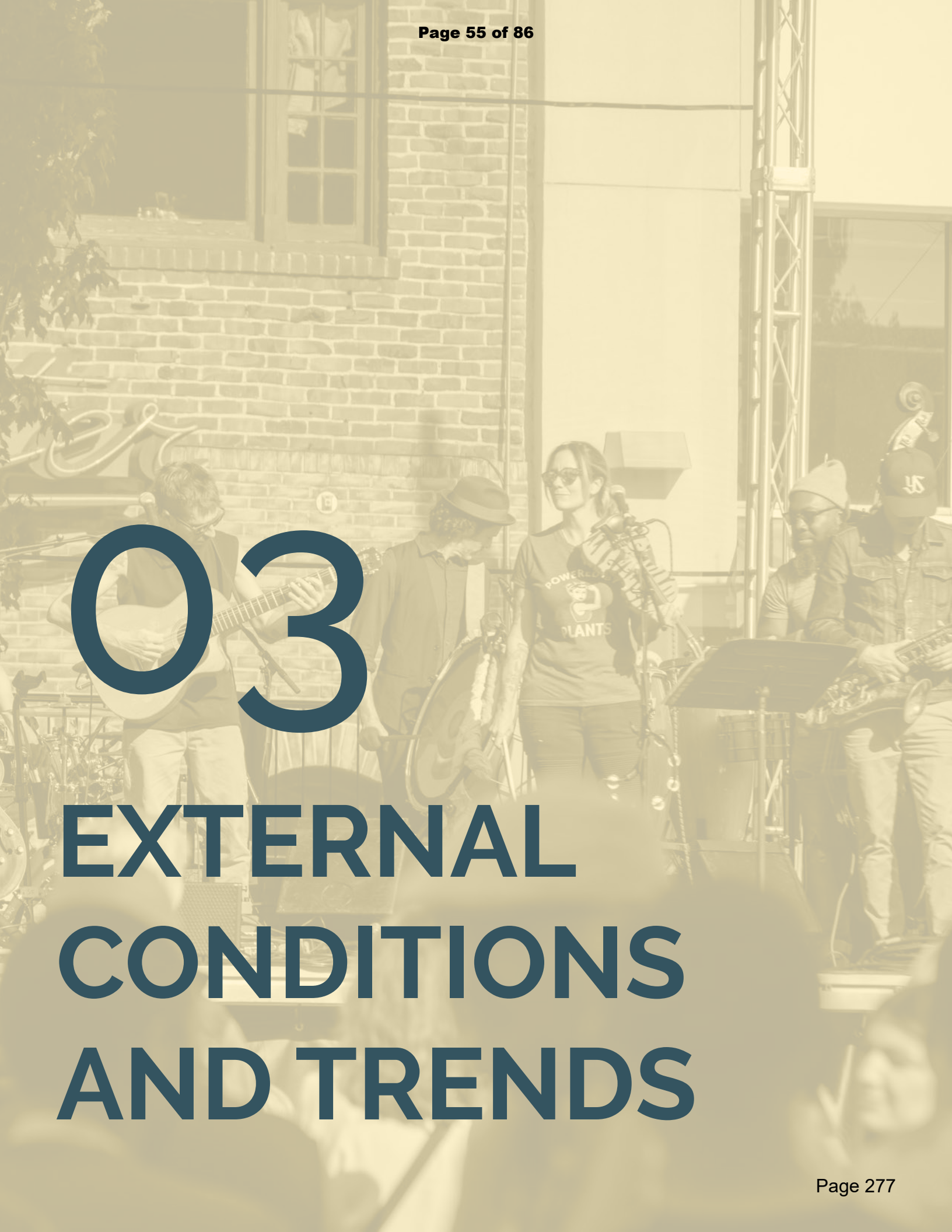
The DBA Strategic Plan and PBID Renewal Process included **discovery and community engagement** to understand the myriad economic, social, and political forces that are currently shaping Downtown Berkeley. The discovery and engagement processes engaged a variety of Downtown stakeholders, including property owners, businesses, non-profits, residents, and civic leaders.

The process also included an **internal organizational assessment** to evaluate the DBA's ability to effectively address challenges and capitalize on opportunities affecting the district, including a comprehensive review of the programs, financing tools, and organizational structure.

Following the completion of the first two steps, a Strategic Plan document was compiled that includes findings from discovery, stakeholder engagement, and the organizational assessment plus recommendations for the DBA in the near- and long-term.

Per California state statute, PBIDs are required to undergo a renewal process every ten years. Teed up by the strategic planning process, the subsequent legal PBID renewal process for DBA will include the creation of a new management plan and an engineering report that describes the PBID's rationale and objectives, any changes to boundaries, benefit zones, service plan and budget, assessment method, and governance structure. The full DBA Strategic Plan & PBID Renewal process and timeline is summarized in the graphic below.





03 EXTERNAL CONDITIONS AND TRENDS

Overview

While the recommendations outlined in this Strategic Plan are grounded in extensive stakeholder input, they are also informed by several key factors and trends currently shaping the landscape of Downtown Berkeley. Although not exhaustive, these trends reflect recurring themes identified in the Plan's community engagement process, which are summarized in the subsequent chapter – *04 Community Engagement.* Many of these external factors fall outside the direct control of the DBA; however, DBA's influence on public perception and the vitality of the district underscores the importance of proactive attention and influence as DBA enters its next phase of organizational development.

Demographics

Since 2010, Downtown has outpaced the City of Berkeley's population growth by a ratio exceeding two-to-one. However, in both geographies, population growth has slowed since 2020. Downtown's population has grown by 23% since 2010, but only 5% since 2020, while the City lost population (-1%) since 2020.

Reflecting a high concentration of student households, Downtown residents tend to be younger, more diverse, and have lower annual household incomes than residents of the City as a whole. 60% of people living Downtown are between the ages of 15 and 34, compared to 44% in the City overall. Almost half (48%) of Downtown households make less than $50,000 per year and few (9%) make over $200,000. The numbers for City of Berkeley households are 28% and 30%, respectively.

Both Berkeley and Downtown residents are highly educated. 69% of Downtown residents and 76% of Berkeley residents have a bachelor's degree or higher.

Data from: Esri Business Analyst Online

Downtown residents tend to be younger, more diverse, and have lower annual household incomes than residents of the City as a whole.

Employment

Downtown comprises just 2% of the City's total land area, but is home to 17% of its businesses and 10% of its jobs. 32% of Downtown employment is in the knowledge sector, including 11% professional, scientific, and tech services, and 9% health care and social assistance. Other major job sectors represented in the Downtown area within the PBID boundaries include retail trade (14%), educational services (10%), and accommodation & food services (10%).

Data from: Esri Business Analyst Online

32% of Downtown employment is in the knowledge sector, including 11% professional, scientific, and tech services, and 9% health care and social assistance.

Storefront Economy

Pre-pandemic, Downtown Berkeley experienced several years of high performance in the retail landscape, particularly between 2015 and 2019 when the vacancy rate was less than 5%. Today, the official storefront vacancy rate in Downtown is estimated around 11%, however, given several shifting dynamics and broader economic uncertainty impacting development in Downtown, this rate is estimated closer to 28%. Several concurrent challenges include: 17 planned or entitled housing projects that have recently stalled in Downtown, street population issues, and storefront rent prices. While this increased vacancy rate is alarming, there are indications that the tide is shifting, as several new retailers and restaurants have recently opened or been announced in Downtown.

Compared to Downtown Berkeley, retail performance in the East Bay market overall experienced less dramatic pandemic-related shifts, as annual vacancy hovered between 3.5% and 5.5% (where it remains today).

Data from: CoStar

Multi-Family Residential

Downtown Berkeley has experienced significantly higher multi-family construction growth over the last ten years. 40% of all Downtown units were built since 2014 compared to the East Bay overall at 13%, indicating active development and resulting in Downtown's emergence as a residential neighborhood. There are roughly 3,233 multi-family units within the PBID boundary, currently serving a mostly student market. The asking rent is markedly higher in Downtown compared to other parts of the East Bay. Both markets have seen a similar rate of increase in rents – 24% in Downtown and 25% in the East Bay overall. Despite rent price increases, occupancy rates in Downtown remain strong at approximately 93%.

40% of all Downtown multifamily housing units have been built since 2014, compared to the East Bay overall at 13%.

According to local real estate brokers and developers, there is recent evidence of over-supply in Downtown's student housing niche. Several student-oriented developments were completed in 2024. Lease-up is reportedly sluggish in new buildings and rent concessions are more common, with reports of rent reductions up to 20%. Many new developments in process have stalled due to high interest rates and concerns with over-supply. The recent change is the federal administration is creating additional market uncertainty.

Data from: Esri Business Analyst Online

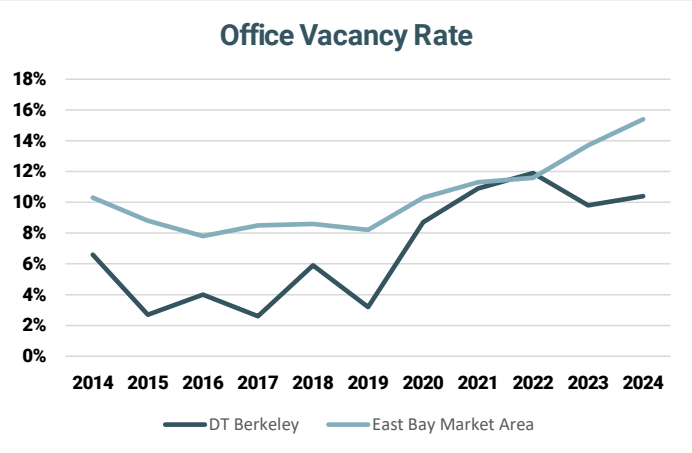
Office

Office Vacancy

Pre-pandemic, Downtown Berkeley's office market was characterized by low vacancy rates. Meanwhile, the East Bay Market had consistently higher office vacancy in those same pre-pandemic years, ranging from 7.8% to 10.3%, indicating slower absorption and less demand. As was seen nationally, both areas saw a sharp increase in office vacancy during the peak pandemic years between 2020 and 2022. Downtown Berkeley experienced a steep spike in vacancy. Today, downtown's vacancy rate hovers around 10%, which is markedly better than nearby Oakland and San Francisco. Overall office space has been decreasing in Downtown Berkeley, as Class B office space is torn down to make way for "multi-family"/ student rental housing.

Based on vacancy rates in the past couple years, Downtown Berkeley's office market may be stabilizing, as vacancy rates decreased slightly between 2022 and 2024, while East Bay Market Area vacancy rates continued increasing.

Data from: CoStar



Office Rents

Office rents in Downtown Berkeley remain notably higher than in surrounding areas, suggesting decreasing supply and a strong willingness among businesses to pay a premium for space next to transit and UC Berkeley. Notably, no new office construction has occurred recently in Downtown Berkeley, and recent patterns of negative absorption point to lingering softness in the market. While the broader East Bay office sector continues to face challenges, it is performing better than San Francisco's, where vacancy rates hover around 30%—driven largely by tech-sector downsizing and sustained remote or hybrid work trends. In contrast, the East Bay's more diverse business base and smaller concentration of large tech firms have helped buffer the region from some of the more severe post-COVID disruptions affecting office demand.

Data from: CoStar report East Bay - CA USA-Office Market Report April 2024

Tourism and Hospitality

Since 2014, Downtown Berkeley has added 329 hotel rooms with the addition of the Residence Inn Berkeley that has grown revenue per available room by 23%. However, while hotel room vacancy in Downtown Berkeley has decreased from its 2020 Pandemic high of nearly 50%, as of 2024, it had still not fully recovered to pre-pandemic levels.

Data from: CoStar

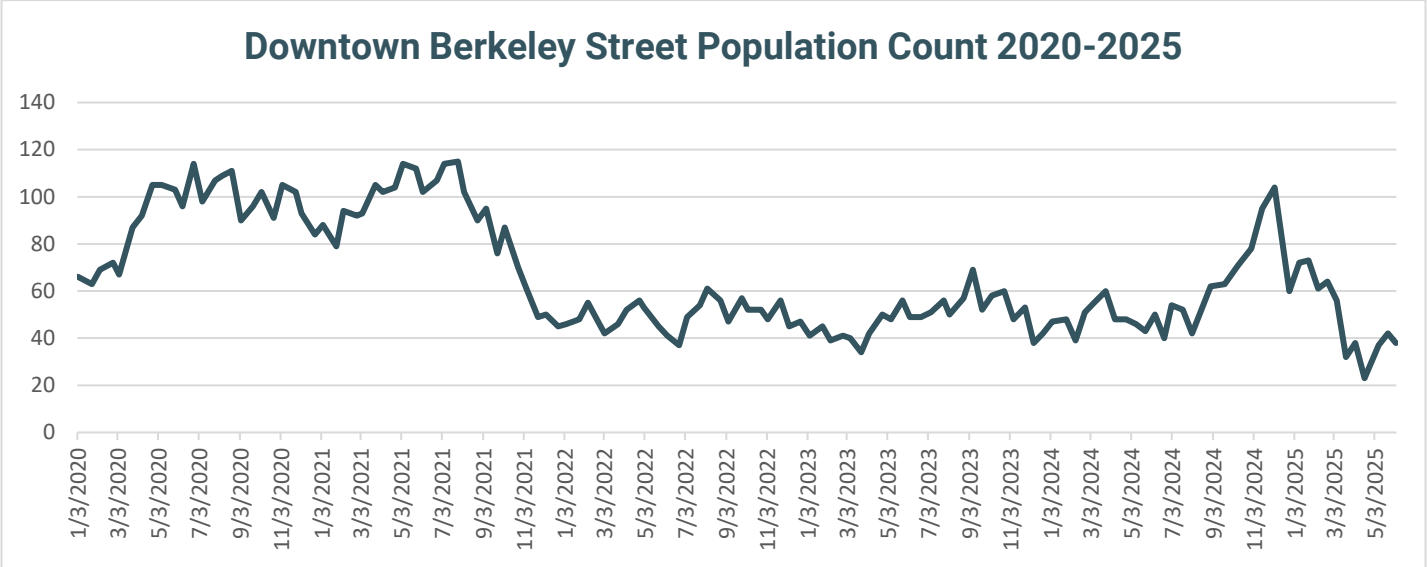
The Unhoused Challenge

While California boasts one of the most robust economies in the world, a different reality is reflected by the roughly 35,000 to 40,000 people who experience homelessness in the Bay Area on any given night, reflecting a 6% increase in 2024.[1] This issue is not unique to the Bay Area; it impacts all large cities across the country. Rapidly rising rents and an inadequate supply of affordable housing make the Bay Area particularly challenged.

While Berkeley made significant strides in 2024 achieving a 20% drop in homeless, and 45% drop in unhoused homeless, the City and the Bay Area continue to grapple with this crisis, with DBA staff and merchants on the front lines of issues concerning homelessness and mental health crisis within Downtown Berkeley. While the scope of need vastly exceeds the role and capacity of the DBA, the organization can play a role in connecting individuals experiencing homelessness and severe mental illness with services, providing a higher level of clean and safe services, and advocating for housing and other resources that will support the Downtown Berkeley community.

Homeless counts in Downtown Berkeley peaked in late 2024 with a large encampment at Civic Center Park. As of the latest point-in-time count, Downtown Berkeley's street population is currently at its lowest point since DBA started counts in January 2020, as illustrated in the graphic below.

Data from: DBA Point-in-Time Counts



[1] *https://www.sfgate.com/local/article/new-data-california-homelessness-problem-worse-20021177.php*



04 COMMUNITY ENGAGEMENT

Overview

Inclusive community engagement was critical to ensure a diverse array of voices were incorporated into the DBA strategic planning process. In total, **over 700 inputs** were gathered. Several methods were used to collect opinions and priorities from members of the Downtown Berkeley community, residents of Downtown and adjacent neighborhoods, property owners, business owners and entrepreneurs, elected officials, youth, institutional and nonprofit partners, members of the arts community, and others representing a cross-section of Downtown stakeholders. Outreach methods included regular touchpoints with the DBA Board, focus groups organized by stakeholder interest in Downtown, individual interviews, and a widely-distributed online survey. Highlights from engagement with the Downtown Berkeley community are provided below.

Interviews & Focus Groups

Key findings are summarized below from engagement with **over 200 Downtown Berkeley stakeholders** in focus groups and individual interviews that took place as part in the early stages of the strategic planning process. In each of these meetings, community members were asked to identify current strengths and challenges of Downtown Berkeley and the DBA, and determine improvement priorities moving forward. These themes and priorities helped inform the online survey that was then distributed to the broader community, and aided in establishing the foundation for this Plan's goal framework.



▲ *Residents/Neighbors Focus Group*



▲ *DBA Board Engagement*

Interviews & Focus Groups

Number of Attendees (Approx.)	Stakeholder Groups Engaged
16	DBA Board
10	Merchants
18	Property Owners
8	Commercial Brokers
7	Office Workers
9	Nonprofit Organizations
50	Neighbors & Residents
14	Merchants & Nonprofits
40	Berkeley High School
28	Berkeley City College
8	Anchor House Residents
208	**TOTAL ENGAGED**

Strengths

- DBA Ambassadors and services
- Multi-modal transportation access, including BART, biking, and walking
- Improvements to BART Plaza
- Diversity in restaurant offerings
- Hub for cultural non-profits, the arts, entertainment, music, and theater in the East Bay
- The new Residence Inn hotel
- Educational institutions including UC Berkeley, Berkeley Community College, and Berkeley High School
- Sense of community pride
- Cultural diversity
- Community is empathetic regarding the unhoused population

Challenges

- The unhoused population situation has gotten worse with threatening and disruptive behaviors, mental health challenges, theft, and property damage
- Perception and reality that Downtown is unsafe and dangerous
- Storefront vacancy and lack of convenience retail and other resident-serving amenities
- Commercial and residential unaffordability
- A long -term vision for Downtown is lacking
- Shattuck Avenue is a wide street and has problematic parking bays and medians
- Supply and management of parking
- Lack of nighttime activation and entertainment
- Lack of lighting
- Lack of family-friendly amenities and activities for people of all ages
- Limited City resources
- Limited green/open spaces

Priorities for the Future

While many improvements and initiatives were identified, when participants were asked to vote on their top three improvements for the future of Downtown Berkeley, there was consensus around:

- **Ensure Downtown is consistently clean and safe,** including providing additional services for the unhoused population with a focus on addressing disruptive behaviors, managing real and perceived safety concerns, and ensuring Downtown is clean and well cared for
- **Fill and activate storefronts** with diverse and creative uses, including entertainment and destinations for people of all ages
- **Create a more cohesive Downtown experience in the public realm,** including public art, landscaping, additional public restrooms, and implementing Civic Center improvements

Additional priorities include:

- **Improve pedestrian-scale lighting throughout Downtown,** particularly at BART Plaza and the BART station
- **Foster entertainment and the arts,** including: support of challenged arts and cultural organizations, bringing a movie theater back Downtown, reusing existing theater buildings, incentivizing arts and entertainment uses in new buildings, and holding outdoor events such as concerts and movie nights.
- **Improve the parking experience,** including exploring lower evening parking rates, allowing 24/7 access to existing structures, providing more parking options, improving wayfinding to existing parking, and exploring parking management that supports Downtown businesses, like offering the first 30 minutes or hour free
- **Support and retain innovation in Downtown,** including finding permanent Downtown homes for Skydeck and other startup businesses and supporting diverse entrepreneurship
- **Embrace sustainability in the Downtown public realm,** including planning for climate resiliency, possible daylighting of Strawberry Creek in MLK Jr. Civic Center Park, and incorporating native plant species in planters and landscaping
- **Provide economic data about Downtown to stakeholders,** such as square foot to sales comparison, hyper-local gross sales per square foot, and local versus chain storefront composition

Online Survey

To build on the key themes that emerged from stakeholder focus groups and individual interviews, an online survey was developed to gather broader community input as part of the strategic planning process. The survey was open to the public and invited participants to share their experiences in Downtown Berkeley today, as well as their priorities and hopes for its future. Running from February 7 to April 17, 2025, the survey received **495 responses**, providing valuable insight from residents, business owners, employees, and visitors. This feedback has played a critical role in shaping the direction of the plan and ensuring it reflects the diverse perspectives and needs of the community.

Key Findings

Downtown Today

When asked about conditions in Downtown Berkeley today, most survey respondents made it clear that they are unhappy with the current state of the district.

When asked to rate if conditions in Downtown Berkeley have gotten better or worse over the past five years, no conditions were rated as either much better or slightly better by participants. In fact, more respondents said that 10 out of the 14 listed characteristics (see page 5 in Appendix: Online Survey Summary) have gotten worse rather than better over the past five-years; and over 50% respondents said that **retail and shopping options and homelessness/encampments** have gotten slightly worse or much worse in the past five years.

Respondents generally view the DBA organization's services and programs more favorably than the current conditions of Downtown Berkeley. Over 50% of participants rated **landscaping and street and sidewalk cleaning** as either good or very good. Most respondents answered that they did not know how effective the DBA's **advocacy, merchant promotion and support**, and **homelessness outreach** are.

In an open-ended question, the top words used to describe participants' experience in Downtown today were **unsafe, sad, vacant, homeless,** and **dirty**.

Downtown Tomorrow

When asked to vote for their top three physical improvement priorities to achieve this vision, **fill and activate empty storefronts** was by far the most popular option, with 74% support. **Boutique retail, entertainment,** and **spaces for artists** were the top responses when participants were asked to select the types of businesses and services they want to see fill Downtown's empty storefronts. Additionally, returning movie theaters to Downtown was frequently mentioned in open-ended responses.

When asked to vote their top three physical improvement priorities for Downtown, fill and activate empty storefronts was by far respondents' most popular option, with 74% support.



Word cloud summarizing respondents' top three words to describe their experience in Downtown Berkeley today. The larger the word, the more frequently it was used.

When asked to select the top three services and program priorities for achieving their vision for Downtown, respondents' top choices were **ensure Downtown is consistently clean and well maintained (56%), improve security and safety (52%), and provide support to locally-owned** and **small businesses (52%).**

Opinions differed on how best to approach the homelessness crisis in Downtown Berkeley. **More mental health & substance abuse outreach and managed care (50%)** was the most popular choice overall. However, Bay Area residents living outside of Berkeley and especially Downtown business owners were more supportive of measures like **strengthening enforcement of crimes and more police and security presence throughout Downtown.** On the other hand, Downtown residents, younger respondents, and those representing households making less than $50,000 per year were more likely to support **more social workers** and **the creation of more permanent supportive housing.**

Looking to the future, when asked to provide three words describing their vision for Downtown, respondents' most frequently used words were **safe, vibrant,** and **clean.**

Who Participated in the Survey

Survey respondents represented a cross-section of Downtown stakeholders. The largest group of respondents were those **living within walking distance of Downtown (47%)**, while **30% live in the City of Berkeley but not within walking distance of Downtown,** 18% work Downtown, 7% own a business Downtown, and 6% live Downtown. **29% of respondents said they come Downtown daily,** 34% once a week or more, and 25% approximately once or twice a month.

Besides respondents under 24, who represented only 3% of participants, all age groups were well represented and the **largest proportion of respondents were 55 or older**. 62% of respondents were female and 34% male. 77% identified as White, 9% as Asian or Pacific Islander, 5% as multiracial, 3% as Hispanic/Latino, and 1% as Black or African American.



Word cloud summarizing respondents' top three words to describe their vision for Downtown Berkeley in the future. The larger the word, the more frequently it was used.



05

KEY TAKEAWAYS

Overview

The following key takeaways summarize important findings from discovery, community engagement, and the internal organizational assessment for DBA. Informed by a snapshot of economic and demographic trends, as well as robust engagement with a diverse cross-section of Downtown Berkeley stakeholders, these takeaways reflect both the challenges and opportunities facing the district today, and serve as a bridge to the Strategic Plan's recommendations, which outline clear priorities and strategies for DBA moving forward.

1. Downtown is experiencing two concurrent crises impacting vibrancy and safety:

A. Berkeley's ongoing challenges related to its unhoused population, including encampments, disruptive behaviors, and violent incidents

B. Stubborn storefront vacancy that creates gaps in the street level experience and adds to the perception and reality of safety issues

Through stakeholder engagement and the scan of external factors currently affecting Downtown Berkeley, two interconnected crises emerged as top concerns impacting the area's overall vibrancy and sense of safety. First, the presence of unhoused encampments, along with increasingly disruptive behaviors and a rise in violent incidents, has created an environment that many stakeholders described as unpredictable and, at times, unsafe. These public safety concerns are not new, and have been continuously affecting the day-to-day experiences of residents, workers, and visitors in Downtown since the PBID was established. Furthermore, these conditions present significant challenges for local businesses and organizations operating in the area.

At the same time, Downtown is facing a growing number of vacant storefronts—an issue that has been exacerbated by the lingering impacts of the pandemic, broader economic uncertainty, stalled development projects, and shifting consumer behaviors. These vacancies contribute to a perception of decline, reduce foot traffic, and make it harder to sustain a vibrant and welcoming street-level experience.

Together, these two crises are deeply interconnected and require coordinated, creative, and sustained responses. Stakeholders emphasized the urgent need for solutions that are both compassionate and effective, underscoring the importance of cross-sector collaboration to restore vitality and a strong sense of place in Downtown Berkeley.

2. DBA is currently under-capitalized given Downtown's challenges

While the DBA plays a critical role in supporting the Downtown's vitality, the organization is currently under-capitalized relative to the scale and complexity of the challenges facing Downtown. Issues like public safety, homelessness, and widespread storefront vacancy require significant, sustained investment and collaboration across sectors—resources that extend beyond the DBA's current capacity. Stakeholders acknowledged the value of the DBA's work to date, but also emphasized that without increased funding, staffing, and support, the organization cannot fully meet the moment or drive the kind of impactful, long-term solutions that Downtown Berkeley urgently needs. Strengthening the DBA's financial and operational capacity is essential to expanding its ability to lead, coordinate, and advocate effectively in response to these pressing external factors.

3. Stakeholders have clear priorities for Downtown Berkeley moving forward:

A. Ensure Downtown is consistently safe and clean

B. Fill and activate vacant storefronts and support existing small businesses

C. Create a more cohesive Downtown experience, including improved lighting, more parks and community gathering spaces, public art, etc.

Community members engaged in the strategic planning process expressed a clear and shared vision for the future of Downtown Berkeley. Their top priorities reflect both immediate needs and long-term aspirations for a more vibrant, inclusive, and welcoming Downtown. First and foremost, there is strong consensus around the need for a consistently safe and clean Downtown—conditions seen as foundational to restoring public confidence and attracting people to the area. In parallel, stakeholders emphasized the urgency of addressing storefront vacancies by supporting small, locally-owned businesses and creatively activating empty spaces to restore energy at the street level. Stakeholders also called for a more cohesive and engaging Downtown experience—one that includes better lighting, additional green spaces and gathering areas, and more public art and cultural programming. These priorities speak to a desire for Downtown Berkeley to be not only functional and economically resilient, but also a place where people feel a sense of community, connection, and pride.

4. DBA needs to build organizational and financial capacity to provide impactful solutions to address Downtown Berkeley's significant challenges

To increase its capacity and better address the pressing challenges facing Downtown Berkeley, the DBA should pursue a range of strategic actions aimed at securing additional resources and strengthening its organizational infrastructure. This includes renewing the PBID to provide a more robust and sustainable funding base. Diversifying revenue streams through grants, sponsorships, and partnerships with public, private, and philanthropic entities can also help support new and expanded initiatives. Additionally, investing in staff capacity—particularly in areas of public safety, economic development and placemaking, and marketing—will allow the DBA to take a more proactive and comprehensive approach to solving complex issues. Finally, by strengthening partnerships with civic agencies, nonprofit organizations, and local institutions, the DBA can leverage shared resources and expertise to amplify impact and deliver innovative, community-centered solutions.

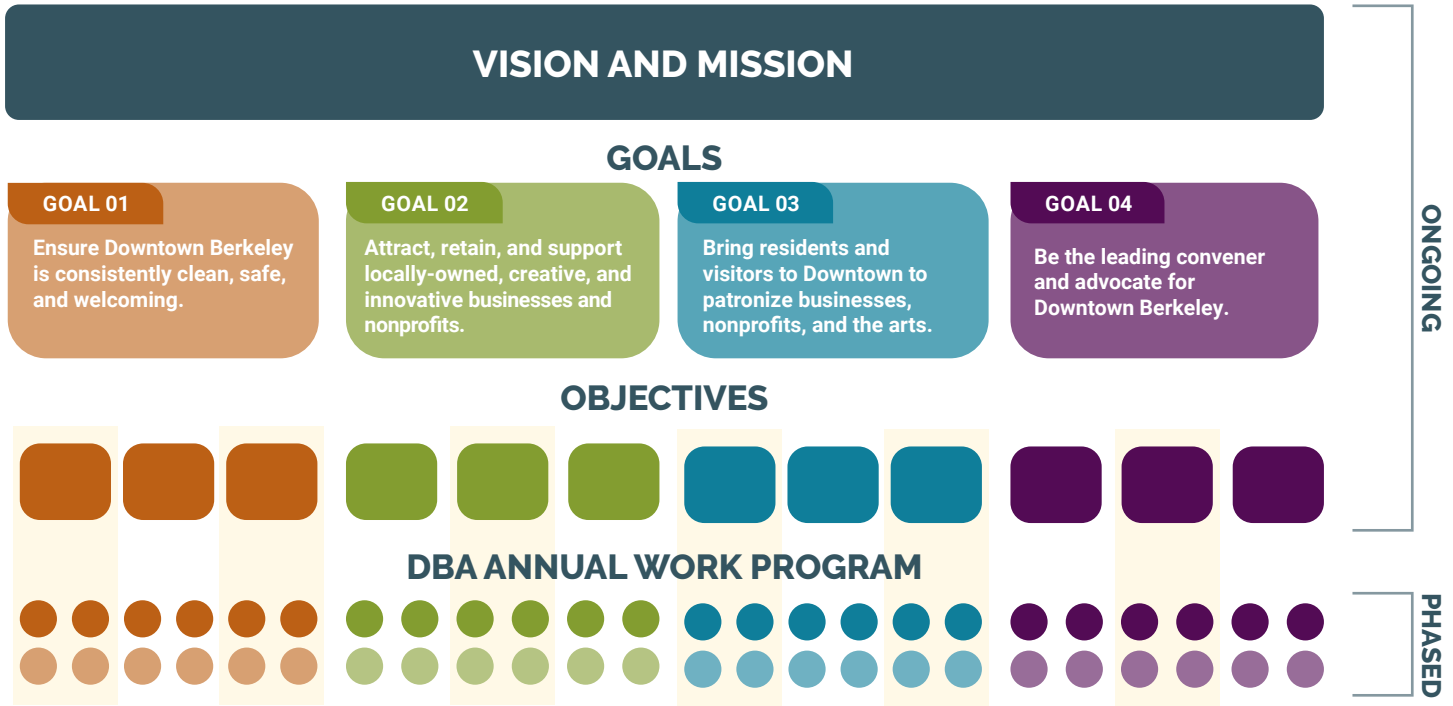


06 STRATEGIC PLAN FRAMEWORK

Overview

This Strategic Plan will serve as a roadmap guiding the DBA organization over the next ten years. The graphic below illustrates the structure of the Strategic Plan. Overarching and foundational to the Strategic Plan are the DBA's vision for Downtown Berkeley and a mission statement that defines the DBA's role in achieving that vision.

The four Strategic Plan goals align with areas where the DBA will focus its energy, efforts, and resources over the next several years, and each goal has a set of objectives that drill down further. Goals and objectives have a ten-year time horizon and are intended to be a constant throughout the term of the Strategic Plan. Tactics and actions will drive the DBA's annual workplan and will be evaluated and adjusted on a regular basis by DBA staff and leadership. While this Strategic Plan has a ten-year time horizon, a mid-point checkpoint is recommended after five years to ensure goals and objectives align with Downtown Berkeley's realities.



Vision

Stakeholder engagement conducted as part of the Strategic Plan process was synthesized into the community's vision for Downtown Berkeley:

Downtown Berkeley is the heart of the community, offering a dynamic mix of living, learning, working, shopping, dining, cultural, and entertainment experiences.

Mission

A refreshed mission statement aligns with themes that arose through engagement with the Downtown Berkeley community, and is intended to clarify the DBA's role in achieving the vision for Downtown:

The DBA provides leadership and enhanced services to create and sustain a clean, safe, welcoming, and prosperous downtown.

Goal 1: Ensure Downtown Berkeley is consistently clean, safe, and welcoming.

Why it Matters

Ensuring that Downtown Berkeley remains clean, safe, and welcoming emerged as the community's top priority during the strategic planning process. Clean and safe services are among the most visible and essential functions provided by place management organizations like the DBA, serving as the foundation for a thriving and vibrant district. The DBA's existing Ambassador program plays a vital role in this, offering cleaning and maintenance support and services that go beyond what the City of Berkeley can provide. Furthermore, in response to merchant concerns about the safety of employees and customers during the pandemic, the DBA piloted a Community Engagement Ambassador program. This initiative reflected a broader trend among place management organizations, many of which expanded their clean and safe services to address ongoing challenges such as public safety concerns, mental health crises, and open drug use.

While the DBA's Community Engagement Ambassador pilot program concluded after 18 months, most Downtown Berkeley stakeholders engaged in the strategic planning process expressed concerns about these issues and their continued impact on the vitality of the district today. Looking ahead, ensuring a welcoming, safe, and well-maintained Downtown remains a top priority for DBA. The upcoming PBID renewal process offers a timely opportunity to reassess service levels across the district and to explore ways to enhance clean and safe operations—including the potential reinstatement of a Safety or Community Engagement Ambassador program.

When asked to select the top three services and program priorities for achieving their vision for Downtown, respondents' top choices were:

56%

Ensure Downtown is consistently clean and well maintained

52%

Improve security and safety

Objectives:

1. **Optimize DBA's Cleaning and Hospitality Ambassador program dedicated to cleaning and maintaining the public realm.**
2. **Re-establish DBA's safety-focused Community Engagement Ambassador program.**
3. **Strengthen advocacy and partnerships to support compassionate solutions to unhoused challenges.**
4. **Anticipate maintenance obligations of existing and new streetscape amenities.**

Goal 2: Attract, retain, and support locally-owned, creative, and innovative businesses/entrepreneurs.

Why it Matters

Downtown Berkeley's unique character and appeal are shaped by its vibrant mix of small, locally-owned businesses, nonprofit organizations that serve diverse communities, and a rich array of arts and cultural venues. Like many cities across the country, Berkeley's storefront economy was hit hard by the pandemic and continues to face challenges amid ongoing recovery efforts and broader economic uncertainty. These conditions have strained local businesses and slowed or stalled new development, contributing to a high storefront vacancy rate in the Downtown area.

While the DBA has long supported business and property owners, there is now a clear opportunity to strengthen and formalize this area of work within the organization. Many place management organizations provide dedicated support to local and prospective new small businesses and nonprofits by offering services such as technical assistance workshops, one-on-one permitting and licensing guidance, block-by-block commercial market data (foot traffic, local versus chain composition, price trends, etc.), storefront improvement grants, pop-up retail opportunities, and connecting entrepreneurs with local resources and funding opportunities. Furthermore, investing in placemaking initiatives that bring people Downtown, such as public art, pedestrian-friendly streetscape enhancements, interactive installations, outdoor seating and parklets, and lighting improvements can significantly enhance Downtown's vibrancy and drive foot traffic to businesses.

Looking ahead, the DBA can expand its economic development efforts by dedicating additional resources and staff to business support, retention, and attraction, supporting public realm improvements that attract visitors Downtown, and encouraging creative uses of ground floor spaces to help revitalize the district.

When asked to vote for their top three physical improvement priorities to achieve this vision, the most popular option (by far) was:

74%

Fill and activate empty storefronts

Objectives:

1. **Support existing businesses and attract new storefront uses that diversify Downtown's offerings.**
2. **Collect, analyze, and communicate relevant and compelling data on the Downtown economy.**
3. **Advance placemaking/public realm investments that support economic vitality.**
4. **Foster a vibrant arts, culture, and nonprofit community in Downtown.**
5. **Work with merchants and property owners to maintain attractive public facing buildings, grounds, and businesses.**

Goal 3: Bring residents and visitors to Downtown to patronize businesses, non-profits, and the arts.

Why it Matters

While the DBA can support or influence many of the external factors that shape the district, one area where it has direct control, and significant opportunity, is in marketing and communications. Effectively communicating Downtown Berkeley's brand identity is essential to highlighting what makes the area unique: its diverse communities, vibrant cultural assets, and eclectic mix of businesses. Strategic marketing not only helps attract visitors, residents, and investment, but also strengthens the community's connection to Downtown and reinforces a sense of place. For an organization like the DBA, which exists to enhance and promote the district, a strong communications strategy including new technology is vital for building public awareness, driving foot traffic, supporting local businesses, and showcasing the positive impact of the organization's programs and services. This includes everything from producing small-scale events and activations that reflect the community's diversity, to engaging stakeholders in meaningful ways that foster collaboration and shared ownership of Downtown's future.

When asked what types of events online survey participants would like to see in Downtown Berkeley, the top responses were:

59%
Music

51%
Food

41%
Cultural Celebrations

Objectives:

1. **Lead to efforts to market Downtown Berkeley's brand identity.**
2. **Develop promotions that support Downtown businesses and non-profits.**
3. **Engage and communicate with Downtown stakeholders.**
4. **Utilize technologies (e.g., social media, video, AI) to engage various audiences.**
5. **Offer programming and events that appeal to a wide variety of Berkeley community members.**

Goal 4: Be the leading convener and advocate for Downtown Berkeley.

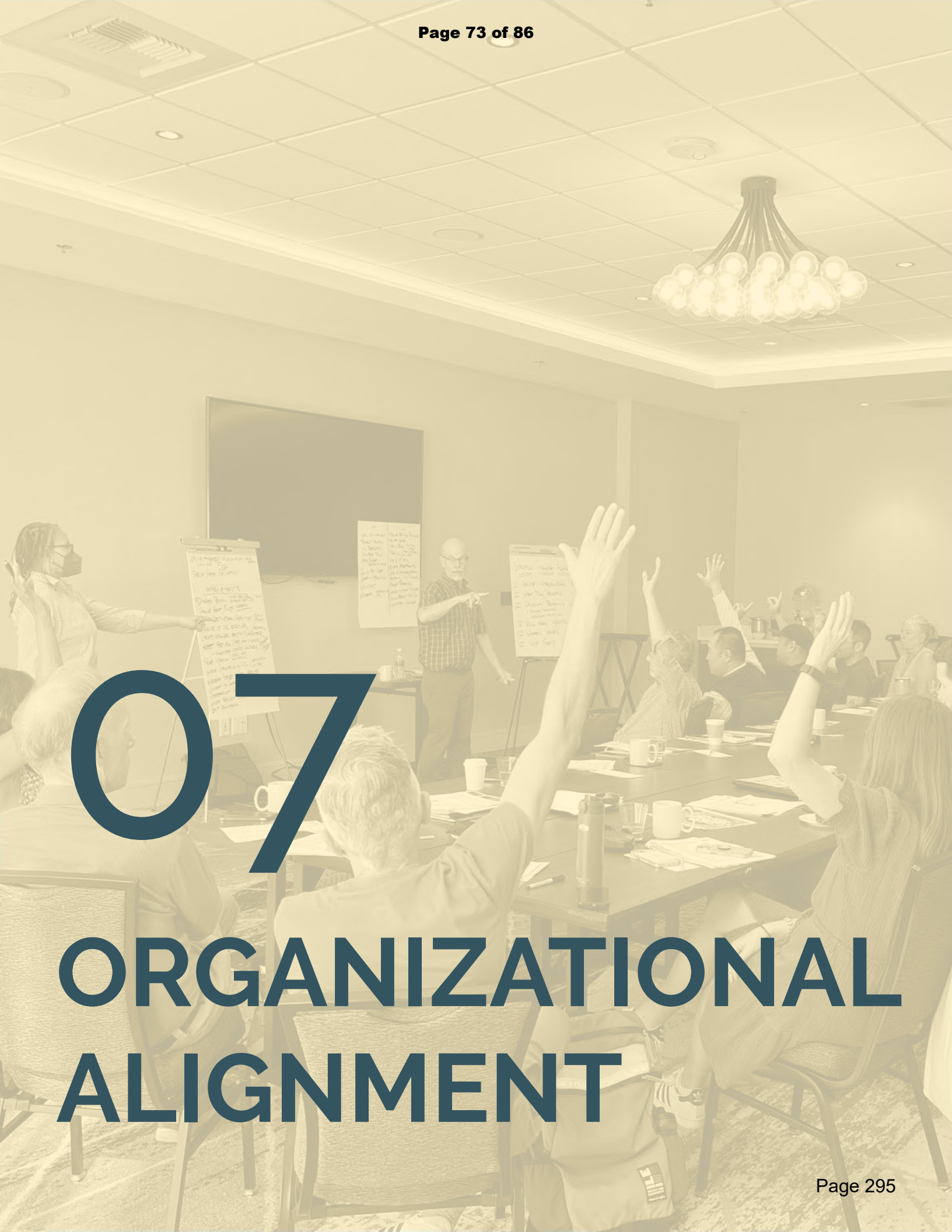
Why it Matters

DBA is already viewed as the leading advocate for Downtown Berkeley, and to address the substantial external challenges Downtown is facing, DBA should continue and enhance this role moving forward, working alongside key partners to solve current, ongoing, and future challenges in innovative, creative, and tangible ways. The DBA can strengthen its influence on initiatives impacting Downtown by continuing to demonstrate and communicate its value proposition, reflecting Downtown's diverse community, and reinforcing partnerships with civic, non-profit, educational, and arts and cultural institutions in and around Downtown.

DBA's advocacy efforts, in partnership with civic, nonprofit, and institutional partners, support the implementation of key stakeholder priorities such as creating a shared vision for Downtown, homelessness response, and public realm infrastructure improvements.

Objectives:

1. **Advocate for local, regional, and state policies that benefit the Downtown economy and quality of life.**
2. **Strengthen collaboration with key civic, institutional, and nonprofit partners.**
3. **Work with partners to develop and implement plans and civic investments that align with DBA's vision for Downtown's future.**



07 ORGANIZATIONAL ALIGNMENT

Overview

To implement the preceding goals and objectives, the subsequent DBA organizational recommendations will emphasize near-term focus and optimization of resources to stabilize the Downtown environment and enhance the DBA's value proposition to ratepayers and key partner organizations.

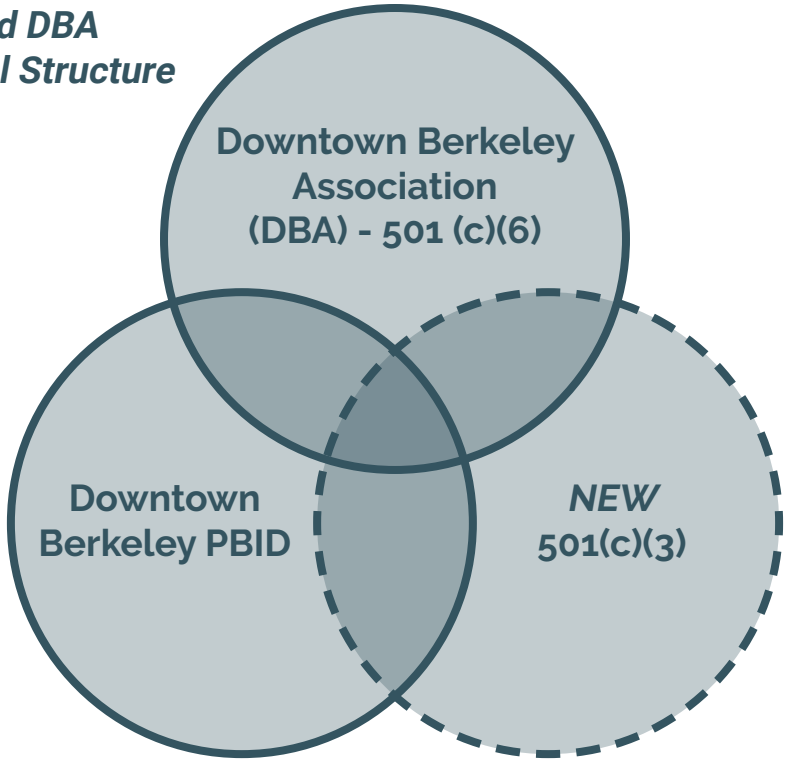
Organizational Structure

Currently, the Downtown Berkeley PBID contracts with the DBA, a governing 501(c)(6) umbrella organization. These two separate entities are currently wrapped into the overarching DBA brand and identity, with the Board and staff exclusively dedicated to the DBA. While the current organizational structure is not uncommon for place management entities, there are several ways DBA's business model can be updated and refined to address current and anticipated challenges in Downtown. A key component will be adding a 501(c)(3) affiliate within the DBA family of organizations, as illustrated by the diagram below.

Approximately 96% of DBA's operating budget currently comes from assessment revenue. While this is not atypical, a growing number of place management organizations have diversified their funding sources beyond assessments to support a wide variety of programs and services. A non-profit 501(c)(3) affiliate is commonly used to collect revenue from grants, sponsorships, or other contributions, and used to fund initiatives such as public space enhancements and placemaking, planning studies, and special projects.

Forming a new non-profit 501(c)(3) under the umbrella of the DBA will enable the organization to diversify funding beyond assessments to support projects that beautify and enhance the public realm. Additionally, the new non-profit could seek funds to support economic development and small business support, placemaking efforts such as public art or improved lighting, initiatives that support a clean and safe Downtown and reduce homelessness, and other special projects that might arise in the future. The 501(c)(3) could be managed with minimal administrative oversight from existing DBA staff. To reduce duplication and encourage continuity, a small governance board could be formed as a sub-set of the existing DBA Board.

Recommended DBA Organizational Structure



Staffing & Governance

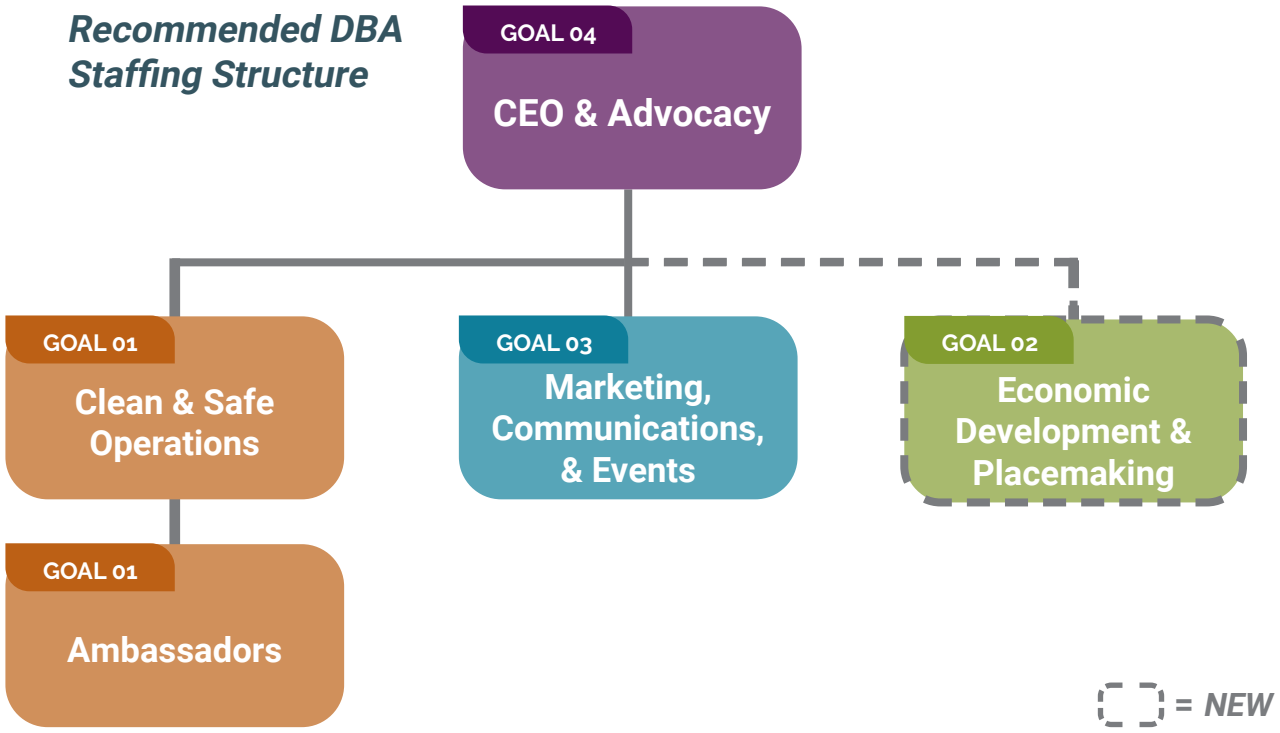
Staffing

To align with the recommendations provided in this Strategic Plan and increase organizational capacity, there are several opportunities to further clarify DBA staff roles and responsibilities moving forward. A key differentiator between the current and proposed DBA staff structure is the shift from a 'Vitality' role that encompasses marketing, communications, events and programming, placemaking, and small business support into two distinct roles, as summarized below. As the DBA organization grows its resources and capacity, support staff can be strategically added in these refined areas as needed. The chart below illustrates recommended adjustments to the DBA organization chart with accompanying descriptions.

The **CEO**, guided by the DBA Board, is the primary point of contact for advocacy and is the lead convener both internally within the DBA organization, and externally with the Downtown Berkeley community and beyond. The CEO oversees Ambassador Operations, Economic Development & Placemaking, and Marketing & Communications. The CEO also is responsible for ongoing communications and relations with DBA board members, and provides ongoing relations and response for commercial property owners.

This role also includes proactively pursuing and maintaining partnerships and collaboration with the City of Berkeley, UC Berkeley and other educational institutions, non-profit organizations, and other partners in and around Downtown, communicating about the DBA and its value proposition to the City and the region, selectively issuing statements on policies and initiatives impacting Downtown, advocating for resources and capital improvements, overseeing administrative contractors (accounting, administration, HR, legal, etc.), and ensuring Plan recommendations are implemented in a timely manner.

The **Operations Manager** first and foremost manages the Ambassador contract currently with Streetplus, the DBA's clean and safe vendor, and oversees all aspects of day-to-day maintenance, cleaning, hospitality, beautification, and outreach activities of the Ambassador team and coordination around safety concerns in the district. This role also includes overseeing installation of new and seasonal streetscape amenities (banners, seasonal decorations, etc.) in Downtown, maintaining an inventory of streetscape amenities the DBA is responsible for, coordinating with the Berkeley Police Department on security concerns in the district, and coordinating with partners on services



for the unhoused population. It is also anticipated the Operations Manager will hire and manage the renewed Safety/Community Engagement Ambassador program.

The **Marketing & Communications Manager** provides dedicated leadership in promoting Downtown Berkeley as a vibrant destination for residents, visitors, and businesses. This role oversees the development and execution of marketing campaigns, promotions, and storytelling efforts that highlight Downtown's unique assets and offerings. This role leads stakeholder communications, manages DBA's social media presence and other new technologies, and supports brand-aligned outreach strategies that foster community engagement with merchants and residents alike. In collaboration with staff and partners, the Marketing & Communications Manager also plays a key role in planning and executing events and programming that drive foot traffic and enhance Downtown's visibility and appeal.

The **Economic Development & Placemaking Manager** creates dedicated focus to this new DBA program area to support businesses and implement placemaking initiatives that bring people Downtown. This role oversees small business retention, support, and attraction, relationship management, maintaining and enhancing educational materials for prospective businesses, commercial brokers, and property owners including micro-level data, and leads placemaking and public realm enhancements that drive foot traffic Downtown. In coordination with the City's Office of Economic Development, this Manager provides ongoing business outreach and engagement, data analysis, and support for arts and cultural nonprofit organizations, with a focus on ground floor retail, restaurant, and services. In addition to developing placemaking opportunities in the public realm (e.g., art, sculpture, design, creative landscaping) this Manager works with merchants and property owners to improve and maintain their public facing facades, storefronts, and common area spaces (e.g., landscaping, murals, clean-up, signage, trash handling, etc.)

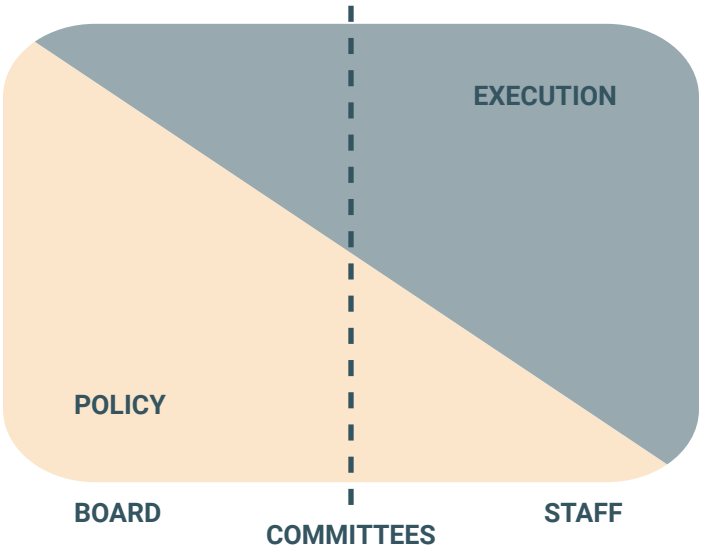
DBA Board

The DBA is governed by a board comprised of up to 22 members representing a variety of property types, businesses and nonprofits, key civic and institutional partners including the City of Berkeley and UC Berkeley, and non-profits within Downtown Berkeley. As the Downtown Berkeley community continues to evolve, with a growing residential and employee population, it is important that the board adapts to reflect the range of stakeholders that are in the district. As Board seats become available, DBA board and staff should continue to seek viable candidates that diversify the board according to age, race, gender, ability, and stakeholder type.

Committees

To support the successful implementation of the Strategic Plan and other organizational priorities, the DBA can also consider forming committees aligned with the goals of the Strategic Plan. Committees provide a forum for meaningful engagement and allow for a deeper exploration of key issues than is typically possible during full board meetings. While the DBA currently manages three core committees—Executive, Finance, and Governance—there is strong potential to expand this structure to include issue-specific groups that bring in stakeholders with relevant expertise, foster collaboration, and help cultivate the next generation of organizational leadership. Potential committees aligned with Strategic Plan goals are outlined on the following page, while a diagram illustrating DBA staff versus Board versus committee roles is provided below.

Board, Staff, & Committee Responsibilities



- **Clean & Safe Operations:** This committee could offer feedback and guidance to enhance and strengthen DBA's Ambassador program and formalize with other key civic, institutional, and nonprofit partners working on safety and homelessness initiatives in Downtown.
- **Economic Development & Placemaking:** This committee could provide strategic guidance and recommendations to DBA staff and the board related to business support and retention, economic data collection and reporting, outreach to merchants, and public realm enhancements.
- **Marketing, Communications, & Events:** This committee could assist staff and the board in developing marketing, communications and engagement programs, projects and strategies intended to reach, inform, and benefit Downtown stakeholders, and could support events and programming in Downtown in various capacities.
- **Advocacy & Policy:** This committee could provide strategic guidance and recommendations to DBA staff and the board related to policy work and advocacy at the local, regional, or state levels.

Succession Planning

As the Downtown Berkeley Association (DBA) prepares for the future following the successful renewal of the Property-Based Improvement District (PBID), the organization will also begin the important process of leadership succession, as the current CEO plans to retire in 2027. To ensure a smooth transition, the DBA will initiate a structured succession planning process that reflects the organization's goals and values. In late 2026, a search committee should be assembled to guide the process, beginning with the development of a job description aligned with the vision and goals outlined in this Strategic Plan. The committee will also shape a thoughtful recruitment strategy, considering whether to pursue candidates regionally or nationally. After a thorough evaluation of applicants, the search committee will present a recommendation to the DBA Board for approval. To support continuity and knowledge transfer, a 30-to-90-day transition period is recommended, allowing the incoming CEO to work closely with the outgoing leadership and ensure a seamless handoff.

Revenue Diversification

Currently, the DBA relies on PBID assessments for approximately 96% of its total revenue. While this funding model has provided a strong foundation for the organization's core operations, diversifying revenue sources is essential to expanding the DBA's capacity to implement the goals and objectives outlined in this strategic plan. By developing new income streams—such as event sponsorships, contracted services, earned income from merchandise and concessions, and potential partnerships with the City—DBA can strengthen its financial resilience, reduce reliance on a single funding source, and increase its ability to invest in innovative programs and long-term initiatives that enhance Downtown Berkeley moving forward. The DBA can either assign each revenue diversification task to an existing team member based on the newly defined staff roles, or consider hiring a part-time or full-time staff member specifically dedicated to resource development.

Grow sponsorship options (e.g. annual meeting and other DBA events)

A key opportunity for DBA to diversify revenue is to enhance sponsorship options for the events and programming the organization produces throughout the year. By developing tiered sponsorship packages tailored to businesses of varying sizes, the DBA can attract a broader range of partners interested in increased visibility and engagement with the Downtown community. Strategic alignment with local and regional businesses and corporations can foster mutually beneficial relationships that enhance event quality while providing sponsors with meaningful exposure. Additionally, formalizing sponsorship benefits, such as branded signage, digital promotion, and on-site activations, can help demonstrate the value of investment and encourage long-term participation.

Contract services (e.g. other districts)

The DBA can further diversify its revenue by selectively contracting its expertise in clean and safe operations, placemaking, or other services to other PBIDs or commercial districts throughout Berkeley. With a proven track record in cultivating a clean and well-maintained environment and public space activation, the DBA is well-equipped to offer

a range of professional services that can be tailored to the unique needs of other districts. By formalizing service agreements, the DBA can generate new revenue streams while contributing to a more vibrant, attractive, and coordinated citywide commercial landscape. This approach not only reinforces the DBA's role as a leader in downtown management but also fosters collaboration and shared success across Berkeley's diverse business communities.

Earned income (e.g. merchandise, event income)

The DBA can further enhance its financial resilience by generating earned income through the sale of merchandise, food, and beverages at events and other strategic touchpoints throughout the year. By offering branded merchandise that reflects the spirit and identity of Downtown Berkeley, as well as curated food and beverage options during events, the DBA can create a new revenue stream while enriching the visitor experience. The DBA can also explore leveraging sponsorship and advertising opportunities on existing public realm assets including IKE Kiosks, banners, and Big Belly panels. These offerings not only support the organization's financial goals but also strengthen brand visibility and foster a deeper sense of community pride. With thoughtful planning and partnerships—such as collaborating with local vendors and artisans—the DBA can ensure these initiatives align with its mission and values while appealing to both residents and visitors.

501(c)(3) (e.g. grants, philanthropic donations)

Creating a 501(c)(3) organization within the DBA brand offers a key opportunity to tap into new and enhanced revenue sources. Key strategies to diversify funding through the 501(c)(3) include:

- Pursue local, state, federal government, and private foundation grants to fund special projects and initiatives
- Identify opportunities for charitable donations to the 501(c)(3) to fund special projects and physical improvements, small business support, events and promotions, or other initiatives, and actively pursue contributions
- Leverage digital platforms to administer online fundraising campaigns, utilize crowdfunding platforms for specific improvements, or explore using online platforms to collect donations to ensure the process is convenient and accessible
- Add an annual fundraising event that does not compete with the Chamber of Commerce

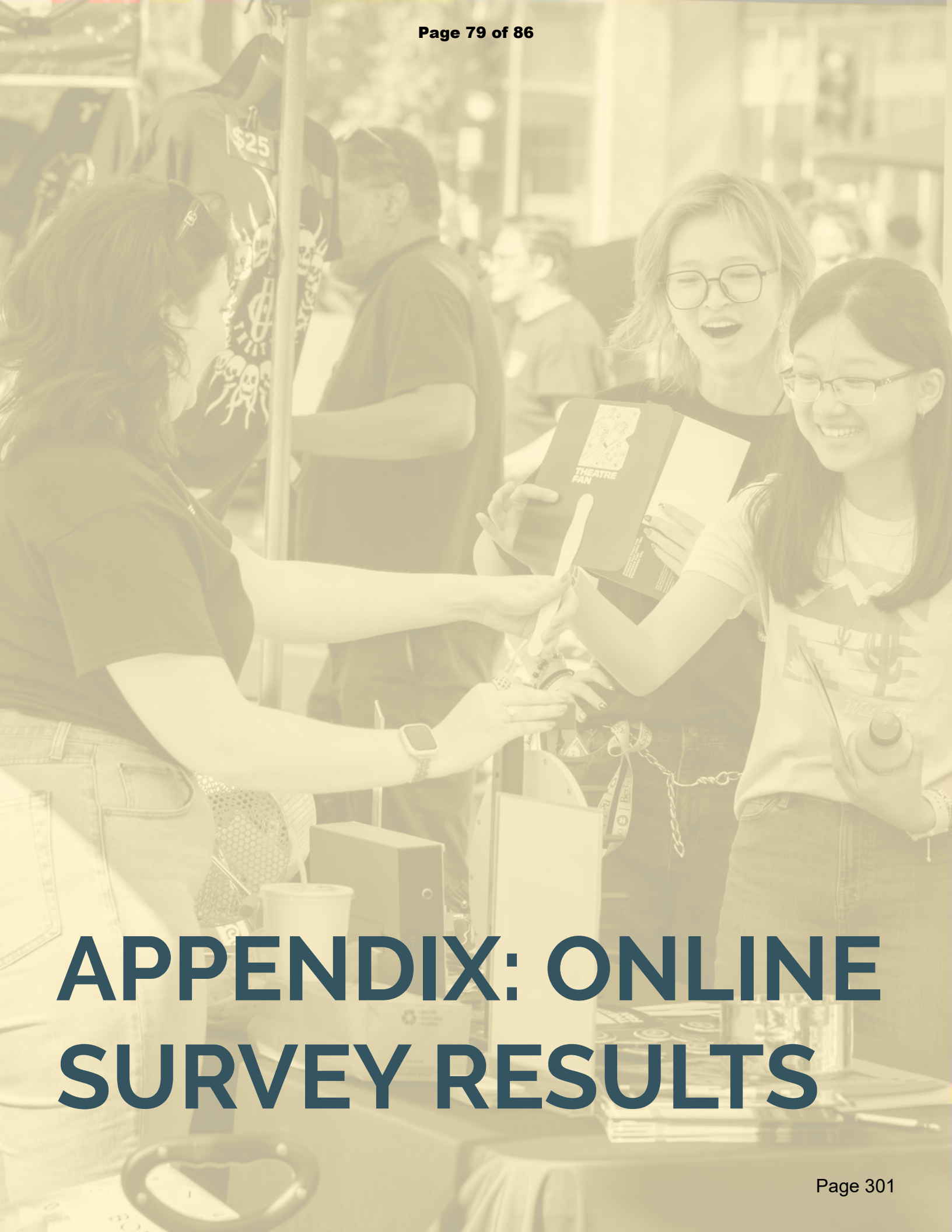
Parking revenue share (e.g. if rates increase)

As the City of Berkeley explores potential adjustments to parking rates, the DBA has an opportunity to establish a parking revenue-sharing agreement that could serve as a valuable source of ongoing funding. By collaborating with the City to allocate a portion of any future parking revenue increases to support enhanced services, the DBA can help ensure that additional funds are reinvested directly into maintaining a clean, safe, and welcoming Downtown environment. This arrangement would create a mutually beneficial partnership—enhancing the overall experience for visitors and supporting economic activity—while providing the DBA with a stable and scalable revenue stream to fund and enhance its core programs and initiatives.

Implications for PBID Renewal

Following DBA Board adoption of this Strategic Plan, a Management District Plan (MDP) will be compiled in compliance with California PBID law. A key component required of the PBID Renewal process, the MDP describes the PBID's rationale and objectives, and any changes to base level services with City of Berkeley, district boundaries, benefit zones, service plan and budget, assessment methodology and adjustments, general benefit, and governance structure.

Following development of the MDP, managing property owner petition and ballot campaigns are key subsequent steps to renewing the PBID. Under California state law, property owners representing more than 50% of the assessments to be paid must sign petitions and return ballots. Property owner support for the PBID and will aid in implementation of Strategic Plan recommendations following completion of the PBID renewal process. To prepare for petition, the MDP and an Engineer's Report will be finalized and supporting materials will be developed. The petition will provide an estimated amount of assessment for each property based upon selected characteristics.



APPENDIX: ONLINE SURVEY RESULTS

Downtown Berkeley Association

STRATEGIC PLAN

June 2025

City Manager's Office

September 10, 2025

Mr. John Caner
Chief Executive Officer
Downtown Berkeley Association
2230 Shattuck Avenue# C
Berkeley, CA 94704

Dear Mr. Caner:

The City of Berkeley is supportive of Downtown Berkeley Association (DBA)'s work to reestablish the Property-Based Business Improvement District (PBID) in the Downtown area. We understand that reestablishing the PBID would ensure the resources available for Downtown revitalization and build the capacity of the DBA/City partnership in promoting a safe, clean and economically vital Downtown.

The City has historically provided a set of base level services in the Downtown area, as outlined in the attached document. Each relevant City department and division was asked to describe their services and staff is committed to continuing to deliver these services in a consistent and professional way into the future subject to funding availability. As the economy continues to fluctuate there may be times when monetary constraints cause the City to reduce budgets affecting base level services.

If you have any questions, please feel free to contact me or David White for further discussion or clarification.

Sincerely,

Paul Buddenhagen
City Manager

cc: David White, Deputy City Manager
Eleanor Hollander, Economic Development Manager

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7000 • TDD: (510) 981-6903 • Fax: (510) 981-7099
E-Mail: cmanager@berkeleyca.gov Website: http://www.berkeleyca.gov

2025
City Of Berkeley Baseline Services
in the Downtown Property-Based Business Improvement District Area

The Downtown Baseline Services listed below are provided by the City Manager's Office, Department of Public Works, the Police Department, the Department of Parks, Recreation and Waterfront, the Office of Economic Development, and the Department of Health, Housing and Community Services. From time to time, the City may need to adjust the level of Downtown Baseline Services due to resource constraints and staffing availability. Also, funding for portions of these services comes through non-City grant sources and may be subject to budget pressures outside of City control.

Department of Public Works (PW)

PW provides the following services within the Downtown PBID boundaries:

Sidewalk Pressure Washing: Staff pressure washes five days per week within the following areas: University Avenue between Martin Luther King Jr. Way and Oxford Street; Shattuck Avenue between University Avenue and Bancroft Way. (Pressure washing for health and safety concerns).

Street Mechanical Sweeping: Staff mechanically sweep five nights per week in the following Downtown areas: University Avenue, Shattuck Avenue, Addison Street, Center Street, Allston Way, Oxford Street, Milvia Street and Martin Luther King Jr. Way.

Public Trash Receptacle Maintenance: Public trash receptacles are emptied daily. Repair of trash receptacles are scheduled as needed and generally within two weeks.

Street and Traffic Signal Maintenance: Street lights are re-lamped or replaced as needed and via regular preventative maintenance. Traffic signals undergo annual inspection and are repaired and maintained as needed. Reports of maintenance activities can be provided upon request.

Sidewalk Sweeping: Staff are assigned to sweep three (3) days per week between 7:30 AM and 11:00 AM on Shattuck Avenue between Hearst Avenue and Dwight Way; University Avenue between Martin Luther King Jr. Way and Oxford Street and Allston Way between Milvia Street and Shattuck Avenue; Center Street between Milvia Street and Center Street and Addison Street between Milvia Street and Shattuck Avenue.

Additional Sidewalk Sweeping or pressure washing: Staff are assigned to sweep or wash as scheduled as overtime funding becomes available for special events, holiday fairs and football games.

Public Graffiti Removal: Public areas are scheduled for weekly graffiti removal once per week performed by Public Works staff. Graffiti on public property service requests are

generally responded to within seven (7) working days. If PW staffing levels are unable to perform this work, PW will provide DBA with graffiti removal supplies at the City's cost.

Curb Painting and Sign Maintenance: Maintenance of curb and street markings is scheduled for renewal every eighteen (18) months or as needed when markings are no longer legible: Public traffic, warning or informational signs are scheduled for repair or replacement as needed. Service calls of this nature are generally handled within two weeks.

Hand-sweeping (Downtown Streets Team): Sweeping services are scheduled Sunday through Saturday for 70hrs. Ongoing service is subject to funding availability for Downtown Streets Team.

Illegal Dumping and Unattended Property Removal: Illegal dumping within the public-right of way is handled in two basic ways either Public Works staff removes the dumping, or the responsible party is located, and the responsible party removes it. Public Works is generally able to remove illegally dumped items within three business days.

Parking Services: Parking garages and maintenance of metered areas (pay stations).

Storm System Maintenance: Semi-annual cleaning of storm systems in commercial areas.

Sewer Maintenance: Sewer Maintenance 24-hour service.

Street Signage: As resources allow, replacement of street signage that is no longer legible or visible.

Protest or Demonstration Assistance: At the request of BPD, PW staff assists with traffic and pedestrian control for protest demonstrations and emergency board-ups.

Commercial Business Emergency Board-ups: PW staff will perform emergency board-ups during extreme weather or other emergencies adequate to ensure public safety. Otherwise, private property owners bear the responsibility to make vandalization repairs to secure against breaches. Request for this service from PW is directed at the request of BPD.

Berkeley Police Department

Community Services Bureau – Bicycle Officers and Area Coordinator
The Community Services Bureau (CSB) of the Berkeley Police Department is composed of the Area Coordinators and the Bicycle Team. One Area Coordinator is assigned specifically to the Downtown area, serving as a liaison to both businesses as well as residents. This role focuses on identifying and addressing ongoing public safety concerns using a problem-oriented policing framework emphasizing collaborative, tailored interventions that serve the community and the individual.

The Bicycle Team currently includes one (1) sergeant and five (5) officers. Their primary

responsibility is to provide patrol coverage in the city's business districts and other areas identified as high-priority based on community concerns and department data. While their core focus remains in retail districts, this team also functions as the Department's most flexible resource. As such, they are regularly tasked with supporting search warrant operations, assisting with community events, and filling unstaffed patrol beats. Like the Area Coordinator, the Bicycle Team applies a problem-solving approach to policing, prioritizing long-term, community-based solutions to locations that are part of the DBA.

Patrol Beat Coverage – Downtown Business District
The Department is committed to maintaining regular patrol coverage across all designated beats, including those in the Downtown Business District, which spans four patrol beats under the current configuration. This coverage ensures a consistent presence in the Downtown area, with four officers assigned during peak hours and two officers maintaining visibility during early morning hours. Staffing levels currently support the following schedule for DBA-related beats:

Monday – Thursday:
- Two officers on duty from 1:30 AM to 11:00 AM
- Four officers on duty from 11:00 AM to 1:30 AM the following morning

Friday – Sunday:
- Two officers on duty from 1:00 AM to 12:30 PM
- Four officers on duty from 12:30 PM to 1:00 AM the following morning

While the Department is committed to sustaining this level of service, actual deployment is dependent on staffing availability and cannot always be guaranteed

Department of Parks, Recreation and Waterfront

Within Downtown PBID boundaries the Parks Division maintains at least 860 trees, Civic Center Park, the Old City Hall landscape, and all the traffic medians, parking bay strips and other planters. Exceptions to this maintenance include bioswales; planter areas adopted by DBA, property owners; tree wells and designated areas for art installations. They provide the following specific services:

Landscape Maintenance Gardener Unit: This unit performs routine and responsive maintenance activities including, but not limited to the following:
1. As needed graffiti abatement;
2. Mowing, edging, and trimming;
3. Weed abatement;
4. Removal of unattended property; and
5. Collection of litter and debris in Civic Center Park, Old City Hall Park, 2180 Curtilage and the medians and all associated maintenance.

Urban Forestry Unit: This unit plants new trees in empty tree wells and elsewhere in Downtown (resources permitting), removes dead and diseased trees, prunes trees and roots,

responds to emergency calls (e.g., fallen trees and branches), and provides other maintenance as needed.

Building and Facilities Maintenance Unit: This unit oversees the maintenance of site furnishings such as benches and the upkeep of hardscape surfaces within Civic Center Park and the Old City Hall Park grounds. Responsibilities also include irrigation system maintenance, graffiti removal, and the repair of damage resulting from vandalism within both park areas and the associated traffic medians.

Office of Economic Development

The Office of Economic Development (OED) provides a range of services to Downtown businesses, cultural institutions, property owners and potential investors. OED staff provide permit assistance, site location assistance, marketing assistance and access to economic data. OED staff also work closely with the Downtown Berkeley Association and provide staffing support for the Downtown PBID Owners' Association Board.

Department of Health Housing and Community Services

Mobile Crisis Team: Mobile Crisis Team provides Downtown and City-wide crisis intervention services to persons needing assistance with a mental health crisis and respond to other requests for crisis assistance. Mobile Crisis Team services are provided where people are located at the time they need services.

Homeless Outreach: Homeless Outreach services, provided by community agency partners with whom the Department contracts, are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources.

Housing and Homeless Services Programs: The City contracts with community agency partners to provide homeless people in Downtown with a range of services including showers, case management and access to emergency, transitional and permanent housing opportunities. (See below for additional City Homeless Outreach / Home Response Team resources.)

City Manager’s Office, Neighborhood Services Division

Homeless Outreach/Homeless Response Team: Homeless Outreach services are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources. The Homeless Response Team prioritizes health and safety issues and unavoidable operational impacts when triaging requests for outreach across the City.

Code Enforcement Unit: This unit enforces the Berkeley Municipal Code against a wide range of Municipal Code violations in the Downtown, and coordinates with other departments to enforce other code violations (Fire, Building, Zoning, etc.) as needed. The enforcement activities of this unit are typically complaint-driven.

09

Office of the City Manager

CONSENT CALENDAR
December 2, 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 December 2, 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 **$600,000**

Project	Fund	Source	Amount
On-Call ADA Title II Consulting Services	011	General Fund	$100,000
Public Works Fee Study	611 621	Sanitary Sewer Operations Permit Service Center	$30,000 $70,000
On-Call Painting and Repair for Parks, Recreation, and Waterfront	138 608 501	Parks Tax Marina Fund CIP Fund	$200,000
On-Call Hardscape Installation and Repair for Parks, Recreation, and Waterfront	138 608 501	Parks Tax Marina Fund CIP Fund	$200,000
Total:			**$600,000**

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
Henry Oyekanmi, Director of Finance, 510-981-7329

Attachments:
1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 02, 2025

    a. On-Call ADA Title II Consulting Services
    b. Public Works Fee Study
    c. On-Call Painting and Repair for PRW
    d. On-Call Hardscape Installation and Repair for PRW

Note: Original of this attachment with the live signature of authorizing personnel are 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
26-11773-C	On-call ADA Title II consulting services	12/4/25	1/5/2026	The consultant will, on an on-call and as-needed basis, provide City staff with guidance pertaining to compliance with Title II of the ADA, including: 1. Guidance on the interactive process regarding requests for ADA modifications, including analyses of whether satisfying such requests would involve undue burden and/or fundamental alteration. 2. Clarification of technical standards pertaining to the built environment, such as standards contained in the 2010 Standards for Accessible Design and standards containined in PROWAG; and, 3. Guidnance pertaining to digital accessibility, including clarifcations of obligations created by WCAG and 508.	$ 100,000.00	011-54-623-677-3010-000-412-612990	Public Works Transportation and Engineering	Thomas Gregory 510-981-6418 and Noah Budnick 510-981-7069
26-11776-C	PW Fee Study	12/3/25	1/5/2026	Contract with a consultant to perform a comprehensive evaluation of the fees charged by Public Works - Engineering and Transportation Division hourly rates and user fees charged for various permits and activities performed by Public Works.	$ 100,000.00	611-54-623-671-0000-000-472-612990 $30,000 621-54-623-677-0000-000-474-612990 $70,000	Public Works/ Engineering and Transportation	Ron Nevels Manager of Engineering 510-981-6439 rnevels@berkeleyca.gov
Dept Total					**$200,000**			
26-11774-C	On Call Painting and Repair for PRW	12/3/25	1/5/2026	On-call painting and repair services for PRW assets, facilities and buildings.	Total NTE $200,000 FY26-FY29 3 year term ($66, 666/yr)	On-call contract funding will be available per fiscal year from various funding sources Parks Tax 138-52-545-000-0000-000-461-624110 Marina Fund 608-52-545-000-0000-000-472-624110 CIP Fund 501-52-545-000-0000-000-461-624110	PRW, Building Maintenance, Forestry, Landscape Gardening	Walt Vandernald 510-981-6927
26-11775-C	On Call Hardscape Installation and Repair for PRW	12/3/25	1/5/2026	On-call hardscape installation and repair services for PRW.	Total NTE $200,000 FY26-FY29 3 year term ($66, 666/yr)	On-call contract funding will be available per fiscal year from various funding sources Parks Tax 138-52-545-000-0000-000-461-624110 Marina Fund 608-52-545-000-0000-000-472-624110 CIP Fund 501-52-545-000-0000-000-461-624111	PRW, Building Maintenance, Forestry, Landscape Gardening	Walt Vandernald 510-981-6928
Dept Total					**$400,000**			
TOTAL					**$600,000**			

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Contract: CentralSquare Technologies, LLC for Dispatch Center software and services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to enter into a contract with Central Square Technologies, LLC for Dispatch Center software and services using Sourcewell Contract No. 030425. The four-year contract base period will begin on December 1, 2025, and end November 30, 2029, and will not exceed $103,635. There will be two optional one-year extensions, from December 1, 2029, to November 30, 2031. The total six-year contract amount will not exceed $212,602 which includes a $20,000 contingency.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed cost for the full six-year term, including optional extensions, and the contingency is $212,600 and will be supported by Measure FF (Fire and Emergency Services), UC Settlement funds, or State Homeland Security Grant Program (SHSGP) grant funds while Alameda County Regional Emergency Communications Center (ACRECC) will cover its costs.

CURRENT SITUATION AND ITS EFFECTS

Dispatchers in the City's Emergency Communications Center (ECC) currently transfer Emergency Medical Service (EMS) calls to ACRECC so that state mandated Emergency Medical Dispatch (EMD) pre-arrival instructions can be delivered to 911 callers. This transfer currently occurs manually via a phone call made by a city dispatcher to ACRECC. This process is cumbersome, slowing the call transfer which extends the time it takes emergency instructions to be provided to callers.

Additionally, there is no redundant ECC that can seamlessly provide Fire and EMS dispatch services in the event of a failure within the city's ECC.

This project will create a digital connection between the city CAD and ACRECC, creating a real time exchange of information between ECCs and drastically reducing the number of phone calls. This will fulfill a key recommendation made by Mission Critical

Partners (MCP) in their Communications Needs Assessment and Validation study, published in 2024.

This project supports the City's ongoing effort to modernize emergency communications infrastructure, reduce dispatcher workload, and improve coordination for time-sensitive multi-jurisdictional incidents.

BACKGROUND

At present, CentralSquare Technologies offers a cloud-based CAD integration and is the only vendor offering a platform, capable of real-time exchange between multiple agencies. The platform, known as CentralSquare Unify (Unify), allows agencies to share incident data instantly, reducing manual call transfers, and streamlining communication between dispatchers during every day and multi-jurisdictional emergencies. It has been successfully deployed across several regional and state systems, improving dispatcher efficiency and operational coordination.

Unify acts as a hub and spoke system, with the hub positioned to allow any other agency in the region to connect and share information that it chooses with the other partners connected to the hub. This provides the real opportunity for the other 19+ ECCs across Alameda and Contra Costa counties to connect to the hub and more seamlessly share information between ECCs in real time. Unify will also provide a redundant ECC to the City, an unmet national standard which was also a recommendation made by MCP in their Communications Needs Assessment.

Sourcewell conducted a competitive procurement process which included the following milestones:

- Public Notice of RFP Published: January 14, 2025
- Pre-Proposal Conference: February 11, 2025
- Question Submission Deadline: February 24, 2025
- Proposal Due Date: March 4, 2025
- Proposal Opening: March 4, 2025
- Sourcewell Board of Directors Approval: August 19, 2025

CentralSquare's Unify was selected by the City based on demonstrated deployments across the Country, compatibility with both the City and ACRECC's CAD vendors, scalability across the region, and favorable cost structure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental or climate impacts related to this item.

RATIONALE FOR RECOMMENDATION

CentralSquare's Unify provides a tested, reliable solution to regional coordination between ECCs.

This will fulfill a key recommendation made by Mission Critical Partners (MCP) in their Communications Needs Assessment published in 2024.

Implementing Unify will provide a redundant ECC to the City, provides seamless multi-jurisdictional coordination, capitalize on modern cloud architecture, and reduce the redundant, manual efforts of dispatchers so they can focus on more critical task day-to-day and during larger, regional incidents.

ALTERNATIVE ACTIONS CONSIDERED

The City considered doing a separate solicitation but it is more efficient and likely more cost effective to use the Sourcewell solicitation.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT: CENTRALSQUARE TECHNOLOGIES, LLC FOR DISPATCH CENTER SOFTWARE AND SERVICES

WHEREAS, dispatchers in the City's Emergency Communications Center (ECC) currently transfer Emergency Medical Service (EMS) calls to Alameda County Regional Emergency Communications Center (ACRECC) so, state mandated Emergency Medical Dispatch (EMD) pre-arrival instructions can be delivered to 911 callers, and

WHEREAS, this transfer currently occurs manually via a phone call made by a city dispatcher to ACRECC. This process is cumbersome, slowing the call transfer which extends the time it takes emergency instructions to be provided to callers, and

WHEREAS, there is also currently no redundant ECC that can seamlessly step in and provide Fire and EMS dispatch services in the event of a failure within the city's ECC, and

WHEREAS, this project will create a digital connection between the city CAD and ACRECC, creating a real time exchange of information between ECCs and drastically reducing the number of phone calls, and

WHEREAS, this will fulfill a key recommendation made by Mission Critical Partners (MCP) in their Communications Needs Assessment, published in 2024, and

WHEREAS, this project supports the City's ongoing effort to modernize emergency communications infrastructure, reduce the every-day dispatcher workload, and improve coordination for time-sensitive multi-jurisdictional incidents.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to execute a four-year contract with Central Square Technologies, LLC for Dispatch Center software and services using Sourcewell Contract No. 030425 for the period from December 1, 2025 through November 30, 2029, for an amount not to exceed $103,635; and up to two optional one-year extensions of the contract, from December 1, 2029 to November 30, 2031, for a total six-year contract amount not to exceed $212,602, which includes a $20,000 contingency.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Revenue Contract: 2026 Community Services Block Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to:

1. Accept the 2026 Community Services Block Grant (CSBG) contract to provide services for low-income people from January 1, 2026, to April 30, 2027; and,
2. Execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount, add discretionary funding, and change or update the contract terms.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley's CSBG allocation for Calendar Year 2026 is anticipated to be released in November or December 2025. The exact amount is not yet known. (Fund 334). The CSBG allocation amount is included in the City's anti-poverty Community Action Fund and supports oversight and management of anti-poverty funds within the Department of Health, Housing and Community Services (HHCS). CSBG funding is distributed annually; however, the contract period extends an additional five months with no additional funding to provide recipients with adequate time to complete reports and submit payment requests.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley receives CSBG to support anti-poverty programs because it is a Community Action Agency (CAA). CSBG funds are part of the federal Department of Health and Human Services budget passed through the state to local CAAs. The City of Berkeley uses its CSBG entitlement to fund community service programs.

The Human Welfare and Community Action Commission (HWCAC) acts as the federally mandated tri-partite advisory board for CSBG funding. As such, it is responsible for reviewing performance of funded programs, reviewing compliance with the implementation of the community action program, and advising Council on CSBG funding decisions. The City Council is the decision-making body and is thus responsible for all final CSBG funding decisions.

At their September 24, 2025, meeting, the HWCAC voted to recommend approval of the anticipated 2026 CSBG funding as follows: Motion/Second/Carries (Lippman/Lara Cruz), Ayes – Bohn, Huchting, Lara Cruz, Lippman, Sol. Noes –None; Abstain – None; Absent – None.

BACKGROUND

CSBG supports the City of Berkeley's anti-poverty efforts at a minimum funded level. In 2023, the City was awarded $312,302. The award amounts for both 2024 and 2025 were $327,299. CSBG funds supplement anti-poverty General Fund funding which is used for other critical community services, including disability and senior services, medical care, childcare, and additional homeless services. Funding is awarded to activities through the City's Community Agency RFP process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Accepting the CSBG contract is necessary to receive funds that support the provision of services for residents living in poverty in Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. Rejecting CSBG funding would reduce funding for services to low-income Berkeley residents, which would negatively impact low-income services in Berkeley.

CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS, (510) 981-5414.

Attachments:
1: Resolution

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

REVENUE CONTRACT: 2026 COMMUNITY SERVICES BLOCK GRANT (CSBG)

WHEREAS, the City of Berkeley is a Community Action Agency and receives CSBG funds as the Berkeley Community Action Agency to support anti-poverty programs; and

WHEREAS, the Human Welfare and Community Action Commission (HWCAC) acts as an advisory tripartite Board to the Council providing public participation in the governing process; and

WHEREAS, at the September 24, 2025, HWCAC meeting a motion was passed recommending that the City accept the Community Service Block Grant Funds; and

WHEREAS, this CSBG revenue contract is for the period of January 1, 2026, to April 30, 2027, with the option to extend the contract period and/or accept amendments that either increase the contract amount and/or update contract (Fund 334).; and

WHEREAS, the funds have historically been used to support anti-poverty services and to support City of Berkeley oversight and management of anti-poverty programs (Fund 334).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to accept Community Service Block Grant funds and execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount or add discretionary funding, or to change or update the contract term, to provide low-income services for low-income people from January 1, 2026 to April 30, 2027, with the option to extend the contract period as amended by the California State Department of Community Services and Development. A record signature copy of said agreement and any amendments shall be on file in the office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Contract No. 32000232 Amendment: Worldwide Travel Staffing for Nurse Registry services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32000232 with Worldwide Travel Staffing for nurse registry services for a total contract amount not to exceed $1,772,580 through June 30, 2027. This amendment will add $500,000 in funding and two years to the contract term, through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the additional amount of $500,000 are available in Mental Health State Realignment Fund 158, subject to Annual Appropriations Ordinance Number Two.

CURRENT SITUATION AND ITS EFFECTS

The Nurse Registry contract will allow the City of Berkeley's Mental Health Division to meet the needs of mental health clients, fulfill their obligations to ensure a healthy community, and remain in compliance with federal, state, and local regulations around the provision of quality medical care. This contract will allow the Mental Health Division to utilize per diem nursing from the contractor when there are nursing vacancies that hinder the ability of the Mental Health Division to provide required medical services. This contract aligns with the Strategic Plan goal to be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

BACKGROUND

The City released a Request for Proposals (RFP) on June 18, 2019 under Specification No. 19-11326-C, convened a panel of stakeholders, interviewed representatives from the highest ranked responses, and selected Worldwide Travel Staffing as the most responsive, responsible bidder for this contract. The City intends to release a new RFP for these services during the term of the extension of this contract, in order to ensure no disruption to current services. Services covered under this contract were previously utilized by both the Mental Health and Public Health Divisions due to increased staffing needs resulting from the Covid-19 Pandemic, however funds for this amendment will only be utilized by the Mental Health Division. The Mental Health Division has

experienced great difficulty in filling vacant positions for staff who can provide nursing services. Due to a variety of factors, including the Medi-Cal expansion through the Affordable Care Act, an existing shortage of nurses in the region has been greatly exacerbated. Many area providers are experiencing staff shortages in qualified nurses, as the exploding need for nursing services has led to existing staff leaving for new positions and an overall shortage of providers.

Given the continued staffing shortage and difficulty recruiting and retraining nurses, several measures have been put in place to locate permanent staffing for these positions. These include the creation of a new job classification with the City's Human Resources Department, to better reflect the particular requirements of mental health nursing (as opposed to community nursing), as well as the City's Human Resources Department conducting multiple recruitments for these positions. This contract will allow the Mental Health Division to continue utilizing per diem nurses while we continue to take steps to secure permanent staffing. Human Resources continues to actively recruit for mental health nurses, and recruiting and retaining them as permanent City staff will always be the long-term objective.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

Worldwide Travel Staffing was selected as the vendor for this contract through a competitive RFP process, under Specification No. 19-11326-C. They offer nurses who provide community health services to youth and psychiatry services to Medi-Cal, uninsured, disenfranchised, and under-served populations. These services are necessary for the provision of public and mental health treatment provided by the City. These services will only be utilized during staff shortages and are not a replacement of permanent staffing.

ALTERNATIVE ACTIONS CONSIDERED

The City could not provide necessary medication monitoring services and other nursing services for individuals with mental illness or not provide nursing services at Berkeley High School. However, this would negatively impact the health and wellbeing of Berkeley's high school youth.

CONTACT PERSON

Jeffrey Buell, Manager of Mental Health Services, (510) 981-7682
Conor Murphy, Associate Management Analyst, HHCS, (510) 981-7611

Attachments:
1: Resolution

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

CONTRACT NO. 32000232 AMENDMENT: WORLDWIDE TRAVEL STAFFING FOR NURSE REGISTRY SERVICES

WHEREAS, the City of Berkeley's Mental Health Division has experienced great difficulty in filling vacancies in nursing positions; and

WHEREAS, Worldwide Travel Staffing offers nurses who provide mental health and community health services, provided by licensed nurses, to youth, Medi-Cal, uninsured, disenfranchised, and under-served populations; and

WHEREAS, Worldwide Travel Staffing's services support mental health goals of improving the health and well-being of the community during periods of staff shortages; and

WHEREAS, Worldwide Travel Staffing was selected through a competitive process Request for Proposals (RFP) under Specification No. 19-11326-C; and

WHEREAS, on February 25, 2020, the City Council of the City of Berkeley approved entering into contract number 32000202 for an amount not to exceed $313,800 and a contract period beginning March 1, 2020, and ending June 30, 2023, via Resolution number 69,296-N.S.; and

WHEREAS, on December 15, 2020, the City Council of the City of Berkeley approved amending contract number 32000202 increasing the amount by $958,780 for a total not to exceed $1,272,580 and extend the term end date to June 30, 2025, via Resolution number 69,652-N.S.; and

WHEREAS, funds for the scope of work are available in the current year budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to amend Contract No. 32000232 with Worldwide Travel Staffing increasing the amount by $500,000 for a total contract amount not to exceed $1,772,580 and extending the term of the contract through June 30, 2027 for the purpose of funding nurse registry services. A record signature copy of said contract to be on file in the City Clerk Department.

13

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services Department

Subject: Loan Modifications for Existing Housing Trust Fund Projects: Margaret Breland Homes (2577 San Pablo Avenue) and Mable Howard Apartments (3250 Sacramento Street)

RECOMMENDATION

Adopt a Resolution approving amendments to existing Housing Trust Fund (HTF) loan documents for Margaret Breland Homes and Mable Howard Apartments to:

1. Approve the transfer of ownership of both properties to Berkeley Senior Recap, L.P., a new ownership entity formed to apply for Low-Income Housing Tax Credits (LIHTC), with Resources for Community Development (RCD) as the Managing General Partner;
2. Approve the addition of the future tax credit investor limited partner at the time of the construction loan closing, as required by the LIHTC program;
3. Approve the extension of the City's current loans and regulatory agreements for both properties to new 55-year periods and the reduction of interest rates from 6% simple interest to the Applicable Federal Rate (AFR) in effect at the time of construction loan closing (currently approximately 4.8%); and
4. Authorize the City Manager or their designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.

FISCAL IMPACTS OF RECOMMENDATION

There are no new City funds requested for these actions. The proposed loan modifications extend existing City loans and facilitate the leveraging of LIHTC equity and tax-exempt bond financing to address significant capital needs. The City's HTF investments in the projects—$2,719,108 for Margaret Breland Homes and $982,479 for Mable Howard Apartments—will remain secured by the existing deeds of trust, and affordability requirements will be maintained through the regulatory agreements. The modifications will strengthen the long-term financial viability of both projects and preserve 68 deeply affordable senior housing units in Berkeley.

CURRENT SITUATION AND ITS EFFECTS

RCD is seeking City approval for the loan modifications as part of a strategy to complete a HUD Rental Assistance Demonstration (RAD) conversion and apply for LIHTC and tax-exempt bond financing for the rehabilitation of both properties. Both properties are 20–25 years old and have accumulated capital needs that exceed available reserves. The proposed RAD conversion will allow RCD to convert existing HUD 202 rental assistance contracts into a single 20-year Housing Assistance Payment (HAP) contract for both properties, increasing operating revenue and enabling the projects to support new additional debt for much-needed rehabilitation.

RCD intends to apply for LIHTCs in Round 1 of 2026 and anticipates a combined $13 million rehabilitation, or approximately $190,000 per unit in hard construction costs. Planned improvements include modernization of building systems, energy and accessibility upgrades, and enhanced safety and functionality.

On October 9, 2025, the Housing Advisory Commission (HAC) approved the loan modification request for Margaret Breland Homes and Mable Howard Apartments with the following vote:

Action: M/S/C (Simon-Weisberg/Twu) to recommend City Council to:

1. Approve the transfer of ownership of both properties to Berkeley Senior Recap, L.P., a new ownership entity formed to apply for Low-Income Housing Tax Credits (LIHTC), with Resources for Community Development (RCD) as the Managing General Partner;
2. Approve the addition of the future tax credit investor limited partner at the time of the construction loan closing, as required by the LIHTC program;
3. Approve the extension of the City's current loan terms for both properties to new 55-year periods and the reduction of interest rates from 6% simple interest to the Applicable Federal Rate (AFR) in effect at the time of construction loan closing (currently approximately 4.8%); and
4. Authorize the City Manager or their designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.

Vote: Ayes: Bell, Micael, Potter, Shere, Simon-Weisberg, and Two. Noes: None. Abstain: None. Absent: Haycox and Scott.

BACKGROUND

Both properties are long-term HTF-supported senior affordable housing developments:

- Margaret Breland Homes (2577 San Pablo Avenue) – 28 units, completed in 2006, City loan of $2,719,108; all units affordable to households ≤50% AMI, with most tenants at ≤30% AMI.

- Mable Howard Apartments (3250 Sacramento Street) – 40 units, completed in 2000, City loan of $982,479; all units affordable to households ≤50% AMI, with most tenants at ≤30% AMI.

Each property is currently owned by an RCD-controlled nonprofit entity and managed by the John Stewart Company. The RAD conversion and new HAP contract will stabilize operating revenues while maintaining affordability for all residents. Tenants will continue to pay no more than 30% of their income toward rent. The proposed loan modifications—extension to 55 years and adjustment of the interest rate to the AFR—will allow RCD to maximize equity investment and ensure the long-term preservation of these properties.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The rehabilitation will improve building systems, reduce energy and water use, and modernize mechanical and electrical components, thereby reducing greenhouse gas emissions and supporting the City's sustainability goals.

RATIONALE FOR RECOMMENDATION

The proposed modifications are necessary to enable RCD to secure tax credit and bond financing, complete rehabilitation, and preserve 68 affordable senior units for the long term. The City's loan extensions and interest rate adjustments maintain regulatory protection while enabling RCD to leverage substantial outside investment with no new City funds.

ALTERNATIVE ACTIONS CONSIDERED

Without the proposed modifications, the projects would be unable to pursue LIHTC financing or complete the RAD conversion, placing their long-term affordability and physical condition at risk.

CONTACT PERSON

Lourdes Chang, Senior Community Development Project Coordinator, HHCS
(510) 981-5263

Attachment:

1: Resolution

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

APPROVING LOAN MODIFICATIONS FOR MARGARET BRELAND HOMES (2577 SAN PABLO AVENUE) AND MABLE HOWARD APARTMENTS (3250 SACRAMENTO STREET)

WHEREAS, the City Council established a Housing Trust Fund Program (HTF) to guide the City's work to assist in the development and expansion of housing affordable to low- and moderate-income people who either work or reside within the City of Berkeley (City), and authorized the City Manager to implement the Program; and

WHEREAS, the City provided Resources for Community Development (RCD) with HTF loans of $2,719,108 to Margaret Breland Homes and $982,479 to Mable Howard Apartments to support the development and long-term affordability of these senior housing projects; and

WHEREAS, both projects are owned and operated by an RCD-controlled nonprofit entity, providing a total of 68 affordable senior housing units; and

WHEREAS, both properties have operated successfully for over 20 years but now require substantial rehabilitation to replace aging systems, improve accessibility, and ensure continued habitability and safety; and

WHEREAS, RCD proposes to complete a HUD Rental Assistance Demonstration (RAD) conversion and apply for Low-Income Housing Tax Credit (LIHTC) and tax-exempt bond financing to fund the rehabilitation of both properties, without requesting new HTF funding; and

WHEREAS, to complete this financing, RCD requests that the City approve: (1) the transfer of ownership of both properties to Berkeley Senior Recap, L.P.; (2) the addition of the future LIHTC investor limited partner; (3) the extension of the existing City loans and regulatory agreements to new 55-year terms; and (4) the modification of the interest rate from 6% simple interest to the Applicable Federal Rate (AFR) at the time of construction closing; and

WHEREAS, the City finds that these loan modifications will preserve long-term affordability, ensure the rehabilitation of 68 affordable senior units, and align with the City's Strategic Plan goal to create affordable housing and housing support services for our most vulnerable community members.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby approves the modification of the HTF loans as follows:

1. Authorize the City Manager or their designee to approve the transfer of ownership of both properties to Berkeley Senior Recap, L.P., a new ownership entity formed to apply for Low-Income Housing Tax Credits (LIHTC), with Resources for Community Development (RCD) as the Managing General Partner.

2. Authorize the City Manager or their designee to approve the addition of the future tax credit investor limited partner at the time of the construction loan closing, as required by the LIHTC program.
3. Authorize the City Manager or their designee to extend the City's existing loans and regulatory agreements for both Margaret Breland Homes and Mable Howard Apartments to new 55-year periods and reduce the interest rate on both loans from 6% simple interest to the Applicable Federal Rate (AFR) in effect at the time of construction loan closing (currently approximately 4.8%).

BE IT FURTHER RESOLVED THAT the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements in accordance with the intent of this Resolution; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of the City Clerk.

14

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Contract No. 081263-1 Amendment: Uprise Claremont Behavioral Services for Employee Assistance Program Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 081263-1 with Uprise Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by approving the rate increases for January 1, 2026 through January 1, 2029 and extending the contract from December 31st, 2025 through January 1, 2029.

FISCAL IMPACTS OF RECOMMENDATION

The current not-to-exceed (NTE) amount provides sufficient capacity, and no increase to the total contract value is required. This amendment solely incorporates premium rate adjustments and extends the contract term. The updated rates can be fully absorbed within the existing NTE amount.

Funding for this amendment is available from fringe benefit accounts in departmental budgets and will be paid out of the Payroll Deduction Trust Fund, budget code: 013-99-900-900-0000-000-000-201599.

Premiums are paid one (1) month in advance for the following year; e.g., the January 2026 premium is paid in December 2025. The chart below demonstrates the annual contract amounts for each year representing an increase the total amount accrued increasing the NTE on the contract since its origin.

Original contract amount	$320,000
July 1, 2012 increase	$315,000
July 1, 2015 increase	$500,000
January 1, 2021 increase	$500,000
Current contract total	$1,635,000

CURRENT SITUATION AND ITS EFFECTS

The City has a contract with Uprise Claremont through December 31, 2025, for administration of the City's Employee Assistance Program. Under this contract, the City's current cost is $1.95 Per-Employee Per-Month plus $92 per clinical visit for Calendar Year 2025. The contract also includes an annual maximum expenditure amount of $110,000 per

fiscal year to avoid a potential unlimited liability. The remaining available contract balance provides sufficient capacity to cover the anticipated cost of EAP services for City employees in future years.

To maintain costs within budget, staff, with the assistance of Keenan & Associates, the City's benefits insurance broker, have negotiated with Uprise Claremont to offer rates at $1.98 Per- Employee Per-Month and $92 per clinical visit, for each of the three (3) new contract years (calendar years 2026 through 2028). Annual costs for calendar year 2026 are estimated to be $89,131.36 which is based on an estimate of up to 50 visits per month and the total number of eligible employees.

BACKGROUND

Since 1986 the City has provided an Employee Assistance Program for all benefited employees and their eligible dependents. The purpose of the program is to provide confidential professional counseling services for employees and their dependents in the areas of mental health and substance abuse, as well as family, financial and legal related problems. Moreover, the services may include employee and supervisory orientations, management referrals, critical incident debriefings, and specialized workshops on a variety of topics.

The City selected Claremont to administer the EAP through a competitive bid process and has been using Claremont since November 1, 2002. On June 12, 2012, City Council approved Resolution No. 65,767-N.S. that authorized the City Manager to execute and implement a contract with Claremont through June 30, 2015. On June 9, 2015, City Council approved Resolution 67,071-N.S. to extend the contract through June 30, 2020 and was extended on December 31, 2020 through December 31, 2021. On February 9, 2021, City Council approved Resolution No. 69,715-N.S. to extend the contract terms through December 31, 2025.Claremont has provided outstanding EAP services over the years, including one hour employee webinars ranging in topics from Strategies to Enhancing Emotional Intelligence to Understanding Mental Illness, among other topics. Employees have responded well to the services provided by Claremont, averaging a 15.84% utilization rate.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

This contract amendment will support the City in continuing to deliver high-quality Employee Assistance Program (EAP) services. The EAP is a required employee benefit under the collective bargaining agreements between the City and employee organizations.

Equally important, EAP services contribute positively to employee morale, attendance, and overall job performance. This amendment also enables the City to maintain an efficient and cost-effective EAP program, which is especially critical as we work to address the current budget deficit.

ALTERNATIVE ACTIONS CONSIDERED

City staff worked with benefit broker Keenan & Associates to seek out competitive offers for the administration of the Employee Assistance Program and elected to renew the contract with Claremont. Alternative vendors did not lower costs and could not provide the continuity of service Claremont provides.

CONTACT PERSON

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

Attachments:

1. Resolution

RESOLUTION NO. -N.S.

AUTHORIZING RATE CHANGES FOR THE CLAREMONT BEHAVIORAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAM ADMINISTRATION EFFECTIVE JANUARY 1, 2026, THROUGH JANUARY 1, 2029; and

WHEREAS, on March 9, 2010, by Resolution No. 64,788-N.S., the City Council authorized Contract No. 8287 (081263-1) with Uprise Claremont Behavioral Services to administer the City's Employee Assistance Program in an amount not to exceed $320,000 for the period from July 1, 2008 through June 30, 2012; and

WHEREAS, this contract was previously amended on June 12, 2012, to increase the total contract amount by $315,000 for a total contract amount of $635,000 and to extend the expiration date to June 30, 2015; and

WHEREAS, this contract was previously amended on June 30, 2015, to increase the total contract amount by $500,000 for a total contract amount of $1,135,000 and to extend the expiration date to June 30, 2020; and

WHEREAS, this contract was previously amended on December 31, 2020, to extend the expiration date to December 31, 2021; and

WHEREAS, this contract was amended on February 9, 2021, to increase the contract by $500,000 to $1,635,000 and extending the contract dates to December 31, 2025; and

WHEREAS, this contract was previously amended on May 1, 2025, to add digital services; and

WHEREAS, the City pays for the full premium for all benefited employees and their dependents eligible to participate in the Employee Assistance Program; and

WHEREAS, funds are available in the current budget in the Payroll Deduction Trust Fund, budget code 013-99-900-900-0000-000-000-201599, and the contract has been entered into the City Contract database and assigned ERMA contract number 081263-1 (formerly 8287D).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby authorizes the City Manager to execute an amendment to Contract No. 081263-1 with Uprise Claremont Behavioral Services to administer the City's Employee Assistance Program from January 1, 2026 to January 1, 2029.

BE IT FURTHER RESOLVED that the rates are guaranteed through January 1, 2029.

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

15

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director, Human Resources

Subject: Adoption of Successor Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245

RECOMMENDATION

1. Adopt a resolution approving the successor three-year Memorandum Agreement (MA) with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the "Union") with a term of July 1, 2025, through June 30, 2028, authorizing the City Manager to execute and implement the revised terms and conditions of employment set forth in the Memorandum Agreement; and

2. Adopt a new classification and salary resolution for International Brotherhood of Electrical Workers, Local 1245 and rescinding Resolution No. 70,453-N.S.

FISCAL IMPACTS OF RECOMMENDATION

The terms of the new MA provide for a four percent (4.0%) salary increase effective the first full pay period after Council adoption; two and a half percent (2.5%) effective the first full pay period in July 2026; and two percent (2.0%) the first full pay period in January 2027; and zero (0.0%) in year three through the term of the contract in June 2028, for a cumulative wage increase of eight and a half percent (8.5%) over three (3) years. The MA also provides an adjustment to the application of Longevity pay for parity with other miscellaneous bargaining units, an increased tool allowance, and increase in the benefits for Medicare eligible retirees that retire after November 30, 2025.

The cost for the new MA is estimated to be approximately $743,923 over the three (3) year term of the agreement. Funding for this MA comes from special revenue funds.

CURRENT SITUATION AND ITS EFFECTS

The City's labor contract with the Union expired and was fully terminated as of June 30, 2025. To reach agreement on a successor Memorandum Agreement, representatives of the City and representatives of the Union held approximately 13 negotiating sessions beginning April 10, 2025. The parties reached an agreement on all outstanding

economic issues on October 20, 2025. The collective bargaining process is now complete, and the parties have reached tentative agreement.

BACKGROUND

There are 17 budgeted positions represented by IBEW Local 1245 in one representational unit (Unit C). IBEW Local 1245 represents employees in the electrical occupations in the Public Works Department. The City's philosophy during negotiations with IBEW Local 1245 was to follow City Council policies to protect the City's short and long-range economic health while assuring that labor organizations and their members are treated fairly and with respect. The City also clarified and negotiated the MA provision that aligns IBEW Local 1245 with the across-the-board agreements reached with the City's largest Miscellaneous bargaining unit during the term of the agreement. Major provisions with economic impacts of the new labor contract are as follows:

Term	July 1, 2025, through June 30, 2028
Salary Rates	Increases of 4.0%, 2.5%, 2.0% in alignment with the City's largest Miscellaneous bargaining group, and a zero (0.0%) salary increase in year three of the agreement.
Longevity	Parity with other misc. bargaining units
Tool Allowance	Increase to $750
Shoe Allowance	Increase to $300
Retiree Benefits for Medicare eligible retirees who retire after Nov. 30, 2025	Increase Single Party by $245.40 Increase 2 Party by $490.80

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Representatives of the City worked within policies set by the City Council for guiding contract negotiations and staff met with the City Council in closed session to discuss and receive the policy direction and economic authority to settle this contract. The overall settlement must be within the City's ability to pay based on projected revenue as well as demands for services across the spectrum of programs the City provides the

community. This settlement is in keeping with City Council's direction to staff and is fair and equitable to the members of the Union.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Janelle Rodrigues, Director of Human Resources, (510) 365-5934.

Attachments:
1. Resolution - Revised Memorandum Agreement: IBEW Local 1245
   Exhibit A: Memorandum Agreement between the City of Berkeley and the International Brotherhood of Electrical Workers Local 1245 – A.F.L. – C.I.O. July 1, 2025, 2022 through June 30, 2028 (Edited Version)

   Exhibit B: Memorandum Agreement between the City of Berkeley and the International Brotherhood of Electrical Workers Local 1245 – A.F.L. – C.I.O. – July 1, 2025 through June 30, 2028 (Clean Version)

2. Resolution: Approving a New Classification and Salary Resolution for International Brotherhood of Electrical Workers, Local 1245 and Rescinding Resolution No. 70,453-N.S.
   Exhibit A: Hourly Salary Schedule for the International Brotherhood of Electrical Workers, Local 1245 Classification/Salary Resolution Period: August 3, 2025 through June 30, 2028

3. Tentative Agreement Between the City of Berkeley and the International Brotherhood of Electrical Workers Local 1245 – A.F.L. – C.I.O.

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

ADOPTION OF SUCCESSOR MEMORANDUM AGREEMENT: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1245

WHEREAS, the City is obligated under the provisions of California Government Code Section 3500 – 3510, commonly referred to as the Meyers-Milias-Brown Act, to meet and confer in good faith and attempt to reach agreement with representatives of recognized bargaining units on matters within the scope of representation including, but not limited to wages, hours and other terms and conditions of employment; and

WHEREAS, representatives of the City and the International Brotherhood of Electrical Workers, Local 1245, have met and conferred in good faith and have reached an agreement on a new Memorandum Agreement that incorporates all changes and modifications in wages, hours and other terms and conditions of employment agreed to by the parties.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute and implement the new Memorandum Agreement for the period July 1, 2025 through June 30, 2028 with the International Brotherhood of Electrical Workers, Local 1245, including all changes in wages, hours, and other terms and conditions of employment on dates specified in the Memorandum of Understanding which is attached hereto, made a part hereof and marked Exhibit B.

BE IT FURTHER RESOLVED that this revised resolution provides for amendments to the Memorandum Agreement adopted on December 2, 2025.

Exhibits
A: Memorandum Agreement between the City of Berkeley and the International Brotherhood of Electrical Workers Local 1245 – A.F.L. – C.I.O. July 1, 2025, 2022 through June 30, 2027 (Edited Version)
B: Memorandum Agreement between the City of Berkeley and the International Brotherhood of Electrical Workers Local 1245 – A.F.L. – C.I.O. – July 1, 2025, through June 30, 2027 (Clean Version)

MEMORANDUM AGREEMENT

Between the

CITY OF BERKELEY

and the

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1245 - A.F.L. - C.I.O.

July 1, 2025~~2~~ to June 30, 2028~~5~~

RESOLUTION NO. 70,453-N.S.

MEMORANDUM AGREEMENT: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1245

WHEREAS, the City is obligated under the provisions of California Government Code Sectlon 3500- 3510, commonly referred to as the Meyers-Milias-Brown Act, to meet and confer in good faith and attempt to reach agreement with representatives of reoognized bargaining units on matters within the =pe of representatlon including, but not limrted to wages, hours and other teims and conditions of employment; and

WHEREAS, representatives of the Crty and the International Brotherhood of Electrical Workers, Local 1245 have met and conferred in good farthand have reached agreement on a new Memorandum Agreement that incorporates all changes and modifications in wages, hours andother teims and conditions of employment agreed to by the parties.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Crty Manager is hereby authorized to execute the new Memorandum Agreement for the period July 1, 2022 through June 30, 2025wrth the International Brothemood of Electrical Workers, Local 1245, including changes in certain benefits oo dates specified in the Memorandum of Understanding which is attached hereto, madea parthereof andmarked Exhibit B.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute and implement said Memorandum Agreement including all changes in wages, hours, and other terms and conditions of employment. A fully executed original of said contract is filed in the Office of the City Clel1<.

BE IT FURTHER RESOLVED that thisrevised resolution provides for amendments to the Memorandum Agreement adopted oo July 26, 2022.

The foregoing Resolution was adopted by the Berkeley Crty Council on July 26, 2022by the following vote:

Ayes: Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and **Arreguin.**

Noe.s: None.

Absent: Bartlett.

Jesse Arreguin, Mayor

Attest: aikmhTie, Crty Clerk

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MEMORANDUM AGREEMENT
Between
CITY OF BERKELEY
and the
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL 1245

ARTICLE 1 - ADMINISTRATION

SECTION 1: RECITALS

1.1 This Memorandum Agreement is entered into pursuant to the Meyers-Milias Brown Act (Government Code, Sections 3500-3511), as amended, and has been jointly prepared by the parties.

1.2 The City Manager is the representative of the City of Berkeley (hereinafter referred to as "the City") in employer-employee relations as provided in Resolution No. 43,397-N.S., adopted by the City Council on October 14, 1969.

1.3 International Brotherhood of Electrical Workers, Local 1245, is the recognized employee organization for Representation Unit C (Electrical Occupations), which organization has been certified as such pursuant to said Resolution No. 43,397N.S. The employee positions in such Representation Unit are hereinafter set forth in Exhibit A attached hereto and made a part hereof, and International Brotherhood of Electrical Workers, Local 1245 (hereinafter referred to as "the Union") is recognized as the sole representative of employees assigned to such positions.

1.4 The parties have met and conferred in good faith regarding wages, hours, and other terms and conditions of employment of the employees in said Representation Unit C, have exchanged freely information, opinions, and proposals, and have endeavored to reach agreement on all matters relating to the employment conditions and employer-employee relations of such employees.

1.5 This Memorandum Agreement shall be presented to the City Council as the joint recommendation of the undersigned.

1.6 Section titles in this Memorandum Agreement are for identification purposes only and are not to be used for the purpose of interpreting either the intent or the meaning of the language of any section.

SECTION 2: PARTIES TO THE AGREEMENT

2.1 Exclusive Representation

The Union is the exclusive representative of all employees within Representation Unit C (Electrical Occupations) and shall continue to be recognized as such unless, in accordance with the provisions of Resolution No. 43,397-N.S. or said Resolution may be amended, the Union is no longer certified as the Recognized Employee Organization for employees in Representation Unit C.

2.2 Management Rights

The Union recognizes that the management of the City and its business and the direction of its working forces are vested exclusively in the City, and this includes, but it not limited to, the following: to direct and supervise the work of its employees, to hire, promote, demote, transfer, suspend, and discipline or discharge employees for just cause; to plan, direct, and control operations; to lay off employees because of lack of work or for other legitimate reasons; to introduce new or improved methods or facilities, provided, however, that all of the foregoing shall be subject to the provisions of this Agreement, arbitration decisions, or letters of agreement, or memorandums of understanding clarifying or interpreting this Agreement.

The City shall not by reason of the execution of this Agreement (a) abrogate or reduce the scope of any present plan or rule beneficial to employees, such as its vacation and sick leave policies or its retirement plan, or (b) reduce the wage rate of any employee covered hereby, or change the conditions of employment of any such employee to his disadvantage. The foregoing limitation shall not limit City in making a change in a condition of employment if such change has been negotiated and agreed to by City and Union.

SECTION 3: NO DISCRIMINATION

The City and Union agree that they will not discriminate against employees covered by this Agreement in a manner which would violate any applicable laws ~~based on race, creed, color, ethnicity, ancestry, religion, political affiliation, gender, sexual orientation, age, national origin, marital or domestic partner status, gender identity or gender expression, parental status, pregnancy, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related condition,~~ due to any ~~or any other~~ status protected by applicable state or federal law, or protected Union activity. Furthermore, the City and Union agree to comply with all applicable federal, state and local laws pertaining to nondiscrimination and equal employment opportunity.

The City of Berkeley Harassment Prevention Policy and Sexual Harassment Policy, as may be amended from time to time to comply with applicable state or federal law, is available on-line on the City's IntraWeb at CITY OF BERKELEY (berkeleyca.gov), in the

Department of Human Resources, or by contacting the City's Equal Employment Opportunity and Diversity Officer.

The Union agrees that it will support programs for making members of minority groups and women aware of employment opportunities within the City's jurisdiction, and that it will work with the City to increase recruitment efforts of such minorities and women into City service. The Union recognizes and supports the City of Berkeley's commitment to equal employment opportunity.

SECTION 4: UNION SECURITY

4.1 Union Security

4.1.1 An employee included in Unit C, may become and remain a member in good standing of the Union; or pay to the Union an initial fee equal to the regular initiation fee and, thereafter, a monthly fair share service fee equal to the regular monthly union dues and general assessments.

4.1.2 **Contracting Out**

The City will not hire any contractors, firm or individual which will result in the layoff of any employees covered under this Agreement.

4.1.3 **Subcontracting**

If the City intends to subcontract any electrical or communication work, the City will notify the Union in advance of any bid solicitation whose value is estimated to be $25,000 or more. The City will notify the Union in advance by mailing a copy of the City Council Bid Notifications Report to the Union Stewards. Information will be sent to the Union at the same time it is forwarded to the City Council and will include nature of project, the name of department requesting the work, and the budget code. Upon written request from the Union, the City will provide a copy of the actual bid specifications.

For electrical or communication work estimated to cost less than $25,000, the City will provide the Union Stewards a copy of the Council Awarded Contracts Report on a monthly basis.

4.2 Indemnification and Union Reports

4.2.3 **Indemnification**

The Union shall indemnify and save harmless the City, its officers and employees, from and against any and all loss, damages, costs, expenses, claims, attorneys' fees, demands, actions, suits, judgments and other proceedings arising out of any claims made by Unit C employees for deductions made in reliance on information provided by the Union.

4.2.4 **Union Reports**

The City shall furnish the Union, on a monthly basis, the name, date of hire, salary, classification and work location of all newly-hired employees subject to this Agreement.

4.3 New Employee Orientation

This provision shall apply to new hire employees appointed to classifications covered by this Agreement.

4.3.1 **Onboarding**

The parties acknowledge that the City provides a new employee orientation (onboarding) to each new employee hired by the City. As such, the Union will be provided with not less than 10 calendar days' advanced notice of the time, date, and location of the onboarding of any new employee represented by the Union. The Union will be given 30- minutes at the start of the new employee onboarding in a room designated by the City for no more than one (1) representative to present Union membership information. The City representative will excuse him or herself during the Union portion of the onboarding. The Union agrees in its portion of the onboarding not to engage in speech that could cause disruption or material interference with City activities.

The City will provide 30 minutes of Union Release Time to the Union representative presenting the Union membership information during the scheduled onboarding. The Union shall provide the Union representative's immediate supervisor with the Union representative's name at least five (5) days prior to the onboarding. The Union representative shall be released for this purpose unless unusual operation needs interfere with such release in which case the Union representative's immediate supervisor will provide a written explanation of why release could not be approved. If the Union representative is not released due to department operational needs, the Union representative may arrange an alternative date and time to meet with the newly hired employee within the first two (2) weeks of employment, subject to the 30-minutes onboarding and Union Release Time requirements as stipulated above.

4.3.2 **Information Provided**

On a quarterly basis (March, June, September, and December), the City will provide the Union with a digital file via email to the email address designated by the Union. The Union acknowledges and understands that the City is working diligently and in good faith to update its contact information database functionality to incorporate all the fields of contact information listed below. As a result, the City may not initially be able to provide the employee's work

telephone number, personal phone number, and personal email address until the completion and implementation of the City's new Enterprise Resource Management Application (ERMA) system.

The City will provide the Union with the following information on file, to the extent the City has it on file:

- Name.
- Job Title.
- Department.
- Work Location.
- Home telephone number.
- Home address.
- Personal cellular telephone number (new hires hired on or after October 1, 2017).
- Work telephone number (*upon implementing ERMA*).
- Personal email addresses on file with the City (*upon implementing ERMA*).

Notwithstanding the foregoing, limited to the express purpose of the requirements of Government Code section 3558 only, an employee may opt out via written request to the City (copy to the Union) to direct the City to withhold disclosure of the employee's: Home address; home telephone number; personal cellular telephone number; personal email address; and date of birth.

SECTION 5: DEDUCTION OF UNION DUES

5.1 Deductions

The City shall deduct, once monthly, the amount of Union regular and periodic dues, service fees, or insurance premiums as may be specified by the Union under the authority of written notification by the Union certifying that the employee has provided written affirmed consent for deduction of union membership dues or fair share service fees.

Such deductions, together with a written statement of the names and amounts deducted, shall be forwarded promptly to the Union office.

5.2 Revocation

Upon receipt of a written notice from the Union to the Human Resources Department, the City shall cease deducting membership dues or fair share service fees from the designated employee.

5.3 Authorization Forms

The City may request verification of employee's authorization form giving affirmed consent to deduct dues or fees only if a legitimate dispute arises about the existence

or term of the authorization.

5.4 Notice

Union agrees to give reasonable notice of dues change.

SECTION 6: UNION REPRESENTATIVES

6.1 Number of Representatives

The City shall allow two (2) representatives of the Union reasonable time off from work, without loss of compensation or other benefits, to represent its members in disputes which involve the interpretation or application of those rules, regulations, and resolutions which have been or may hereafter be adopted by the City Council to govern personnel practices and working conditions, including such rules, regulations, and resolutions as may be adopted by the City Council to effect memoranda of understanding which may result from the meeting and conferring process, and to represent its members in meeting and conferring in good faith for amendments to this Memorandum Agreement in the future, subject to the conditions set forth in Sections 6.2 (Maximum Representatives) and 6.3 (Notification).

All release time shall be recorded on time sheets and time cards with appropriate codes.

6.2 Maximum Representatives

Two (2) Union representatives shall be the maximum number who will be allowed concurrent time off.

6.3 Notification

The representatives shall notify the first non-bargaining supervisor a minimum of one workday in advance before leaving their work assignments except for emergency situations which require the immediate attention of said representatives (an emergency is defined as a safety problem or hazardous condition), but in no case shall an employee leave his or her job without notification of the first non-bargaining supervisor. Such request shall include the location, and area of activity, the approximate time needed and the general nature of the union business involved. Such request shall not be unreasonably denied. Failure to comply with notification and time recording rules may be grounds for denial of leave.

6.4 Union/Management Meetings

Quarterly meetings shall be held between the union and management. Release time shall be granted for up to two union representatives. Agendas for such

meetings shall be set one week in advance between the Business Representative of the Union and the City Manager or their designees. Meetings within department may be held at the discretion of the department head.

6.5 Union Training

Conditional upon prior approval of the course content and upon receipt of certification of completion, if the employee is an elected official or steward of the Union, the City shall reimburse the employee for up to one-half of his or her regular work time spent in such training at the employee's permanent rate of pay, not to exceed twenty (20) hours of paid leave in a calendar year.

SECTION 7: SEPARABILITY OF PROVISIONS

In the event that any provisions of this Memorandum Agreement are declared by a court of competent jurisdiction to be illegal or unenforceable, that provision of this Memorandum Agreement shall be null and void, but such nullification shall not affect any other provisions of this Memorandum Agreement, all of which other provisions shall remain in full force and effect.

SECTION 8: EXISTING MEMORANDUM AGREEMENT

Pursuant to Section A of the Memorandum of Understanding dated August 9, 1972 by and between the City and the Union, this Memorandum Agreement shall supersede all existing Memoranda of Understanding between the City and the Union. There is no guarantee that working conditions and practices will be continued if they are not included in this Memorandum Agreement or have not been or are not hereafter specifically authorized by ordinance or by resolution or the City Council.

SECTION 9: FINALITY OF RECOMMENDATIONS

The recommendations set forth herein are final. No changes or modifications shall be offered, urged, or otherwise presented by the Union, or the City Manager prior to October 20, 2018; provided, however, that nothing herein shall prevent the parties to this Memorandum Agreement from meeting and conferring and making modifications herein by mutual consent.

SECTION 10: DURATION

This Memorandum Agreement shall be effective upon ratification by the City Council except for those provisions which have been assigned other effective dates as herein set forth, and shall remain in full force and effect up to and including June 30, 2028~~5~~. This Memorandum Agreement and all its rights, obligations, terms and provisions shall expire and otherwise be fully terminated at midnight June 30, 2028~~5~~.

ARTICLE 2 - SALARIES, HOURS OF WORK AND COMPENSATION ISSUES

SECTION 11: SALARIES

11.1 Salary Rates

Salary rates for the period of July 1, 20252 through June 30, 20285, for all classes of positions in Representation Unit C shall be set according to the classifications and salary ranges assigned to those classifications listed in Exhibit "A" and attached hereto and made part hereof.

11.1.1 Salary Increase upon Council Approval

The salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase as follows: Effective the first full pay period following council approval, the salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase of three four percent (43.0%).

Effective July 9, 2023, the salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase of three percent (3.0%). Effective the first full pay period in July 2026, the salary ranges for those classifications covered by this Agreement will receive a salary increase equal to two and a half percent (2.5%).

Effective July 7, 2024, the salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase of one percent (1.0%). Effective the first full pay period in January 2027, the salary ranges for those classifications covered by this Agreement will receive a salary increase equal to two percent (2.0%).

11.1.2 One-Time Payment

A onetime non-pensionable lump sum payment of $1,000.00 for each career employee in this unit shall be paid the first full pay period after council approval. Eligible employees must be current City employees in paid status for the full pay period this lump sum is conferred and shall not apply to unit members who are in unpaid status. Such payment shall be subject to required payroll tax deductions. This lump sum provision does not create or bind the City to any precedent or past practice.

If during any fiscal year during the term of this agreement, the City reaches executes an agreement with the largest miscellaneous bargaining unit or extends the unrepresented employees an across the board Cost of Living Adjustment (COLA) increase, an across the board wage increase, an across the board lump sum payment, or other benefit increase the City agrees to

apply these same increases to the salary ranges and/or benefits for those classifications covered by this MA as listed in Exhibit A. For purposes of this provision, "across the board" means that the wage COLA, or lump sum increase applies equally to all qualifying members in the largest miscellaneous bargaining unit or all unrepresented employees.

11.2 Step Placement

Employees occupying a position in the competitive service shall be paid a salary or wage within the range established for that position's class as set forth in Exhibit "A". The minimum rate for the class shall apply to employees upon original appointment to the position except as may be determined by the City Manager within the negotiated wage ranges. Employees who have been laid-off and are rehired to the same classification shall be placed on the same wage step they were in when laid-off. Transfers shall not affect an employee's salary rate. Employees appointed to any of the positions set forth in Exhibit "A" and employed or working on a part-time basis shall be paid in proportion to the time worked and described in their appointment.

11.3 Maximum Salary Rate

No salary advancement shall be made so as to exceed the maximum rate established for the class to which the advanced employee's position is allocated. Advancement shall be in accordance with the compensation plan of the City and shall depend upon increased service value of an employee to the City as exemplified by recommendations of the department head, performance record, special training, length of service, and other pertinent evidence.

11.4 Effect of Leaves

An employee's pay increase shall not be affected by any leave of absence without pay if the employee is off the payroll for less than one hundred sixty (160) consecutive hours. If the employee is off the payroll for more than one hundred sixty (160) consecutive hours, the total amount of time off shall be made up before the employee shall be entitled to such pay increase.

11.5 Y-Rate

Any employee occupying a position which is reallocated to a class, the maximum salary for which is less than the incumbent's present salary, or occupying a position in a class, the salary rate or range for which is reduced, shall continue to receive his present salary. Such salary shall be designated as a Y rate. When an employee on a Y rate vacates his or her position, subsequent appointments to that position shall be made in accordance with Section 11.1 (Salary Rates).

11.6 Pay Frequency

Payment of salaries shall be made bi-weekly. Each pay period shall begin at 12:01 a.m. Sunday up to and including 12:00 midnight Saturday two weeks following. Each payment shall be made not later than the Friday following the end of each payroll period and shall include payment for all earnings during the previous payroll period.

11.6.1 **Full-Time**

Bi-weekly payment to full-time employees shall be made on the basis of the hourly rate, as set forth in Exhibit A, multiplied by the number of hours worked during the pay period.

11.6.1.1 **40 Hour Week**

For employees on a forty (40) hour week schedule, the annual salary shall be the product of the hourly salary times 2,080 hours.

11.6.1.2 **37.5 Hour Week**

For employees on a thirty-seven and one-half (37.5) hour work week schedule, the annual salary shall be the product of the hourly salary times 1,950 hours.

11.6.1.3 **Monthly Salary**

The monthly salary shall be the quotient of the annual salary divided by 12.

11.6.2 **Part-Time**

Bi-weekly payment to part-time employees in a class for which a monthly salary rate has been herein established shall be made on the basis of the hourly rate multiplied by the number of hours worked during the pay period. The hourly rate for such part-time employees shall be computed in the same manner as for full-time employees.

11.6.3 **Intermittent**

Bi-weekly payment to intermittent employees in a class for which a monthly salary rate has been established shall be made on the basis of the hourly rate multiplied by the number of hours worked during the pay period. The hourly rate for such intermittent employees shall be computed in the same manner as for full-time employees.

11.6.4 **Bi-Weekly Daily Rate**

Bi-weekly payment to employees in a class for which a daily rate rather than

a monthly rate has been herein established shall be made on the basis of the actual days worked during the biweekly pay period multiplied by the daily rate.

11.6.5 **Bi-Weekly Hourly Rate**

Bi-weekly payment to employees in a class for which an hourly rate rather than a monthly rate has been herein established shall be made on the basis of the hourly rate multiplied by the number of hours worked during the pay period.

11.7 Higher Classification

The Department Head will work all employees within their career classifications. The departments may specifically assign an employee to work in a higher class. Such assignments shall be in writing and shall indicate the reasons, length and duties of the assignment. Assignments over one (1) week shall be approved in advance by the City Manager or his or her designee. Blanket authorizations for department will be issued on a yearly basis for applicable positions. To be eligible for higher-class pay, the employee must work a minimum of four (4) hours, meet the minimum qualifications, and perform the duties of the higher class. Employees meeting these requirements will be compensated at the lowest step of the higher classification which provides at least a five percent (5%) differential. The journey level employees will rotate the assignment on a monthly basis and perform the necessary duties. In the event the offer of higher class is declined by the journey level employee assigned for that month, volunteers will be asked according to the rotation list. If there are no volunteers, the journey-level employee assigned for that month will be required to perform the necessary duties.

11.8 Temporary Appointment

When a temporary vacancy is to be filled in a classification for which there is an existing eligibility list, the City shall attempt to make the temporary appointment from that list.

11.9 Step Increases for Provisional Employees

An employee who holds a provisional appointment in a classification shall receive step increases in such classification as if the employee held a permanent appointment thereto.

11.10 End of Year Pay Period

For all salary and benefit purposes, the parties agree that the last day of the last pay period ending in the calendar year shall be the end of the year. For excess leave only, the end of the year shall be treated as the last day of the pay period nearest March 31st.

11.11 Overtime Underpayment

The City will include any payment of overtime, which was inadvertently omitted or miscalculated, in the following pay period's check.

11.12 Equity Studies

A list of comparison jurisdictions is established for the purpose of salary equity studies: Alameda County, Contra Costa County, Oakland, Palo Alto, Richmond, San Francisco, San Jose, San Leandro, Santa Clara, and ~~Vallejo~~Concord. Other jurisdictions may be added as required by agreement between the parties. Job classifications which fall below the median for these jurisdictions may be reviewed. It is the policy of the City that within available funding limits, equity adjustments which are in the interests of the service will be considered.

Whenever a cost of living increase and equity increase take effect on the same day, the increases will be added together rather than compounded.

11.13 Step Increase

Step increases shall be effective for payroll purposes only on the first day of the pay period nearest to the actual anniversary date. Personnel records will maintain actual dates and will be used to resolve any discrepancies or questions that may arise.

11.14 Effective Date of Salary Adjustment

Any general future salary adjustments will be set to become effective on the first day of the pay period.

11.15 Reclassification

In the event the City reclassifies a position based on an employee initiated review from a lower level classification to a higher level classification, an incumbent occupying such position shall be reclassified without competitive examination provided he or she has performed the duties of the new classification for one (1) year and has not received an unsatisfactory evaluation during that period. All other employees shall be required to pass an examination for the higher classification and shall serve the normal probationary period. If a position is reclassified, the employee shall receive salary compensation retroactive to the date the position description questionnaire is submitted and verified as having been received by the department head. Position description questionnaires will be provided by the City. Employees may request one (1) job audit one (1) year after an initial job audit has been completed on their position. Thereafter one (1) job audit will be permitted every two (2) years.

Reclassification or reallocation of positions shall not be used as a mechanism, the sole purpose of which is to improperly circumvent the provisions of this Agreement, including provisions relating to layoff, transfer, demotion or promotion.

11.16 Premium Pay Differential - Working at Heights of 60 Feet or More

Assignments for working at heights of 60 feet or more will be on a voluntary basis. However, if all qualified employees decline the assignment, the City will be free to contract the work out to an outside service provider.

Employees who work at heights of 60 feet or more, including but not limited to performing maintenance of lights at San Pablo Park, shall receive Height Premium Pay Differential of one and one-half times (1½) times the normal hourly rate for all time performing such work. The Height Premium Pay Differential shall be reported to CalPERS as Height Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

11.17 Commercial Driver's License Premium

Employees required to possess and maintain a valid California Class A or Class B Commercial Driver's License as a condition of employment shall receive three percent (3%) differential to hourly rate. This differential shall be reported to CalPERS as Special Class Driver's License Pay. However, any hours worked on overtime are excluded from CalPERS reported "Compensation earnable" in California Government Code Section20636.

11.18 Longevity Pay

Effective the first full pay period after Council approval on its Regular Agenda, employees completing nineteen (19) years of service shall receive a three percent (3.0%) differential beginning with the anniversary date of beginning of the twentieth (20th) year of service and shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay. This provision shall expire effective the first full pay period of July 2026.

Effective the first full pay period in July 2026, employees completing fourteen (14) years of service shall receive a three percent (3%) differential beginning with the anniversary date of beginning the fifteenth (15th) year of service and shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay.

11.19 State Certification Premium

An employee who possesses and maintains a "General Electrician" state certification from the Department of Industrial Relations shall receive an additional three percent (3%) to their base rate of pay. The City shall retain the right to add

the general electrician state certification as a minimum qualification for the Electrician and Lead Electrician classifications. If the certification is made a minimum qualification, active employees, employed in classifications within this unit at the time of implementation, shall be exempt from this qualification for the remainder of their employment.

11.20 Notification of New Classification

The City shall notify the Union and upon written request discuss in advance the establishment of new career classifications if the work is related to work performed by classifications covered in this agreement. This procedure shall also be applicable to the reclassification of positions presently in this MOU.

SECTION 12: HOURS AND DAYS OF WORK

12.1 Hours and Days of Work

Hours and days of work shall be governed by rules established by the City Manager. (At the present time, the hours and days of work are as shown in Exhibit D (Hours and Days of Work)

12.2 Sunday and Graveyard Shifts

Regularly scheduled Sunday shifts and "graveyard" shifts, as defined in Section 14 (Shift Differential), shall be for eight (8) consecutive hours, including up to one-half (½) hour for lunch.

12.3 Shift Assignment

Within a given classification, shift assignments shall first be offered to employees by classification seniority on a voluntary basis. In the event shift assignments are not filled voluntarily, such assignments will be made on the basis of inverse classification seniority.

12.3.1 **Types of Shifts**

a. **Swing shift** means authorized work schedules regularly assigned in which at least four (4) hours worked are between the hours of 5:00 p.m. and 12:00 midnight of each workday.

b. **Night shift** means authorized work schedules regularly assigned in which at least four (4) hours worked are between the hours of 12:00 midnight and 7:00 a.m. of each workday.

c. **Day shift** means any authorized work schedules between the hours of 7:00 a.m. and 5:00 p.m.

12.4 Classes during Shift Assignments

If an employee assigned to the swing or graveyard shift wishes to attend classes during the day, the employee shall notify the first non-bargaining supervisor of his or her intention to enroll in classes during the day and the completion date of the classes. The City will review the work program and advise the employee within 14 days whether or not the day classes will interfere with the shift assignments. If no conflict exists, the City will not change the shift assignment until after the semester ends provided that the employee continues to be actively enrolled in the class.

12.5 Rest Period

Each employee shall be entitled to a rest period of fifteen (15) minutes during each one-half (1/2) shift worked.

12.6 Daylight Saving Time

12.6.1 **Spring**

In the Spring when transitioning to Daylight Saving Time (DST), employees working during the one (1) hour transition from Standard Time to DST will be paid only for actual hours worked. Employees working on a shift which includes the one (1) hour transition may be granted an option by the Department Head or his or her designee, to work an additional hour or use compensatory time, floating holiday, or vacation to make up the lost work hour.

12.6.2 **Fall**

In the Fall when transitioning from DST, employees working during the one (1) hour transition will be paid for all hours worked including overtime at one and one-half (1½) times the straight-time rate of pay for hours worked in excess of the regular workweek as set forth in Section 13 (Overtime) of this Agreement.

12.7 Family Friendly and Environment Friendly Workplace

The City shall comply with the applicable provisions of the Berkeley Family Friendly and Environment Friendly Workplace Ordinance 13.101 to members of this bargaining unit. As such, employees may request variable working hours such as, but not limited to, 10 hours a day, four (4) days a week, flexing start and end times, and working under a flexible arrangement. Management may approve, in advance, an employees' request to temporarily flex their work schedule between the hours of 6:00 a.m. and 8:00 p.m. on a particular day, or over a specific period of time, by adjustment to the employee's start time and end time, or lunch break. Any denial of an employee's request for flexible scheduling shall explain the denial in a written response that sets out a business reason for the denial.

SECTION 13: OVERTIME

Employees required to work in excess of their basic work week or in excess of 8 hours in one day (excepting voluntary regular schedules of 9 or 10 hours) during any one week shall be compensated for such overtime services as follows:

13.1 Rate

The overtime rate shall be one and one-half (1½) times the regular hourly salary for the first four (4) hours of such excess and at two (2) times the regular hourly salary for the balance of such excess.

13.2 Department Head Discretion

Whether an employee shall be compensated for overtime by compensatory time off or by payment shall be at the sole discretion of the employee's department head.

13.2.1 **Compensatory Time Off:**

Compensatory time off may be earned in lieu of overtime pay at the rate of one and one-half (1½) hours for each overtime hour worked up to a maximum of sixty (60) hours of such compensatory time. Accumulation of compensatory time off in excess of sixty (60) hours may be allowed at the discretion of the department head. Utilization of compensatory time shall be at the discretion of the employee's department head. The times during the calendar year at which an employee shall take his or her compensatory time off shall be determined by the department head with due regard for the wishes of the employee and particular regard for the needs of the service. As used herein, sixty (60) hours is equivalent to ninety (90) hours of time off work.

13.3 Payoff of Overtime

In the event that an employee resigns or is terminated, he or she shall be entitled to compensation for his or her accumulated overtime.

13.4 FLSA Workweek

For the purpose of computing overtime, the work week shall be defined as beginning at 12:01 a.m. Sunday and ending at 12:00 midnight Saturday. Any applied benefited leave shall be included in the calculation of overtime.

13.5 Emergency Overtime

Employees who are called from their living quarters for emergency work or duty on days other than normal workdays, or on normal workdays outside of their regular

work hours, shall be paid emergency overtime compensation for actual time worked; provided, however, that in any case of emergency overtime as herein provided the minimum time for which such overtime compensation shall be paid shall be four (4) hours; and provided further that if such overtime work is performed prior to the beginning of the regularly scheduled work period and such overtime continues into such regularly scheduled work period without a break in service, compensation shall be paid only for the actual time worked.

13.5.1 Overtime Earned Rest Period

If an employee has worked four (4) hours or more of overtime between the hours of ~~10:30~~8:30 p.m. and ~~6:30~~4:30 a.m. preceding the beginning of his/her regular work hours on a workday, he/she shall be entitled, except in an emergency, to a rest period to include two (2) hours of his/her workday without loss of his/her regular straight- time pay. If the overtime work period extends for six (6) hours or more of overtime between the hours of ~~10:30~~ 8:30 p.m. and 4:30~~6:30~~ a.m. preceding the beginning of his/her regular work hours on a workday, he/she shall be entitled, except in an emergency, to a rest period to include five (5) hours of his/her workday without loss of his/her regular straight-time pay. In the event that an employee, due to operational need, is required to work during an earned rest period during regular work hours, the employee will be paid for the earned rest period in addition to wages earned for hours worked.

13.6 Meals

The City will provide meals to employees during emergency assignments and when the employees work continuously for two (2) or more hours immediately before or after their regular shift of eight (8) or nine (9) hours for a total of ten (10) or eleven (11) hours. The employee shall earn an additional meal for every four (4) hours of continuous work after the first meal is earned or taken.

The City will reimburse the employees for the costs of the meal up to twenty-five dollars ($25) if no meals are provided.

13.7 Standby Pay

An employee assigned to standby shall receive ten (10) hours of overtime compensation in addition to any overtime worked while on standby.

13.7.1 **Standby Week**

For the purpose of this Section 13.7.1 (Standby Week), a week shall mean the seven (7) consecutive calendar days following assignment to standby service. In the case of emergencies, the Senior Supervisor or Superintendent may assign another employee to complete the standby week for the originally assigned employee. In that case, the ten (10) hours standby compensation will be pro-rated between the employees.

13.7.2 **Missed Assignment while on Standby**

If an employee misses an overtime assignment while on standby duty, he or she will not receive the standby pay for that day. If he or she misses a second call during the same standby period, he or she will forfeit all the standby pay for that period.

13.7.3 **Consequences**

If an employee develops a pattern of failing to perform the service when called, they will be subject to disciplinary action and the Union reserves the right to appeal any action.

13.7.4 **Standby Vehicle**

The City will provide the employee on standby duty with a vehicle. Said employee shall be responsible for taking all reasonable steps to insure the safety of the tools and equipment on that vehicle.

13.8 Emergency Overtime Assignments

All emergency overtime assignments including calling an employee other than the employee on scheduled standby status will be paid the minimum overtime compensation as defined in Section 13.5 (Emergency Overtime). In the event that the employee on scheduled standby is not called, and another employee has been called to perform the emergency overtime assignment, both the employee who performed the assignment and the employee on scheduled standby status will receive the minimum overtime compensation.

13.8.1 **Scheduled Overtime during Standby**

The employee who is on scheduled standby status may perform scheduled overtime tasks on a voluntary basis. The standby premium shall not be pro-rated. If an emergency call occurs during the time that the employee is performing scheduled overtime tasks that call shall be paid at the time and one-half rate and not at the call back rate set forth in Section 13.5 (Emergency Overtime). If other City electrical employees are concurrently performing scheduled overtime tasks, the Senior Electrical Supervisor may, at his or her discretion, assign the work to electrical employees present within the City performing the scheduled overtime tasks at the regular overtime rate of pay. The employee who is on scheduled standby status who chooses to perform scheduled overtime shall defer to other employees who choose schedule overtime assignments pursuant to Section 13.9 (Overtime Offers).

13.9 Overtime Offers

The Department will offer Scheduled Overtime on a voluntary basis to employees with the least amount of overtime worked in accordance with the following provisions:

13.9.1 **Posting of Overtime**

The Department will post a Scheduled Overtime Sign-up List on the Division's bulletin board once every two weeks. Employees who wish to be considered for scheduled overtime during that time period must sign the list.

13.9.2 **Scheduled Overtime Definition**

Scheduled Overtime shall be defined
as an overtime assignment scheduled at least 24 hours in advance.

13.9.3 **Overtime Report**

The Department will prepare and post a Report of Overtime Worked for employees on a calendar year basis beginning with a zero balance on January 1. The report will be updated after each pay period.

13.9.4 **Overtime Assignments**

As scheduled overtime assignments occur, the Department will offer the assignment to individuals on the list for the applicable time period beginning with the person on the sign-up list with the least amount of overtime worked during the calendar year. Notification of scheduled overtime assignments shall be made during work hours at the work place, and employees must be present at the work place to receive the overtime work assignment.

13.9.5 **Overtime Assignment Tie Breaker**

If employees have equal amounts of overtime, the scheduled overtime assignment shall be offered to employees in the same order as their names appear on the sign-up list.

SECTION 14: SHIFT DIFFERENTIAL

14.1 Swing Shift

Employees who regularly work a full shift of seven and a half (7½) hours or more on swing shift as defined in Section 12.3.1 (Types of Shifts), which includes more than four (4) hours between the hours of 5:00 p.m. and 12:00 midnight, shall be

paid their regular salary plus seven and a half percent (7½%) of their regular monthly salary per month.

14.2 Night Shift

Employees who regularly work a full shift of seven and a half (7½) hours or more on night shift as defined in Section 12.3.1 (Types of Shifts), which includes more than four (4) hours between the hours of 12:00 midnight and 7:00 a.m. (night shift), shall be paid their regular salary plus ten percent (10%) of their regular monthly salary per month; provided, however, that in the case of any such employee who is regularly assigned to such night-shift work for less than an entire work week, the additional payment shall be made only for the portion of the work week worked on the night-shift assignment.

SECTION 15: NATURAL DISASTER/DECLARED EMERGENCY

If an emergency is formally declared by the City, county, state or national authority:

15.1 Call Outside Normal Working Hours

If an employee is called outside of normal working hours, the employee gets time and one-half (1½) the normal rate of pay for the first whole shift regardless of the number of hours worked. If the employee is not called from home the regular rules apply (i.e., overtime for hours worked above eight in a day).

15.2 Shift Differential

Thereafter, the first eight hours at regular rate and 7½% for hours worked between 5:00 p.m. and midnight; 10% for hours worked from midnight to 7:00 a.m. For hours greater than eight in a shift, the employee gets time and one-half (1½) the normal rate of pay but no shift differential on those hours above eight.

15.3 Reduction in Hours

There will be no reduction in the number of hours in the regular work week schedule.

15.4 Change in Assignments

If an employee is at work during the day when an emergency is declared and is assigned to work a night shift and is sent home, the employee will be compensated as follows:

15.4.1 If an employee has been at work for up to but not more than two (2) hours the employee will be paid for two (2) hours at the straight time rate.

15.4.2 If an employee has been at work for more than two (2) hours but not more than four (4) hours the employee will be paid for four (4) hours at the straight time rate.

15.4.3 If an employee has been at work for more than four (4) hours the employee will be paid for eight (8) hours at the straight time rate.

15.5 Hours Worked in Excess of 12-hours

An employee working more than twelve (12) hours in one continuous shift will be compensated at two (2) times the normal hourly rate.

ARTICLE 3 - LEAVES

SECTION 16: VACATION

16.1 Vacation Approval

The times during the calendar year at which an employee shall take his or her vacation shall be determined by the department head with due regard for the wishes of the employee and particular regard for the needs of the service. Wherever practical, employees working in the same classifications within a division shall be given preference of vacation time by seniority. If the requirements of the service are such that a department head cannot permit an employee within his or her department to take an annual vacation leave or any part of such leave within a particular calendar year, the City Manager may permit such employee to take the deferred vacation during the following year.

16.2 Use of Incremental Vacation

Employees may, with advance supervisory approval, use vacation leave in increments of one hour.

16.3 Accrual Rate as of December 8, 1987

Effective December 8, 1987, the vacation accrual rate shall be modified as follows:

Vacation Accrual Schedule	Authorized Annual Workweeks of Vacation	Vacation Leave Credits in Work Days per Month of Service	Vacation Leave Credits in Hours Earned per Month of Service
Through the first three (3) calendar years of service (except as provided in Section 16.3 (Accrual Rates as of December 8, 1987) and 16.4	2 work weeks	0.833	6.667
Fourth (4th) through eleventh (11th) calendar years of service (except as provided in Section 16.4 below)	3 work weeks	1.25	10.00
Twelfth (12th) through seventeenth (17th) calendar years (except as provided in Section 16.4)	4 work weeks	1.667	13.33

Eighteenth (18th) through twenty-fourth (24th) calendar years (except as provided in Section 16.4)	5 work weeks	2.083	16.667
Twenty-fifth (25th) and subsequent calendar years (except as provided in Section 16.4)	6 work weeks	2.5	20.00

The authorized annual vacation leave for prior years is set forth in Exhibit C attached hereto and made a part hereof.

16.4 Accrual, Use, and Limitation for Employees with Less than 6-Months of Service

Each employee, during that portion of the calendar year in which he or she is originally appointed and during the next succeeding year, shall be entitled to vacation leave credits at the rate of 0.833 work days for each calendar month of service. Each such employee shall be entitled to take during these two (2) calendar years only such annual vacation leave as he or she earns.

16.5 Vacation Eligibility for Part-time, Intermittent, Leave Without Pay or Reemployed Employees

For an employee who has worked on a part-time or intermittent basis or who has been on leave of absence without pay for a total of six (6) months or more or who has been terminated and subsequently reemployed, the actual years of service with the City shall be used for the purpose of computing length of service in determining eligibility for vacation at the three (3), four (4), five (5) and six (6) weeks' rate.

16.5.1 **Prorated Vacation for Intermittent or Part-Time Employees**

Employees working on an intermittent or part-time basis who have worked half-time or more in the preceding calendar year without termination of employment shall be entitled to a prorated vacation leave based upon the actual years of service with the City and upon the actual amount of time worked in the preceding calendar year.

16.5.2 **Effect of Military Leave on Vacation Eligibility**

For the purpose of computing length of service in determining eligibility for vacation at the three (3), four (4), five (5) or six (6) weeks' rate, time spent on extended military leave shall be counted as time spent in the service of the City.

16.6 Maximum Vacation Accumulation

Employees may accrue vacation earned up to a maximum cumulative total of 320 hours. Once an employee accrues 320 hours vacation, the employee shall not

accrue any additional vacation leave hours until his or her vacation leave balance is below the maximum 320 hours. Under no circumstances will an employee be allowed to accrue more than 320 hours vacation leave. As provided below, the City will advise employees and their supervisors when the employee has attained an accumulation of 280 hours. Supervisors should be flexible in granting vacation requests from employees who reach 280 hours. Provided further that with regard to employees who have reached 280 hours, no vacation request by such employee shall be unreasonably denied. No employee shall be denied vacation leave such that it causes him or her to reach the 320 hour limit.

Notification:

To assist employees to remain below the 320 hours vacation leave maximum accumulation, the parties agree that no later than October 1 of each year of this Agreement, the City will provide the Union and Department Heads with a report identifying accumulated vacation hours of all employees. The City also agrees to notify all employees who have accrued 280 hours of vacation leave, as of this date, that they must take vacation leave to reduce their vacation leave to avoid reaching the 320 hour maximum accrual.

16.7 Prorated Vacation due to Extended Absence, Reemployment or Reinstatement

An employee who has returned from extended military leave or any other extended leave of absence without pay or who has been reemployed or reinstated shall be entitled, during the calendar year in which he or she returns to the City service, to a prorated vacation based upon the total years of service with the City and upon the total number of months of actual service with the City during the said calendar year. For succeeding calendar years, his or her vacation leave shall be as provided elsewhere in this Section 16 (Vacation).

An employee who is granted a leave of absence without pay and who is off the payroll for less than one hundred sixty (160) consecutive hours shall be entitled to a full vacation. If such an employee is off the payroll for one hundred sixty (160) consecutive hours, his or her vacation shall be as provided in the preceding paragraph of this Section 16.7 (Prorated Vacation due to Extended Absence, Reemployment or Reinstatement) or Section 16.8 (Payment of Vacation upon Termination or Extended Leave after Six Months of Service).

16.8 Payment of Vacation upon Termination or Extended Leave after Six Months of Service

If an employee, is terminated, or is granted an extended military leave or other extended leave of absence without pay, such employee, or his or her estate, shall be paid for vacation credits in excess of the actual amount of vacation leave taken or such employee, or his or her estate, shall reimburse the City for the actual amount of vacation leave taken in excess of vacation leave credits, as the case may be.

16.9 Calculation and Payment or Reimbursement of Vacation Credits upon Termination or Extended Leave

Upon termination, extended military leave, or other extended leave of absence without pay, vacation leave credits shall be totaled, and the actual amount of vacation leave taken, including any that may have been taken during the year in which the termination, extended military leave, or other extended leave of absence without pay occurs, shall be deducted from the total credits. If the credits exceed the actual amount of vacation leave taken, such employee, or his or her estate, shall be paid for the excess of credits on the basis hereinafter set forth. If the actual amount of vacation leave taken exceeds the credits, such employee, or his or her estate, shall reimburse the City on the same basis.

The basis for such payment by the City or for such reimbursement to the City shall be as follows:

The employee's hourly pay rate at date of termination, extended military leave, or other extended leave of absence without pay, multiplied by the excess of credits over vacation leave actually taken or excess of vacation leave actually taken over credits, as the case may be.

16.10 Lump Sum Payment of Vacation

Upon termination, extended military leave or other extended leave of absence without pay, payment for excess of vacation leave credits shall be made in one lump sum at time of termination, extended military leave, or other extended leave of absence without pay, or as soon thereafter as possible; provided, however, that an employee may elect to use excess vacation leave credits prior to termination, extended military leave, or other extended leave of absence without pay, to the extent permitted by this Section 16 (Vacation), and receive a lump sum payment for the balance of leave credits, if any. An employee, or his or her estate, shall not be paid for vacation leave credits in excess of eight (8) calendar weeks. Notwithstanding the foregoing, accumulated but unearned vacation credit at the time of retirement shall be paid off in a lump sum.

16.11 Calculation of Vacation Based on Actual Paid Hours

All vacation benefits shall be calculated upon actual paid hours of work. This provision shall go into effect immediately upon implementation of necessary data processing and programming changes.

16.12 Vacation Accounting Procedures

The City may revise vacation accumulation provisions in order to standardize accounting procedures without effect on the amount of employees' vacation, subject to review and approval by the union.

16.13 Voluntary Time Off

The City will implement a voluntary time off (VTO) program, which may include a year-end holiday closure. It is understood by the parties that employee participation is completely voluntary and that employees who wish to work during such periods will be permitted to do so.

SECTION 17: HOLIDAYS

17.1 Holidays

Recognized holidays for employees in Representation Unit C shall be:

17.1.1 New Year's Day
17.1.2 Martin Luther King's Birthday (3rd Monday of January)
17.1.3 Lincoln's Birthday
17.1.4 Washington's Birthday (observed on the third Monday in February)
~~17.1.4~~17.1.5 Cesar Chavez Day (observed on the last Monday in March)
~~17.1.5~~17.1.6 Malcolm X's Birthday (observed on Monday or Friday nearest May 19th)
~~17.1.6~~17.1.7 Memorial Day (observed on the last Monday in May)
~~17.1.7~~17.1.8 Juneteenth National Independence Day (observed on the Monday or Friday nearest June 19th)
~~17.1.8~~17.1.9 Independence Day
~~17.1.9~~17.1.10 Labor Day (observed on the first Monday in September)
~~17.1.10~~17.1.11 Indigenous Peoples' Day (observed on the second Monday in October)
~~17.1.11~~17.1.12 Veteran's Day
~~17.1.12~~17.1.13 Thanksgiving Day
~~17.1.13~~17.1.14 Day after Thanksgiving Day
~~17.1.14~~17.1.15 Christmas Day
~~17.1.15 Effective January 9, 2000, each employee shall be granted three (3) floating holidays each calendar year.~~

17.2 Floating Holidays

Any employee shall be granted three (3) floating holidays each calendar year. The days selected shall be by mutual agreement between the employee and the department head (or his or her designee). In the event mutual agreement cannot be reached on the selection of floating holidays, the employee shall have the three (3) days added to his or her accrued vacation time. Employees may take Floating Holidays in one (1) hour increments.

~~**17.2.1 Additional Floating Holidays**~~

~~For employees who were required to remain in the workplace from March 17, 2020~~

~~- June 1, 2020, the City will provide 8 hours of floating holidays for every 40 hours of regularly scheduled hours worked in the workplace up to a maximum of 32 hours of floating holiday. The City will credit these floating holiday hours in the first full pay period after adoption of the MOU. City will use a specific pay code for the additional floating holiday, hours will be available June 30, 2021. These additional 32 hours of floating holiday shall have no cash value and may not roll over to vacation if not used by June 30, 2021.~~

17.3 Floating Holiday Accrual upon Employment

In the first calendar year of employment, an employee hired before May 1 shall be entitled to three (3) floating holidays; and an employee hired on or after May 1, but before September 1, shall be entitled to two (2) floating holidays; and an employee hired on or after September 1, shall be entitled to one (1) floating holiday in that first calendar year.

17.4 Limitations

No monetary award shall be authorized for unused accumulated Floating Holidays for employees who terminate employment prior to the completion of six (6) months of continuous City service.

17.5 Holidays for Employees whose Work Week is Other than Monday through Friday

Employees whose work week is Monday through Friday shall be allowed all holidays with pay which fall within such work week. Those employees whose work week is other than Monday through Friday shall be entitled to the same number of holidays, with pay, during each calendar year as are allowed to employees whose work week is Monday through Friday. The procedure for allowing holidays for employees whose workweek is other than Monday through Friday shall be established by the City Manager. The provisions of this Section 17.5 (Holidays for Employees whose Work Week is Other than Monday through Friday) are not applicable to intermittent employees.

17.6 Work during a Holiday

An employee required to work on any day which is a holiday for employees whose work week is Monday through Friday shall be paid for the number of hours worked during such day at the rate of one and one-half (1½) times the straight-time rate, based upon his or her regular monthly salary, or shall be granted compensatory time off in an amount equal to one and one-half (1½) times the number of hours worked on such holiday. Any employee who works on Christmas day or Thanksgiving Day shall be paid double time for that day. The hours worked on such holiday and paid at the rate herein provided shall not be credited in computing the hours worked in the week for overtime purposes.

The holiday pay provided for shall be in addition to an employee's regular salary. In the event that the time worked on such a holiday is also overtime, as provided in Section 13 (Overtime) of this Memorandum Agreement, payment will be made for the hours worked either as overtime under said Section 13 (Overtime), or as holiday pay under this Section 17 (Holidays), but will not be made under both Sections.

17.7 Holidays for Part-Time Employees

Regularly scheduled part-time employees 1) who are assigned to a regular schedule of twenty (20) or more hours per week; 2) who have worked for the City as regular or part-time employees for one (1) or more years; and 3) who during such period of time have worked a minimum of 1,000 hours shall be entitled to the holiday pay for the number of hours which such employee would have worked had the holiday not occurred, provided such holiday occurs on a day which such employee is regularly scheduled to work.

SECTION 18: SICK LEAVE

18.1 Eligibility

Any employee shall be entitled to take sick leave with full pay in case of sickness, disability, or serious illness within the immediate family of the employee in accordance with the provisions of Sections 18.2 (Sick Leave Accrual) to 18.12 (Cessation of Accrual).

18.2 Sick Leave Accrual

Each employee shall be credited with one (1) working day of sick leave with full pay for each month of service.

For the purposes of this Section 18 (Sick Leave), a month of service shall mean thirty (30) consecutive calendar days in the case of employees working on a fulltime or part-time basis, and shall mean 163 hours of work in the case of employees working on an intermittent basis.

18.3 Pro-rated Sick Leave for Part-Time Employees

An employee working on a part-time basis shall be entitled to use earned sick leave only on a pro rata basis; for example if an employee works half-time, he or she shall be paid for time off on sick leave on a half-time basis.

18.4 Sick Leave for Intermittent Employees

An employee who works on an intermittent basis shall be entitled to use earned sick leave only for those days on which he or she would have worked if he or she had not been sick; provided, however, that an employee working on an intermittent basis who works only when called shall be entitled to use earned sick leave only when he

or she becomes sick after reporting to work in response to such call.

18.5 Maximum Accumulation

Such sick leave as provided in Section 18.2 (Sick Leave Accrual), when not used, shall be cumulative; but the accumulated unused period of sick leave shall not exceed two hundred (200) working days, regardless of the length of service. When the maximum of two hundred (200) working days has been reached, and thereafter part of said maximum has been used, the used part of said maximum may subsequently be replenished at the applicable rate provided in Section 18.2 (Sick Leave Accrual).

18.6 Payment upon Retirement/Termination

All accumulated sick leave shall be canceled when an employee terminates or is terminated, except as provided below for employees hired on or before June 30, 2013.

18.6.1 **Employees Hired on or Before June 30, 2013**

For employees hired on or before June 30, 2013 who retire or voluntarily terminate with a vested pension, and with between twenty (20) years and twenty-eight (28) years of benefited service shall be entitled to receive payment in an amount equal to thirty eight percent (38%) of their accrued sick leave days up to a maximum of the two hundred (200) day maximum accumulation. Provided further that any employee retiring on permanent disability arising out of and incurred in the course and scope of his employment with the City shall be entitled to receive payment at retirement for thirty eight percent (38%) of accumulated unused sick leave days but not, in any event, more than thirty eight percent (38%) of the two hundred (200) day maximum accumulation.

18.6.2 **Payment After 28 Years of Service for Employees Hired on or Before June 30, 2013**

Employees who were hired on or before June 30, 2013, who terminate with at least twenty-eight (28) years of benefited City of Berkeley service or employees retiring on permanent disability arising out of and incurred in the course and scope of their employment with the City with at least twenty-eight (28) years of benefited service shall be entitled to receive payment in an amount equal to fifty percent (50%) of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days.

18.6.3 **Sick Leave Payout to 401(a) Plan for Employees Hired on or Before June 30, 2013**

The City and the Union have met and conferred on an Internal Revenue

Code Section 401(a) plan and trust agreement to address the liquidation of sick leave at time of retirement. This plan and trust agreement was originally negotiated with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 and has been submitted to the Internal Revenue Service for a Determination Letter and a Private Letter Ruling which are pending. If the City receives a positive response from the Internal Revenue Service, the plan and trust agreement will be extended to the employees in the bargaining unit. This will provide the employees with an irrevocable option to defer accrued but unused sick leave at time of retirement into a 401(a) plan or be paid out the balance of the accrued but unused sick leave less withholding of applicable federal and state taxes.

18.7 Annual Payment for Hours in Excess of Maximum for Employees Working Half Time or More for Employees Hired on or Before June 30, 2013

Employees who regularly work one-half (½) time or more and who have attained the one hundred fifty (150) day maximum sick leave accumulation shall be entitled to receive payment for one-third (1/3) of the first twelve (12) days of sick leave for which they become eligible but do not use and would otherwise forfeit because of the one hundred fifty (150) day maximum limitation. Determination of eligibility for such payment shall be made on an annual calendar year basis, and payment for such sick leave for any calendar year shall be made not later than January 22 of the following year. Such payment shall be made at the employee's salary rate in effect on the preceding December 31 and shall be made only in units of whole days and not for any fraction of a day.

18.8 Restoration of Sick Leave if Reemployed within Two Years

Accumulated sick leave, which has been canceled by reason of an employee's termination, shall be credited back to such employee if the employee returns to City employment within two (2) years of such termination.

18.9 Sick Leave Use/Family Illness

Sick leave shall not be considered as a privilege which an employee may use at his or her discretion but shall be allowed only in case of his or her sickness or disability or in the case of serious illness within the immediate family of the employee. Not more than fifteen (15) working days in any calendar year may be taken as sick leave because of the illness of a member of the employee's immediate family, except for serious medical conditions covered under the provisions of Administrative Regulation 2.4 (Family Care Leave). The immediate family of an employee, for the purpose of this Section, shall be defined as: spouse, domestic partner, son, daughter, parent or dependent.

18.10 Prohibition for Use with Outside Employment

No sick leave shall be allowed for time off for an injury incurred while working for another employer, provided that such injury is covered by the Workers' Compensation laws of the State of California, or other provision for payment for time off because of such injury is made by such other employer. In the event such injury is not covered by the Workers' Compensation laws of the State of California and no other provision for payment for time off because of injury is made by such other employer, sick leave in accordance with the provisions of this Section shall be allowed only if such outside employment has been approved by the City.

18.11 Notification Requirement

In order to receive compensation while absent on sick leave, the employee shall notify his department head prior to or within four (4) hours after the time set for beginning his or her daily duties, or as may be approved by the head of his or her department. The Union and the City recognize it is advantageous to both parties that calls should normally be made prior to the beginning of the work shift. Leave for non-emergency doctors' appointments shall be requested in advance. In specific instances the City may by written notice require an employee (s) to call in prior to the beginning of their shift in order to be eligible for sick leave.

18.12 Cessation of Accrual

An employee who is granted a leave of absence without pay and who is off the payroll for less than one hundred-sixty consecutive hours shall receive his or her earned sick leave credit. If the employee is off the payroll for one hundred-sixty

(160) consecutive hours or more, he or she shall not earn sick leave credit for each two successive pay periods that he or she is off the payroll.

18.13 Workers' Compensation

All probationary and permanent employees of the City and provisional employees who have worked a total of four (4) months or more for the City, who have suffered any disability arising out of and in the course of their employment as defined by the Worker's Compensation Insurance and Safety Act of the State of California, and who are receiving or shall receive compensation from the insurance carrier for such disability, and during the first seven (7) days after such disability when compensation is not paid by the insurance carrier shall be entitled to remain absent from duty with pay until such time as they are able to return to duty or some other final disposition is made of their case; provided, however, that provisional employees who have worked a total of four (4) months or more for the City shall be entitled to remain absent from duty with pay for the period they would have been permitted to remain provisional employees under their employment at the time of injury.

All employees, other than probationary and permanent employees and provisional employees who have worked a total of four (4) months or more, shall be entitled to

such compensation as may be allowed them by the Workers' Compensation Insurance and Safety Act of the State of California.

18.13.1 **Workers' Compensation Payments**

Payments from the insurance carrier for disability arising out of and in the course of employment shall be paid to the employee. The amount of such payment or payments shall be deducted from the monies, which the employee received from the City. Payments from the insurance carrier, plus the monies paid to the employee by the City, shall be equivalent to the employee's regular full pay.

18.13.2 **Workers' Compensation Leave and Salary Continuation**

Payments under the Workers' Compensation law for temporary disability, or a recurrence thereof, arising out of and in the course of employment shall be paid for a period not to exceed 365 days at a maximum payment of the employee's pre-disability net pay but shall not exclude any salary adjustments to which the employee is entitled. Thereafter, the employee will continue to receive only the temporary disability payments provided under state law, and the City will cease to pay the difference. However, salary continuation payments above the statutorily required temporary disability payments shall not be reported by the City to CalPERS as compensation. No time worked shall be part of the 365 calendar days of salary supplement paid by the City. This change shall not affect employees who are currently off the job with a work-related injury which occurred prior to July 1, 1979.

18.13.3 **Calculation**

The City shall continue to calculate salary continuation at pre-disability gross pay. The City may calculate salary continuation payments at pre-disability net pay at such time when they develop the capacity to administer it equitably. Any change in calculation shall not reduce employees' combination of disability payments and salary continuation payments below employees' pre-disability net pay.

The change in calculation shall not affect employees who are off the job with a work-related injury prior to the new calculation method being implemented.

18.13.4 **Workers' Compensation Related Absence of Less than Four (4) Hours**

An employee who is absent from work for a medical appointment or physical therapy for less than four (4) hours will have ½ day charged against his or her 365-day maximum period for receipt of salary

continuation pre-disability net pay.

18.13.5 **Workers' Compensation Related Absence of Four (4) Hours or More**

An employee who is absent from work for a medical appointment or physical therapy for 4 hours or more will have 1 day charged against his or her 365-day maximum period for receipt of salary continuation pre-disability net pay.

18.13.6 **Calculation Based on Actual Paid Hours:**

All sick leave benefits shall be calculated upon actual paid hours.

18.14 Light Duty

Assignments for temporarily disabled employees.

An employee who is absent by reason of industrial disability may be returned to work and given temporary light duties within his or her ability to perform. The duration of any such period of temporary work should be determined by the City. Employees should be compensated at the rate of pay of their regular classification while engaged in such temporary duties, and such work assignments are to incorporate the following provisions:

18.14.1 **Modified Duty Accommodation**

The City shall accommodate, when feasible, employees covered by this memorandum under the provisions of workers' compensation, and such work assignments are to incorporate the following provision:

18.14.1.1 The assignment shall be consistent with medical limitations as determined by the physician of record.

18.14.1.2 The Assignment shall be within the City of Berkeley and may include hours and days of work other than the employee's regular assignment.

18.14.2 **Modified Duty Accommodation for Non-Industrial Disabilities**

The City may accommodate an employee disabled with a non-industrial disability by providing a modified work assignment in that employee's classification. To be eligible for such a modified assignment, the employee must provide the Human Resources Department with a medical statement from his or her treating physician that clearly states the medical limitations and abilities of the employee. If modification of that position does not serve the best interests of the City, other classifications may be considered, subject to the approval of the Human Resources Director.

Compensation will be provided at the level of the classification in which the temporarily disabled employee works during the disability. The employee must meet standards of satisfactory performance for the duration of the work assignment.

18.14.3 **Modified Duty for Pregnancy-Related Disability:**

In the case of a medically certified, pregnancy-related disability, in which the normal duties clearly threaten the health and safety of the employee or the unborn child, the Human Resources Department will endeavor to place the employee in a position which best serves the interest of the City with no loss of pay, but in no event will such placement exceed 5 months in duration.

18.14.4 **Light Duty Assignments**

Availability of light duty job assignments shall be discussed upon request at the monthly Labor-Management Meetings.

18.15 Control Program for Sick Leave Use

The City may establish a reasonable program for the control of abuse of sick leave and absenteeism, subject to Union review and comment.

18.16 Bonus Time for Unused Sick Leave

For every six (6) months of perfect sick leave attendance the employee will receive eight (8) hours of bonus time. A leave of absence from work pursuant to workers' compensation is counted as an absence from work in the same manner as sick leave for the purpose of this bonus. This bonus time will be prorated for part-time employees. Such bonus time can be used for any leave purpose covered by this Memorandum Agreement. Such bonus time shall be counted as vacation leave credits for purposes of determining eligibility for carry-over and cash payment.

18.17 State Disability Insurance

Except as provided in 18.17.1.3 below, any employee who is absent due to personal illness for more than 7 calendar days (or for any period of time if hospitalized) may apply for State Disability Insurance Benefits.

18.17.1 **State Disability Integration**

After such employee has been absent from work due to personal illness for six (6) consecutive work days, if the employee applies and is eligible for State Disability Insurance, the City shall integrate the employee's pay

with the employee's State Disability benefits in the following way:

18.17.1.1 The City will determine the weekly SDI benefit amount based on the amount of wages earned with the City of Berkeley in the SDI base period.

18.17.1.2 The weekly SDI benefit will be subtracted from the employee's normal weekly wages and the amount necessary to bring the total of State Disability plus wages to 100% will be deducted from any accumulated sick leave, vacation leave and compensatory time available to the employee. The integration with vacation leave and compensatory time is optional but will be automatically implemented after sick leave has expired unless written notification is received from the employee, as discussed below.

18.17.1.3 The employee must notify the payroll clerk, in writing, to stop integration of State Disability Insurance payments with vacation leave or compensatory time. Upon receipt of notification, the payroll clerk will cease integration of any future leave for that incident of illness.

18.17.1.4 The employee must show the State of California form (Disability Insurance Notice of Computation) to his or her payroll clerk to verify dates covered by SDI and the amount to be paid. The employee must inform their payroll clerk of all SDI payments. Any employee entitled to State Disability Insurance shall receive in addition thereto such portion of his or her accumulated leave as will meet, but not exceed, the standard earnings of the employee for his or her normal workweek, up to a maximum of five (5) days.

SECTION 19: ~~FUNERAL LEAVE~~BEREAVEMENT LEAVE

In the case of death within the immediate family of an employee ~~(who is not excluded from such benefit pursuant to Chapter 4.04.120 of the Berkeley Municipal Code (Personnel Ordinance) which is attached hereto as Exhibit B (City of Berkeley Municipal Code Chapter 4.04.120) and made a part hereof, such~~ the employee shall be entitled to remain absent from duty with pay in order to attend the funeral or memorial service, and grieving for a period not exceeding ~~three (3)~~ five (5) working days. Three (3) working days shall be with pay. Two (2) working days shall be unpaid except that an employee may use available, accrued sick leave, vacation, or compensatory time, for two (2) working days or, in the case of a funeral or memorial service conducted out of the State of California, ~~for a period not exceeding~~ all five (5) working days shall be with pay. Bereavement leave is not required to be taken in consecutive days but shall be taken within three (3) months of the death of the family member. For the purpose of this Section, the immediate family of an employee shall be defined as: parent, parent-in-law, or parent of the domestic partner, grandparent, grandparent-in-law, or grandparent of the domestic partner, spouse,

domestic partner, child, child-in-law, step-child, child of the domestic partner, foster child, sibling, step-sibling, sibling-in-law, aunt or uncle of the employee, nieces and nephews, grandchild, any relative living in the immediate household of the employee, or any other person sharing the relationship of in loco parentis.~~husband, wife, domestic partner, mother, father, sister, brother, child, grandmother, grandfather, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law, step-parent, step-sibling, step-child, aunts and uncles, nieces and nephews.~~

Leave of absence with pay because of death in an employee's immediate family is allowed for the purpose of attending the funeral or memorial services, and such leave shall not be charged against vacation or sick leave that an employee may be entitled to but shall be in addition thereto. Employees may request, and the City will make reasonable efforts to accommodate requests, for employees to supplement bereavement leave by using accrued vacation, compensatory time, or floating holiday. All accrued leave (and/or sick leave, if applicable) shall be utilized prior to taking a leave of absence without pay.

Funeral Leave for Persons Other than Immediate Family

In special cases, with the approval of the department head, the City Manager may grant a death leave to allow an employee to attend funeral or memorial services because of a death of a person not included within the definition of the immediate family.

SECTION 20: MILITARY AND MARITIME LEAVE

Military and Maritime Leave shall be governed by the provisions of the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and any regulations promulgated to implement the Act and the California Military and Veteran's Code.
If an employee voluntarily extends his or her military leave in excess of two (2) weeks, the amount of pay received by the employee for his or her military duty shall be deducted from his or her regular pay for such period.

SECTION 21: PARENTAL LEAVE

21.1 Eligibility

Employees with one (1) or more years of employment with the City (or equivalent in the case of part-time employees) shall be entitled to parental leave as follows:

A continuous parental leave of up to one year will be granted to any employee with one year (full-time) or more years of employment with the City (or equivalent in the case of part-time employees) upon the birth of a child or the legal adoption of a child who is five years or younger, provided that:

21.1.1 **Commencement of Parental Leave**

The one-year parental leave must commence no later than 13 months from the date of birth or adoption and must expire no later than 25 months from

the date of birth or adoption, and.

21.1.2 **Notice Requirement**

Employees exercising their rights under this provision must provide the City at least 45 calendar days-notice prior to the anticipated commencement date of the parental leave, unless a shorter notice is approved for good cause.

21.1.3 **Use of Sick Leave**

The employee, at his or her option, may request that all or any portion of sick leave (up to a maximum of two hundred (200) days) or vacation leave that he or she has accumulated be paid in the same manner as it would if he or she had been absent due to illness or on vacation during the leave. In the event both parents are employed by the City, nothing in the Personnel Rules and Regulations shall prohibit both employees from taking simultaneous parental leave.

21.1.4 **Verification Requirement**

The foregoing leave shall be granted upon medical certification of pregnancy or the presentation of legal evidence of adoption.

21.1.5 **Life and Health Insurance Coverage Upon Exhaustion of Leave**

During approved parental leave, after all earned leaves are exhausted, (except sick leave) the City agrees to maintain life and health insurance coverage for duration of the approved leave subject to any regular participation requirement of the employee. Thereafter the City agrees to continue coverage for the employee at the employee's expense.

SECTION 22: LEAVE OF ABSENCE WITHOUT PAY

22.1 Department Head Authority

Upon the request of the employee, a department head may grant a leave of absence to an employee within his or her department without pay for a period not to exceed fifteen (15) working days. No leave without pay shall be granted for more than fifteen (15) working days except upon the written request of an employee and approval of the City Manager. Failure on the part of an employee on leave to report promptly at its expiration shall be cause for discharge.

22.2 Union Sponsored Training

A leave of absence without pay shall be granted at the request of an employee and the Union for the purpose of the employee's attending a training course sponsored

by the Union. The maximum duration of such leave shall not exceed two (2) consecutive payroll periods in a calendar year.

22.3 Exhaustion of Accrued Time

Leaves of absence without pay shall be granted only after the employee has utilized all accrued vacation and any other time owed to the employee, except sick leave.

SECTION 23: JURY DUTY LEAVE

An employee who is called or required to serve as a trial juror shall be entitled to be absent from work with pay during the period of jury service or while required to be present in court as a result of a call to jury duty. An employee is required to be present at work when not serving as a trial juror or as a member of a jury selection panel. An employee will notify his or her supervisor of any unusual constraints (e.g., time to call in, time to report for jury service) made by the court that affect the employee's ability to simultaneously fulfill his or her jury duty service and employment obligations; and the supervisor will attempt to accommodate the employee based on the operational needs of the department. Absence from work to perform jury duty service shall apply to employees who work swing and graveyard shifts for those days on jury duty. An employee who serves jury duty on his or her day off shall be granted an equivalent number of days off during his or her normal workweek. Employees are required to submit a written proof of jury duty service issued by the court in order to receive payment for Jury Duty Leave. The employee will keep any payment received for jury service including mileage reimbursement.

23.1 Court Time

The City will guarantee a minimum of three (3) hours pay for every court appearance required by an employee in the conduct of official City of Berkeley job duties on the employee's scheduled day off and three (3) hours minimum if on a workday but outside scheduled working hours. In addition, employees assigned to court phone standby in the conduct of official City of Berkeley job duties will be compensated by earning compensatory time as follows: Duty day, outside of scheduled working hours, one-hour minimum compensatory time and hour for hour thereafter. Day off, two-hour minimum compensatory time and hour for hour thereafter.

ARTICLE 4 - HEALTH AND WELFARE BENEFITS

SECTION 24: HOSPITAL-MEDICAL, DENTAL, AND VISION COVERAGE

24.1 Medical Coverage

The City shall pay the cost of health insurance coverage for employees who are not excluded from such benefit pursuant to Chapter 4.04.120 of the Berkeley Municipal

Code (Personnel Ordinance) which is attached hereto as Exhibit B (City of Berkeley Municipal Code Chapter 4.04.120) and made a part hereof, and who have such coverage under any group health insurance plan authorized by the City Council. The present level of benefits under the Kaiser Plan shall be maintained at City expense for the duration of this Memorandum Agreement. Medical benefits are extended to full-time employees, spouse of the employee or domestic partner, and IRS dependent up to age 26.

The City is committed to providing at least one fully paid employer provided health insurance option for employees and eligible dependents. The Union acknowledges the City's policies as stated above.

24.2 Maximum Medical Premium Payments

24.2.1 Effective January 1, 2003, the City will transfer employees who chose to maintain Kaiser medical plan coverage from the Kaiser V-5 Plan into the Kaiser S-1 Plan. Effective January 1, 2003, the City will transfer employees who chose to maintain Health Net HMO coverage from the Health Net W-2 Plan to the Health net C9A Plan.

24.2.2 For employees hired on or after January 1, 2003, the maximum amount the City shall be required to pay for medical insurance premiums shall be the applicable Kaiser rate (i.e., single party, two-party, or family) regardless of the City sponsored health plan selected by the employee.

24.2.3 For employees in a probationary or career benefited status as of January 1, 2003, the City will continue to pay 100% of the health care premium costs (employee and any dependents) for the health plan the employee is enrolled in as of this date as long as the employee remains employed in the bargaining unit. After January 1, 2003, if the employee transfers health coverage to a different health plan, the employee will assume responsibility for paying the difference, if any, between the Kaiser monthly premium rate (i.e., single-party, two-party, or family) and the plan chosen by the employee from that date forward.

24.2.4 Effective January 1, 2009, the amount the City contributes each calendar year toward the payment of health insurance premiums, in accordance with Section 24.2 (Maximum Medical Premium Payment), will increase by the lesser of twenty percent (20%) (single, two-party, family) or the amount of the Kaiser HMO premium amount (single, two-party, family) in effect on that date.

24.2.5 Effective January 1, 2014, for those employees who are enrolled on October 31, 2012 in the Health Net Point of Service (POS) health plan (Payroll Benefit Code Description HJ, HK, and HL) the City shall pay medical insurance premiums at the applicable rate for the Health Net HMO plan (i.e., single; 2-party, or family). If the employee chooses to remain

enrolled in the Health Net POS Plan on or after January 1, 2014, the employee will assume responsibility for paying the difference between the Health Net POS and the Health Net HMO monthly premium rate (single; 2-party, or family). Provided further that if at any time after January 1, 2014 the employee transfers health coverage from Health Net POS to the Kaiser health plan, the maximum amount the City shall be required to pay for medical insurance premiums shall be the applicable Kaiser rate (i.e., single 2-party; or family) even if the employee subsequently enrolls in a different City sponsored health plan.

~~24.2.6 **Meet & Confer**~~

~~The Parties agree to meet and confer with the City, commencing no sooner than January 1, 2017. The negotiations shall be on developing comparable and less expensive health plan options as a means of reducing or ensuring that the City shall not be required to pay any penalties associated with the Excise Tax. This meet and confer process will be subject to normal rules of collective bargaining, including applicable impasse, strike or lock-out procedures.~~

Any changes resulting from a review of employee health insurance or other health related benefits will be subject to meet and confer between the Union and the City, except as otherwise provided in Section 24.5 (Change in Insurance Carrier).

24.3 Dental Coverage

The City shall provide a dental care program for employees who are not excluded from such benefit by Chapter 4.04.120 of the Berkeley Municipal Code (Personnel Ordinance) which is attached hereto as Exhibit B (City of Berkeley Municipal Code Chapter 4.04.120) and made a part hereof. The present level of benefits under the Dental Program shall be maintained at City expense for the duration of this Memorandum. Dental benefits are extended to full-time employees, spouse of the employee or domestic partner, and IRS dependents up to age 26.

24.3.1 Effective January 1, 2000, the dental plan is improved from 90% coverage to 100% coverage.

24.3.2 Effective January 1, 2003, the annual maximum dental benefit will be increased to $4000 per year, the lifetime maximum orthodontia benefit will be increased to $4000, and the annual cleanings will be increased from two (2) to four (4). Effective January 1, 2016, the number of annual cleanings will be decreased from four (4) to three (3).

24.4 Vision Coverage

Effective January 1, 2003, the City shall provide a Vision Care Program for

employees covered by this Agreement. The annual maximums for this benefit are as follows:

Benefit	Benefit Frequency
Exam	12-Months
Lenses	12-Months
Frames	24-Months
Contact Lenses**	12-Months
**Note: Benefits for Contact Lenses are in lieu of benefits for lenses and frames.	

The maximum amount the City shall be required to pay for the Vision Care Program shall be the applicable Vision Services Plan ($25 Plan B) rate (i.e., employee only, employee plus spouse, employee plus one (1) child; employee plus family).

If during the term of this Agreement the premiums for such Vision Care Program are increased, the amount the City contributes shall increase no more than five percent (5%) above the previous calendar year's contribution amount towards the payment of the monthly premium.

Recognizing that the "vision exam" portion of the Vision Care Program duplicates existing benefit provided under Medical Coverage Section 24.1 (Medical Coverage) and 24.2 (Maximum Medical Premium Payments), the Union and the City agree to revisit the Vision Care Program during the term of this Agreement with the expectation that it may be possible to identify a plan that provides a "Hardware Only" benefit (Lenses every 12-months; Frames every 24-months). Such "Hardware Only" plan shall be at a lower City and employee cost than the present Vision Services Plan ($25 Plan B).

24.5 Change in Insurance Carrier

Before the City acts to change an insurance carrier during the term of this Agreement, the City shall give the Union thirty (30) days notice of its intention to change carriers and shall, upon written request, meet with the Union to discuss the reasons for such change. The final determination of insurance carriers shall be at the sole discretion of the City.

24.6 Domestic Partner Coverage

If an employee chooses to complete and submit an Affidavit of Domestic partnership and sign up for medical and/or dental benefits for his or her domestic partner, the employee shall be subject to federal and state income tax withholding.

24.7 Part-Time Employees and Prorated Benefits

All career and grant-funded, benefited employees working less than full time shall receive prorated rather than full fringe benefits and shall pay, by payroll deduction,

a pro rata portion of the health and dental insurance premiums.

24.8 Commencement of Medical, Dental, and Vision Benefits

Medical, dental, and vision benefits shall begin the first day of the calendar month following the date of hire, and end the last day of the month an employee is in pay status.

24.9 Health Insurance In-Lieu Payments

Effective January 1, 2019, for employees who show proof of alternate medical coverage, the City will compensate the employee $576.00 per month, prorated for less than full-time employees, as provided in Section 24.7 (Part-Time Employees and Prorated Benefits). In order to include in-lieu payments in the regular rate of pay for the correct overtime calculation, the City must provide in-lieu payments on the bi-weekly payroll cycle. This benefit shall be frozen at this amount for the term of this agreement.

24.10 Group Life Insurance

Effective January 1, 2016, the City shall provide group life insurance, by a carrier of the City's choice, in the amount of $100,000 which shall include a standard accidental death and dismemberment provision of a like amount. In addition, the employee may purchase additional life insurance up to a maximum of $300,000 at a rate offered by the City's insurance carrier and subject to any medical exam as required by the insurance carrier. Life insurance shall become effective the first day of the calendar month following the date of hire, and shall continue until the last day of the calendar month in a pay status.

24.11 Pre-Tax Status

When employees are required to contribute to the cost for medical, dental, or vision insurance, those contributions will continue to qualify as pre-tax expenses under the provisions of IRS Section 125.

SECTION 25: RETIREE MEDICAL COVERAGE

The City and Union have agreed that the City will make available retiree health insurance coverage under certain terms and conditions described below. The retiree medical benefit described below is the plan tentatively agreed to during multi-union bargaining during the summer of 1998. The terms and conditions of this benefit shall be set forth in a separate document which shall contain a full plan description and shall control the administration of the retiree medical plan.

The City will begin to provide the retiree medical coverage set forth in this Section on July 1, 1998. An employee's entitlement to any and all benefits provided by the City under this retiree medical cover plan are subject to the funding limitations set forth in

sub-Section 25.8 (City Funding of Retiree Health Benefit).

25.1 Amendment of Retiree Health Premium Assistance Plan III, effective January 23, 1998, Restated and Amended effective March 22, 2011

Employees who retire on or after June 21, 2015, shall be permitted, at their discretion, to enroll in non-City sponsored health plans. After Council approval of the successor Memorandum of Understanding, the City shall amend the Retiree Health Premium Assistance Plan III as soon as practicable to allow enrollment in non-City sponsored health plans. In the event a retiree elects to enroll in a non-City sponsored health plan, the City shall make medical insurance premium payments directly to the health insurance provider in an amount equal to what the City would contribute to the City sponsored health plan. Retiree shall be solely responsible for all aspects of the requirements to enroll in a non-City sponsored health plan and maintain eligibility for such a plan; the City's sole obligation is to pay the medical insurance premium contribution required under this Section, as directed by the retiree to a non-City sponsored health plan. The City shall not be responsible for any excess cost differentials associated with the direct payment of premiums to non-City sponsored plans. The City will only make payments through its third-party administrator to provide medical insurance premium payments for an individual plan and will not make payments for a group plan. The retiree and/or surviving spouse or domestic partner that enroll in non-City sponsored health plans shall be solely responsible for paying the administrative set up fee, the monthly administrative fee, and/or any other fees established by the third-party administrator, and said fees will be deducted directly from the retiree's monthly contribution. No cash payments will be paid directly to the retiree and/or the retiree's spouse/domestic partner. There shall be no cash in lieu payments made under this benefit.

The City and the Union agree that the City will also amend the Retiree Premium Assistance Plan III to allow eligible retirees who retired prior to June 21, 2015 to enroll in a non-City sponsored health plan.

25.2 Eligibility

An employee is eligible for the retiree health insurance coverage set forth in sub-Section 26.2 (Provisional Appointments to a Higher Classification) below if he or she meets all the following criteria:

25.2.1 retires on or after July 1, 1998,
25.2.2 is vested with CalPERS,
25.2.3 has at least eight (8) years of CalPERS qualifying service with the City,
25.2.4 is at least age 55.

25.3 Pre-Age 65 Retiree Health Insurance

25.3.1 **Beginning July 1, 1998**

The City shall make available health insurance coverage to the employee and his or her spouse or domestic partner. The City will pay on the employee's behalf no more than $166.26 per month for an employee electing single party health coverage and no more than $332.52 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the following chart:

Years of CalPERS Qualifying Service	Percent of City Contribution
8	30%
9	40%
10	50%
11	58%
12	66%
11	58%
12	66%
13	74%
14	82%
15	90%
16	92%
17	94%
18	96%
19	98%
20	100%

The employee will pay the difference between the City's monthly contribution and the actual monthly insurance premium charged by the health plan he or she has elected for retiree medical coverage. If during the term of this Agreement, the premiums for such health insurance are increased, the amount the City contributes shall increase no more than 4.5% above the previous year's contribution. No increases in the amount the City contributes shall occur before July 1, 1999. Thereafter, any increase in the amount contributed by the City will occur on July 1 each year thereafter.

25.3.2 **Effective June 28, 2009**

For employees who retire on or after June 28, 2009, the City will pay on the employee's behalf no more than $358.19 per month for an employee electing single party health coverage and no more than $716.38 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.3 **Effective June 27, 2010**

For employees who retire on or after June 27, 2010, the City will pay on the employee's behalf no more than $424.31 per month for an employee electing single party health coverage and no more than $848.61 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.4 **Effective June 26, 2011**

For employees who retire on or after June 26, 2011, the City will pay on the employee's behalf no more than $468.40 per month for an employee electing single party health coverage and no more than $936.80 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.5 **Effective June 24, 2012**

For employees who retire on or after June 24, 2012, the City will pay on the employee's behalf no more than $589.48 per month for an employee electing single party health coverage and no more than $1,178.96 per month for an employee electing two-party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.6 **Effective June 23, 2013**

For employees who retire on or after June 23, 2013, the City will pay on the employee's behalf no more than $666.00 per month for an employee electing single party health coverage and no more than $1,332.01 per month for an employee electing two-party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.7 **Effective June 22, 2014**

For employees who retire on or after June 22, 2014, the City will pay on the employee's behalf no more than $720.97 per month for an employee electing single party health coverage and no more than $1441.94 per month for an employee electing two-party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-

referenced chart.

25.3.7.1 **Retiree Health Premium Assistance Plan Benefit as of June 30, 2017**

As of June 30, 2017, the maximum amount the City will pay the health care service provider, which were increased in accordance with Section 25.3 (Pre-Age 65 Retiree Health Insurance), total $1,517.40 for two party coverage for the retiree and spouse or domestic partner or $758.70 for single party coverage.

25.4 Retiree Benefits for Employees Age 65 and Over

Once an employee or retiree reaches age 65, he or she is eligible for Medicare. ~~As a result, his or her eligibility for the retiree medical benefits set forth in subsection 25.3 (Pre-Age 65 Retiree Health Insurance) ceases.~~ On reaching age 65, the City will make available health insurance coverage in addition to Medicare. For employees in the bargaining unit retiring after November 30, 2025, the following shall apply: w~~W~~hen an employee or retiree with an effective retirement date after November 30, 2025 reaches age 65, the City will contribute no more than ~~$50.00~~ $300.00 per month on the employee's behalf for single party health insurance coverage and no more than ~~$100.00~~ $600.00 per month for two party health coverage. If during the term of this Agreement, the premiums for such health insurance are increased, the amount the City contributes shall increase no more than 4.5% above the previous year's contribution.

The City will take such actions under the provisions of Section 218(g) of the Social Security Act to permit employees who are not currently paying employee portion of the Medicare Tax with a one-time opportunity to choose to be covered by the Medicare Tax. If the employee chooses to be covered by the Medicare Tax the choice cannot be revoked at a later date.

~~The City shall include in its next actuarial request, the impact on the City if the City were to amend its Retiree Health Premium Assistance Plan III to provide the following benefit levels:~~

~~Single Party Health: $200.00~~
~~Two Party Health: $400.00~~

~~25.4.1 **Retiree Health Premium Assistance Plan Benefit as of June 30, 2017**~~

~~As of June 30, 2017, the maximum amount the City will pay the health care service provider, which were increased in accordance with Section 25.4 (Retiree Benefits for Employees Age 65 and Over), total $62.59 for two party coverage for the retiree and spouse or domestic partner or $31.30 for single party coverage.~~

25.5 Termination by City of Retiree Medical Benefit

Failure of the retiree or surviving spouse to pay their monthly share of the health insurance premium will result in termination of the retiree medical benefit and relieve the City of any further obligation to provide any further benefits under this Section.

25.6 Retiree Medical Benefit for Employees Retiring Between the Ages of 50 and 55

An employee who is at least 50 years of age, but less than 55, and has at least eight years of CalPERS qualifying employment with the City will retain eligibility for the retiree medical benefits provided in sub-Section 25.3 (Pre-Age 65 Retiree Health Insurance) when the employee reaches age 55 if the employee is enrolled in a group health plan coverage from the date of his or her termination from City employment until the employee's 55th birthday. If for any reason the employee has a lapse in group health care coverage the employee forfeits his or her eligibility for the retiree health plan benefits upon reaching age 55 and the City has no further obligation to provide any benefits under this Section to the employee and/or his spouse or domestic partner.

25.7 Employees Retiring with a CalPERS Approved Disability Retirement

If an employee retires from the City before age 55 with a CalPERS approved disability retirement, the employee will retain eligibility for the retiree medical benefits provided in sub-Section 25.3 (Pre-Age 65 Retiree Health Insurance) when the employee reaches age 55 if the employee is enrolled in a group health plan coverage from the date of his or her termination from City employment until the employee's 55th birthday. If for any reason the employee has a lapse in health care coverage the employee forfeits his or her eligibility for the retiree health plan benefits upon reaching age 55 and the City has no further obligation to provide any benefits under this Section to the employee and/or his spouse or domestic partner.

25.8 City Funding of Retiree Health Benefit

City contributions to the retiree medical benefit will begin on July 1, 1998. Funding of this benefit will be set aside in a trust to be established by the City.

The retiree medical benefit will be funded by a charge of 0.25% of payroll in each year of this Agreement, so that contributions are at 1% of the payroll in the fourth year of the Agreement. The City will fund the benefit at approximately 1% of the payroll for every year thereafter with the intent of achieving a funding level of 70% after 30 years. The funding will be ongoing to maintain a 70% funding level thereafter.

Effective June 28, 2009, a total charge of twenty-six thousand, six hundred and forty ($26,640) of employee payroll will be charged in the final three years of the Agreement so that contributions are at 1.764% in the final year of the Agreement.

The purpose of the 0.764% increase in payroll contributions is to fund Pre Age 65 Retiree Health Insurance.

25.9 Actuarial Study

The Union understands and acknowledges that the City conducted an actuarial study to determine the percentage of payroll it needed to set aside each year and the rate of return of 7% it must achieve to fund the retiree health benefit provided in this Section. The City will conduct an actuarial study by an outside actuary of the retiree medical plan prior to June 30, 2002. After that time, the City will conduct an actuarial study by the outside actuary of the retiree medical plan every two to three years to review the funding status of the program. The outside actuary will be selected by mutual agreement of the parties. The Union and City agree that if the Actuary concludes that the City's funding of this benefit by contribution of 1% of the payroll for all miscellaneous employees is insufficient to fully fund the retiree medical benefits, the City shall not be required to increase its funding for this benefit to more than 1% of the payroll for miscellaneous employees. In the event that there are insufficient funds in the trust to cover all retirees' monthly health premiums, the City and the Union agree to meet and confer regarding the City's distribution of its 1% contribution.

ARTICLE 5 – TERMS AND CONDITIONS OF EMPLOYMENT

SECTION 26: PROBATIONARY PERIOD

26.1 Duration and Effect of Military Leave on Probationary Period

Original and promotional appointments from employment lists shall be tentative and subject to a probationary period of: one (1) year (full time equivalent exclusive of all leave and light duty completed within 18 months) upon original appointment to the unit; employees promoted within the unit are subject to a probationary period of six (6) months (half time equivalent exclusive of all leave and light duty completed within one year); in addition, employees in trainee programs with specified training, evaluation or probation periods shall be governed by the applicable provisions of such program. 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.

26.2 Provisional Appointments to a Higher Classification

If, before completing the required probationary period, an employee is provisionally appointed to a higher class in the same or a related series of classes, the time served in such higher class shall be counted toward completion of the probationary period in the lower class.

26.3 Report Requirement

If the service of the probationary employee has been satisfactory to the department head, the department head shall file with the Director of Human Resources a statement in writing to such effect and stating that the retention of such probationer in the service is desired. If such service has been unsatisfactory, the department head shall file with the Director of Human Resources such a statement in writing with the recommendation to the City Manager that the employee be rejected.

26.4 Rejection during Probationary Period

During the probationary period, an employee may be rejected at any time without right of appeal or hearing in any manner. An employee rejected from a position to which he has been promoted shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged as provided in Section 31 (Discharge). Career City employees who are rejected during their probationary period in a promotional position or fail to complete the training requirements of a training program (academics or OJT) shall revert to their prior classification.

26.5 Rejections Subject to Disciplinary Appeal

A promoted employee may not grieve his or her rejection from probationary period/training. However, an employee disciplined for cause while on promotional probationary period shall have access to the disciplinary appeal procedure.

26.6 Probationary or Temporary Employee Assignments

No probationary or temporary employee will be assigned as the only ground worker with an Electrician until such employee has completed one (1) month of familiarization with aerial truck equipment.

SECTION 27: TRANSFER

A transfer may be made at any time by the City Manager. Transfer shall not be used to effect a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided elsewhere in this Memorandum Agreement. No person shall be transferred to a position for which he or she does not possess the minimum qualifications. An employee with permanent status who is transferred from one class to another class shall assume permanent status in the class to which the employee is transferred.

SECTION 28: PROMOTION

Insofar as practicable and consistent with the best interests of the service, all vacancies in the competitive service shall be filled by promotion from within the competitive service after a promotional examination has been given and a promotional list established.

If, in the opinion of the City Manager, the best interests of the service can be served by an open, competitive examination instead of a closed, promotional examination, and if there is not already a promotional list for the higher position, which list has not been abolished and from which the vacancy could be filled, then the City Manager may instruct the Director of Human Resources to call for applications for the vacancy and arrange for an open, competitive examination and for the preparation and publication of an eligibility list.

Interview of Employees

A City employee who is on a closed promotional or open competitive list shall have the option to interview for the vacancy. A City employee who is unsuccessful and who so requests shall be advised of steps he or she may take to increase his or her competitive standing for future promotional opportunities.

Employees who have qualified for promotional lists shall be considered for promotion based on the following factors: previous work performance, previous training and experience, merit, ability, and seniority.

SECTION 29: DEMOTION

The City Manager may demote an employee who so requests it, or whose ability to perform his or her required duties falls below standard, or for disciplinary purposes. No employee shall be demoted to a class for which he does not possess the minimum qualifications as determined by the Director of Human Resources.

Notice of the demotion shall be given the employee not later than four (4) weeks prior to the effective date of demotion and a copy of said notice filed with the Director of Human Resources. Any employee who has been demoted shall be entitled to receive a written statement of the reasons for such action.

An employee with permanent status who is demoted shall assume permanent status in the class to which he or she is demoted.

Upon request of the employee, demotion may be made to a vacant position as a substitution for layoff. In such cases, the employee shall be restored to his or her former position without further examination whenever such position is again to be filled.

SECTION 30: SUSPENSION

The City Manager may suspend an employee from his position at any time for the good of the service, for a disciplinary purpose, or for other just cause. Suspension without pay shall not exceed twenty (20) working days, nor shall any employee be penalized by suspension for more than twenty (20) days in any fiscal year. Any employee who has been suspended shall be entitled to receive a written statement of the reasons for such action.

For the good of the service, a department head may suspend an employee for not more than three (3) working days for any one offense. Such suspension shall be reported immediately to the City Manager.

SECTION 31: DISCHARGE

An employee may be discharged at any time by the City Manager, but if the probationary period has been completed then such discharge must be for just cause. Any employee who has been discharged shall be entitled to receive a written statement of the reasons for such action.

SECTION 32: RESIGNATION

An employee wishing to leave the competitive service in good standing shall file with the department head, at least two (2) weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Director of Human Resources with a statement by the department head as to the

resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure of the employee to give the notice required shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give notice shall be reported by the department head immediately.

SECTION 33: REINSTATEMENT

A permanent or probationary employee who has resigned with a good record may be reinstated within two (2) years to his or her former position, if vacant, or to a vacant position in the same or comparable class without further competitive examination. This Section shall not be interpreted as a guarantee of reinstatement to an employee who has resigned with a good record and requests reinstatement within two (2) years.

SECTION 34: NOTICE OF TERMINATION

Department head shall notify the Director of Human Resources of all terminations of employment before or within two (2) days after the termination has taken place. Such notice shall be on forms provided by the Director of Human Resources and shall indicate the effective date and reasons for termination and a statement certifying whether or not the employee's services have been satisfactory.

ARTICLE 6 - GRIEVANCE AND DISCIPLINARY APPEAL PROCEDURE

SECTION 35: GRIEVANCES

35.1 Definition

A grievance is any dispute which involves the interpretation or application of those rules, regulations, and resolutions which have been or may hereafter be adopted by the City Council to govern personnel practices and working conditions, including such rules, regulations, and resolutions as may be adopted by the City Council to effect memorandum agreements which result from the meeting and conferring process.

A grievant may be any member of the bargaining unit covered by the terms of this Agreement, or the grievant may designate the Union to act on his or her behalf, or the Union itself may file a grievance on behalf of a member or group of members. Grievances must be filed in a timely manner. Grievances that are filed by the Union on behalf of a member or group of members, or when a grievant designates the Union to act on his or her behalf, are subject to settlement at any step of the grievance procedure at the Union's sole discretion.

A member of the bargaining unit that files a grievance where the Union is not representing or acting on the grievant's behalf, may only utilize this grievance procedure through step 3. The Union retains the sole discretion to refer which, if any, grievances to move to arbitration.

The parties agree that disclosure to the other party of all relevant information available to them is critical to the successful resolution of grievances at the lowest possible step of the grievance procedure. The parties therefore agree to disclose to each other the relevant information in their possession related to the grievance. Further, the parties agree to comply with reasonable grievance related information requests from the other party in a timely manner.

35.2 Procedure

Grievances shall be processed in the following manner:

35.2.1 **Informal Step**

An employee who believes that he or she has a grievance (and / or the employee's steward or Union representative) may discuss the complaint with the Deputy Director of Public Works, or with such subordinate management official as the Deputy Director may designate. If the issue is

not resolved informally, the formal procedures hereinafter specified may be invoked.

35.2.2 **First Formal Step**

Any informal grievance which has not been resolved by the Deputy Director of Public Works or his or her designee, must be filed in writing to the Deputy Director of Public Works within thirty (30) days from the date the informal discussion was initiated. The written grievance must state specific issues involved, the decision rendered at the informal step, and the remedy sought. The Deputy Director or his or her designee shall have five (5) days to respond in writing to the formal, written grievance.

35.2.3 **Second Formal Step**

Any formal grievance which has not been resolved by the Deputy Director of Public Works or his or her designee, may be referred to the Director of Public Works or his or her designee within thirty (30) days from the date of the Deputy Director's formal written response, or if more than five (5) days have elapsed since the grievance was presented at the Deputy Director's level.

35.2.3.1 **Referral to Department Director**

The grievance may be referred to the Director's level and shall include a copy of the original grievance, the decision rendered at the Deputy Director's level, and a clear, concise statement of the reasons for the referral.

The Director of Public Works may designate a personnel representative to investigate the merits of the complaint, to meet with the complaining employee (and/or the employee's steward or Union representative); if the grievant is not the Union itself, to meet with the officials of the Union; and to settle such grievance or to make recommendations thereon to the City Manager in his or her capacity as an employee relations officer. The Director of Public Works shall issue a formal written decision within five (5) days of receipt of the grievance or if a meeting is held with the employee and his or her Union, the meeting must be held within ten (10) days of receiving the referral. The Director of Public Works or his or her designee shall issue a written decision within five (5) days from his or her meeting with the complaining employee and/or Union representative. If the issue is not resolved the grievance may be referred to the Third Formal Step within thirty (30) days of receipt of the response from the Director of Public Works.

35.2.4 **Third Formal Step**

Any grievance which has not been resolved by the procedures hereinabove set forth may be referred to the City Manager by the grievant, the Union, or the Director of Public Works. Any such referral shall be in writing including a copy of the original grievance, the decision rendered at the Director's level, and a clear, concise statement of the reasons for the referral. The City Manager shall designate a Human Resources representative to investigate the merits of the complaint, and upon request from the employee or the union, that representative to meet with the complaining employee (and/or the employee's steward or Union representative), if the grievant is not the Union itself, to meet also with the officials of the Union, and to settle such grievance or to make recommendations thereon to the City Manager in his or her capacity as an employee relations officer.

The City Manager shall issue a decision within ten (10) days of receipt of the grievance referral or within ten (10) days of the meeting, or if a meeting is held with the employee and/or the Union, the meeting must be held within ten (10) days of the referral. Grievances filed by a bargaining member where the Union is not representing or acting on the grievant's behalf, shall end at this step and no further right of appeal exists. The City Manager's decision shall be final.

Union controlled grievances:

If the issue is not resolved, the grievance may be referred to Arbitration by the Union pursuant to Section 35.2.5 (Arbitration: The Union retains the sole discretion to move a grievance to arbitration) below within thirty (30) days of receipt of the City Manager's response. Provided further that the Union shall forward to the City the Union's portion of the State Mediation and Conciliation Services (SMCS) fee within sixty (60) days of receipt of the City Manager's response. Failure by the Union to meet this sixty (60) days deadline for both referral to Arbitration and payment of the SMCS fee shall be deemed as a full and complete waiver by the Union to appeal the City Manager decision to Arbitration and the City Manager decision shall be final and binding on all parties.

35.2.5 **Arbitration**: **The Union retains the sole discretion to move a grievance to arbitration.**

Any grievance which has not been resolved by the procedures hereinabove set forth may be referred by the Union, or the City to an impartial arbitrator who shall be designated by mutual agreement between the Union and the City, using the State Mediation and Conciliation Services (SMCS) to provide a list of five (5) arbitrators. The City and the Union will alternately strike a name until one remains. The remaining name will be the arbitrator. The fees

and expenses of the arbitrator, the State Mediation and Conciliation Services (SMCS) and of the court reporter shall be shared equally by the Union and the City. Each party, however, shall bear the cost of its own presentation, including preparation and post-hearing briefs, if any. Arbitrator decisions on matters properly before them shall be final and binding on both parties.

The arbitrator may hear testimony, receive written briefs, interview witnesses, and conduct any investigation she or he deems appropriate, and shall render a final and binding decision to the parties which will end the formal grievance process.

35.2.5.1 **Arbitrator Jurisdiction**

No arbitrator shall entertain, hear, decide, or make recommendations on any dispute involving a position over which a formally recognized employee organization has jurisdiction unless such dispute falls within the definition of a grievance as hereinabove set forth in Section 35 (Grievances).

35.2.5.2 **No Modifications**

Proposals to add to or change this Memorandum Agreement or written agreements or addenda supplementary hereto shall not be arbitrable, and no proposal to modify, amend, or terminate this Memorandum Agreement, nor any matter arising out of or in connection with such proposal, may be referred for arbitration under this Section; and no arbitrator shall have the power to amend or modify or recommend amendment or modification of this Memorandum Agreement or any written agreements or addenda supplementary hereto or to establish or recommend establishment of any new terms and conditions of employment.

35.2.5.3 **Timeliness of Award**

No arbitrator will be selected hereunder who does not agree to render an award not later than thirty (30) calendar days after the close of the hearing. By mutual agreement between the City and the Union, the arbitrator may render an award immediately upon the conclusion of the presentation of evidence.

35.3 EEO Complaints

Any grievance which in any way affects the implementation of the City's Equal Employment Opportunity Policy shall not be subject to arbitration. The decision as to whether or not implementation of the Equal Employment Opportunity Policy is in any way involved shall be made by the City Manager in his or her sole discretion. If,

in his or her judgment, any grievance which involves the Equal Employment Opportunity Policy, the Equal Employment Opportunity and Diversity Officer shall notify the Union to that effect in writing within seven (7) days of the date upon which the grievance is received in the Human Resources Department and, in such notification, refer to that Section of the Equal Employment Opportunity Complaint Investigation & Resolution Procedure which is involved; provided, however, that such notice may come at any time prior to arbitration if additional factors come to the attention of the Equal Employment Opportunity and Diversity Officer on the basis of which he or she considers it appropriate to change his or her original determination.

35.4 Compensation Complaints

All complaints involving or concerning the payment of compensation shall be initially filed in writing with the Director of Human Resources. In such cases, no adjustment shall be retroactive for more than thirty (30) days from the date upon which the complaint was filed or thirty (30) days from the date when an employee may reasonably be expected to have learned of said claimed violation. Only grievants which allege that employees are not being compensated in accordance with the rules, regulations, and resolutions of the City Council or in accordance with the understanding contained in any Memorandum Agreement which has resulted from the meeting and conferring process shall be considered as grievances. Any other matters of compensation are to be resolved in the meeting and conferring process and, if not detailed in the memorandum agreement which results from such meeting and conferring process, shall be deemed withdrawn until the meeting and conferring process is next open for such discussion.

35.4.1 **Response Time Limits**

The Director of Human Resources or his or her designee shall issue a decision in writing within twenty (20) days from the time he or she received the compensation grievance in writing. The grievant or the Union may refer the decision to the Third Formal Step (Section 35.2.4 - Third Formal Step) of this Memorandum Agreement) within twenty (20) days of receipt of the written decision.

35.5 Changes or Interpretations

No changes in this Memorandum Agreement or interpretation thereof (except interpretations resulting from arbitration proceedings hereunder) will be recognized unless agreed to by the City Manager and the Union.

35.6 Extension of Timelines

Timelines noted in this Section may be extended for cause upon mutual agreement between the City and the Union.

35.7 Days

All references in this Section 35 (Grievances) to "days" shall mean normal working days except as otherwise noted.

35.8 Grievances Challenging Disciplinary Action

35.8.1 Any grievance involving any disciplinary action up to as three (3) day suspension will be filed at the Director level.

35.8.2 All grievances involving demotion, discharge, or suspension of greater than three (3) days will be filed at the City Manager's level of the grievance procedure. If the issue is not resolved within fifteen (15) days of referral to this step, the procedures hereinafter specified may be invoked.

35.8.3 No grievance involving the suspension or discharge of an employee will be entertained unless it is filed in writing with the City Manager within five (5) working days of the time at which the affected employee was notified of such action in writing. If the City Manager, in pursuance of the procedures outlined in Section 35.2.4 (Third Formal Step) above, resolves a grievance which involves suspension or discharge, he or she may agree to payment for lost time or to reinstatement with or without payment for lost time.

35.8.4 Arbitrator decisions on matters properly before them which pertain to the suspension or discharge of an employee shall be final and binding on both parties, to the extent permitted by the Charter of the City.

ARTICLE 7 – GENERAL PROVISIONS

SECTION 36: GENERAL PROVISIONS

36.1 Personal Conduct

36.1.1 No employee shall accept appointment to the deputyship or assistantship of any county or state office or position, or otherwise incur an obligation of civil public service outside his or her regular municipal employment without first obtaining the recommendation of the head of his or her department and of the City Manager.

36.1.2 No employee shall be disciplined for off-the-job activities which do not affect his or her job performance.

36.1.3 Employees shall so arrange their personal financial affairs so that the demands of creditors and collection agencies shall not impose a recurring burden upon the offices of the City Manager, the department head, or the Director of Human Resources for the purpose of making collections.

36.1.4 Full-time City employees may not carry on concurrently with their public service any private business or undertaking, attention to which affects the time or quality of their work or which casts discredit upon or creates embarrassment for the City government.

36.1.5 No official or employee who wears a badge or other official insignia as evidence of his or her authority and identity shall permit such badge or insignia to be used or worn by any other person of the same or another department or otherwise to leave his possession without approval by the head of this department. The department head shall not grant such approval except as to persons regularly and formally appointed by the City Manager to the position designated by the badge or insignia.

36.2 Rain Gear

The City will provide rain gear for employees in Representation Unit C assigned to work in inclement weather.

36.3 Tools

Each employee shall continue to be responsible for providing tools of the trade or other equipment, but shall receive a flat annual tool replacement allowance of Seven Hundred and Fifty dollars ($750) each July 1. New employees hired before or after July 1 will be entitled to a prorated tool replacement allowance payable the following July 1 after employment.

~~36.3.1 **Allowance**~~

~~Effective July 1, 2015, the tool replacement is five hundred dollars ($500). Tool allowances shall be paid at the end of the fiscal year in which they are earned.~~

36.4 Shoes

Effective the first full pay period in July 2025, an annual allowance of three hundred dollars ($300) shall be paid to Classifications covered in this MA toward the purchase of safety shoes. ~~Effective June 18, 2017, all classifications covered by this MA shall be eligible for reimbursement of up to two hundred dollars ($200.00) per fiscal year for the cost of safety shoes. Employees receiving this reimbursement must wear safety shoes on duty.~~

~~36.4.1 Reimbursement~~

~~Employees shall be required to submit a reimbursement request, along with receipts verifying the purchase of safety shoes within sixty (60) days of purchase. Reimbursements will be paid within forty-five (45) days of complete reimbursement requests.~~

36.5 Training

36.5.1 Responsibility

Responsibility for developing training programs for employees shall be assumed by the City Manager. Such training programs may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal employees in the performance of their duties. The City shall endeavor to provide training for all new technology purchased by the City and maintained by members of this Agreement.

36.5.2 Advancement/Promotional Consideration for Special Training Courses

Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed with the Director of Human Resources by the department head.

36.5.3 Mileage and Tuition Reimbursement

The City shall reimburse all employees for mileage and tuition expenses related for attendance at job-related courses. Provided that the employee must have prior authorization from his or her department head and the

course has been approved by the City.

36.5.4 **Education Leave**

The City shall allow up to forty (40) hours off with pay per year to employees:

36.5.4.1 Who are required to obtain a license (excluding Class C driver's licenses) issued by the State of California and, in order to do so, must take courses which were not offered as a part of their basic curriculum or,

36.5.4.2 Who are required to obtain continuing education as a condition of license renewal; provided the license is required by the City for the employment or continued employment of the employee and that no more hours than are required by the State shall be granted. Employees seeking time off to take courses for an initial license must provide verification that the course was not offered as a part of their basic curriculum.

Employees who take classes during non-scheduled work hours in order to retain a job required license or to meet continuing education requirements shall be allowed time off from work on an hour-for-hour basis without loss of compensation or other benefits.

36.5.4.3 To obtain education and training related to job skills to enhance performance, or to qualify for promotion, at the discretion of the department head.

36.5.5 **Management/Union Meetings**

The City and Union agree that it is beneficial to both parties to discuss and develop training for all classifications. The Director of Public Works and the Union shall meet on a quarterly basis to discuss and review progress made in addressing initial employee orientation, new equipment training, and vendor training.

36.5.6 **Commercial Driver's License**

The City shall provide the necessary training for employees to obtain a California Class B driver's license when such license is a requirement of their job classification and a condition of employment. Employees who fail to obtain the required California Class B driver's license after training will be subject to rejection from the probationary period pursuant to Section 26.4 (Rejection during Probationary Period) of this Memorandum Agreement.

36.6 Use of Automobiles

The City Manager shall govern the use of City-owned automotive equipment and privately-owned automotive equipment by such rules and regulations as he or she may establish. Compensation shall be given in the form of a cash allowance for the use of private-owned automobiles on City business if such use has been authorized in advance by the City Manager. The cash allowance will be equal to the amount established by the Internal Revenue Service, and will change as necessary to comply with IRS Standard Mileage Rate.

36.7 Safety

36.7.1 **Safety Committee**

The City and the Union will make every effort to maintain excellent health and safety standards. No employee shall be required to perform work with unsafe equipment or in situations which are injurious to his or her health or safety. To further these purposes, the City shall maintain an ongoing safety program which shall include committees comprised of representatives from the Union and appropriate supervisory personnel.

36.7.2 **Rainy Weather Assignments**

The City shall endeavor to avoid assigning non-emergency, routine work in rainy weather, which would constitute a safety hazard.

36.8 YMCA Group Membership

The City shall offer employees a low or no-cost group membership in the Berkeley Central YMCA. As of July 1, 1999, the City will pay 75% of the membership fee. If the monthly fee is increased to more than $60, the employee share will be capped at $30 per month; the City will pay the balance. The amount the City contributes toward the employee's monthly membership fee is subject to federal and state income tax withholding.

Use of the YMCA membership by a City of Berkeley employee, as provided for in this Agreement, is non-compensable, is not a part of the employee's work-related duties, is not required for employment and is not condoned as part of a physical fitness program, or required to remain top physical conditioning for the employee's job performance.

The City of Berkeley or its Claims Administrator may not be liable for any injury that arises out of a City of Berkeley employee's participation in and use of a YMCA membership.

36.9 Annual Performance Evaluation

The City may implement a program of annual performance evaluation. Such evaluations shall be conducted by the employee's immediate supervisor and reviewed by additional levels of supervision. Each employee may make written comments on the evaluation, which shall be made a part of the employee's personnel records.

ARTICLE 8 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

SECTION 37: PAYMENT OF EMPLOYEES' PERS CONTRIBUTIONS

37.1 Miscellaneous Designation

The City shall continue participation under the Miscellaneous Employees Plan of the California Public Employees' Retirement System, (CalPERS).

37.2 "Classic Employees" Definition

Classic Employees are defined as current employees and future employees who do not qualify as "New Members" under the California Public Employees' Pension Reform Act of 2013 (PEPRA).

37.3 "New Member" Definition

"New Members are as defined in the Public Employees' Pension Reform Act of 2013 (PEPRA), Government Code Section 7522.04(f).

37.4 CalPERS Retirement Formula for "New Members" as Defined Under the Public Employees' Pension Reform Act of 2013 (PEPRA)

"New Members" as defined by PEPRA who are hired by the City on or after January 1, 2013 shall be entitled to the retirement formula set forth in PEPRA.

37.5 CalPERS Retirement Formula and Employer Paid Member Contribution for Classic Employees (i.e. current employees and employees who do not qualify as "New Members" under PEPRA)

Current employees and other employees who do not qualify as "New Members" under PEPRA shall continue to be entitled to the 2.7% at age 55 retirement formula benefit, and the City shall continue the contribution of eight percent (8%) to CalPERS on behalf of the employee.

37.6 CalPERS New Members Normal Share of Cost

New Members as defined by PEPRA who are hired on or after January 1, 2013 shall pay 50% of the normal share of cost required by PEPRA. New Members shall receive any other additional optional CalPERS benefits that the City provides to Classic Employees as allowed by PEPRA.

37.7 Reporting of Contributions

Effective July 3, 1994, contributions made pursuant to Section 37.5 above have been reported to CalPERS as "special compensation" as provided in Government Code Section 20636(c)(4) pursuant to Section 20691. Said contributions shall not apply in the case of temporary or provisional employees.

The member contributions made by the City shall not be considered as a part of an employee's salary for the purpose of computing straight time earnings, compensation for overtime worked, or education incentive pay; nor shall such contribution be taken into account in determining the level of any other benefit which is a function of or percentage of salary. Pursuant to California Government Code Section 20691, the City shall not increase, reduce or eliminate payments of the normal contributions on behalf of the employee without engaging in the meet and confer process with the Union.

The City will not treat these contributions as compensation subject to income tax withholding unless the Internal Revenue Service or Franchise Tax Board indicates that such contributions are taxable income subject to withholding. Each employee shall be solely and personally responsible for any federal, state or local tax liability of the employee that may arise out of the implementation of this Section or any penalty that may be imposed therefore.

37.8 City Contracts with CalPERS

The City's contract with CalPERS includes the following optional benefits:

37.8.1 **Classic Employees – One Year of Final Compensation**

Classic Employees as defined in Section 37.2 ("Classic Employees" Definition) above and as provided in Government Code Section 20042 (July 9, 1978).

37.8.2 **New Members – Three Years Final Compensation**

Provided further that New Members as defined by PEPRA hired on or after January 1, 2013 shall be eligible to receive retirement allowance based on three (3) highest consecutive years of compensation under the plan as provided under the California Public Employees' Pension Reform Act of 2013, or as subsequently amended.

37.8.3 Post Retirement Survivor Allowance as provided in Sections 21624, 21626 and 21628 (December 16, 1973).

37.8.4 Post Retirement Survivor Allowance to Continue after Remarriage as provided in Section 21635 (July 18, 1986).

37.8.5 Credit for Unused Sick Leave as provided in Section 20965 (June 26,

1988).

37.8.6 1959 Survivor Benefits to Surviving Spouse at Age 60 as provided in Section 21580 (December 16, 1973).

37.8.7 Third Level of 1959 Survivor Benefits as provided in Section 21573 (November 28, 1996).

37.8.8 2% @ 55 for Local Miscellaneous Members as provided in Section 21354 (June 30, 1992).

37.8.9 Military Service Credit as Public Service as provided in Section 21024 (April 9, 1999).

37.8.10 Public Service Credit for Peace Corps or AmeriCorps/VISTA Service as Provided in Section 21023.5 (April 14, 2000).

37.9 Index Level 1959 Survivor Benefit

The City intends to amend its contract with CalPERS to provide the Indexed Level of the 1959 Survivor Benefit as provided in Section 21574.5 when administratively feasible.

37.10 Classic Members' Pension Contribution through 20516 a Contract Amendment

37.10.1 **July 3, 2016**

Effective July 3, 2016, employees will contribute one and one-quarter percent (1.25%) toward the City's CalPERS employer share of pension through a 20516 CalPERS amendment that allows such contributions via automatic payroll deduction on a pre-tax basis, in exchange for the City granting the salary increase set forth in Section 11.1.5 (July 3, 2016 - Salary/PERS Exchange) of this MA. Such employee deductions by the City shall be used towards the City's CalPERS required contributions.

37.11 New Members' Pension Contributions through 20516 a Contract Amendment

37.11.1 **July 3, 2016**

Effective July 3, 2016, in addition to the contributions in Section 37.4 (CalPERS Retirement Formula for "New Members" as Defined Under the Public Employees' Pension Reform Act of 2013 (PEPRA)), New Members will contribute one and one-quarter percent (1.25%) towards the City's CalPERS employer share of pension through a 20516 CalPERS amendment that allows such contributions as pre-tax via automatic payroll

deduction, in exchange for the City granting the salary increase set forth in Section 11.1.5 (July 3, 2016 - Salary/PERS Exchange) of this MA. Such employee deductions by the City shall be used towards the City's CalPERS required contributions.

37.11.2 The parties recognize that the CalPERS 20516 amendment that allows employee contributions toward the employer rate is in addition to the required 50% of the normal cost of "New Members" benefits and made in consideration of additional salary increases in Section 11.1.5 (July 3, 2016 - Salary/PERS Exchange) above (a total of 1% salary increases in exchange for employees paying a total of 1.25% towards CalPERS pension cost).

As soon as administratively possible, following council approval of this agreement, the additional contribution of 1.25%, as indicated in Section 37.11.1, shall be eliminated through a contract amendment with CalPERS. The start of the first full pay period following completion of the contract amendment shall be the effective date of the reduction.

SECTION 38: SUPPLEMENTAL RETIREMENT/DISABILITY INSURANCE PLAN

Effective January 1, 1983, the majority of miscellaneous employees under the City's contract with the State of California Public Employees Retirement System who were covered by the integrated Social Security Program voted to withdraw from participation in the Federal Social Security Program. In lieu of Social Security payments, the City has agreed to pay an amount equal to that percent of individual pay (6.7% payable on the first $32,400 of salary paid in the calendar year) which had been paid by the City to Social Security as of December 31, 1982 to a Supplemental Retirement and Income and Long Term Disability Insurance Plan for those employees previously covered under the integrated PERS/Social Security Plan. Provisions of this plan are described in Berkeley Municipal Code Chapter 04.36.101 (Supplemental Retirement and Income Plan I) as amended and Berkeley Municipal Code Chapter 04.38.101 (Supplemental Retirement and Income Plan II) as amended. All employees hired after July 22, 1988 are in SRIP II. All employees hired prior to July 22, 1988 are in SRIP I unless they chose to enroll in SRIP II prior to December 17, 1988.

ARTICLE 9 - LAYOFF PROCEDURE

SECTION 39: LAYOFF

The layoff policy for the City of Berkeley is intended to provide the maximum employment protection of the City staff should a layoff become necessary. The policy also aims to minimize the impact such a layoff might have on the City's affirmative action accomplishments.

39.1 Announcement of Layoff

39.1.1 **Notification**

The City Council, City Manager, and department head shall make every reasonable effort to manage and budget the City's resources effectively and to plan for the delivery of City services in a manner which will avoid the necessity of laying off career City employees. If a reduction in the work force for more than thirty (30) calendar days is necessitated by, but not limited to, the following: a material change in duties and organization, adverse working conditions, return of employee from leave of absence, or shortage of work or funds, the City Manager shall notify the Director of Human Resources of the intended action and the reason for the layoff.

39.1.2 **Freezing of Vacancies**

Immediately following a decision which may involve the potential layoff of career City employees, the City Manager shall freeze all current City vacancies in the competitive service in similar and related classifications to those likely to be targeted for layoff, as well as all related full-time, benefited, temporary positions which are expected to last six (6) months or more, and notify all department heads that such current and anticipated vacancies will be frozen until further notice in order to implement the provisions of Section 39.6 (Flexible Placement Program).

39.2 Seniority Service Date

39.2.1 All service in the employ of the City shall be counted toward the establishment of an employee's seniority service date, including, for example, permanent, probationary, provisional, temporary (full-time and intermittent), seasonal, and exempt employment, as well as leaves of absence for obligatory military service while an employee of the City. Less than full-time service will be consolidated in equivalences of full-time service for the purpose of establishing the seniority service date. Time off as a result of formal disciplinary action will be subtracted from the seniority service date.

39.2.2 The auditor's office will maintain up-to-date and current seniority dates for all City employees holding probationary and permanent appointments.

39.3 Establishment of Seniority Lists

39.3.1 Whenever a layoff of one or more career employees becomes necessary, as defined above, such layoffs shall be made according to City-wide classification seniority lists. Upon receiving notification that the City Manager must proceed with a possible reduction in the work force, and following receipt of information concerning the specific positions, programs, and departments involved, the Human Resources Department will immediately establish separate probationary and permanent seniority lists for each classification targeted for layoff.

39.3.2 The names of all City employees holding permanent and probationary appointments in a given classification will be listed on the appropriate list in descending order by seniority service date. Employees on both lists shall be laid off on the basis of their seniority service date, i.e., employees with the least amount of total service shall be laid off first. All emergency, temporary, and provisional employees working in classifications similar to those identified for layoff must be terminated prior to the layoff of probationary or permanent employees. Employees on the probationary seniority list for a specific classification will be laid off prior to employees on the permanent seniority list for that classification.

39.3.3 Probationary or permanent employees temporarily acting out of classification and holding a provisional appointment in another classification will only be listed on a seniority list of the classification in which they hold permanent or probationary status targeted for layoff.

39.3.4 If two (2) or more employees on a seniority list have an identical seniority service date, the tie shall be broken in the following order:

39.3.4.1 Time in classification - the employee having least time in the classification shall be released first;

39.3.4.2 By lot

.

39.4 Employee Retreat Rights

39.4.1 Before an employee with permanent or probationary status may be released from employment with the City of Berkeley, the Human Resources Department must consider the employee's right to retreat to lower level classifications through which he or she was originally promoted or any subsequently created intermediate level career classification which provides normal progression through the classification series. Retreat rights shall also

extend to employees who have not previously been promoted through a classification but for whom the classification is a natural progression or beginning in the classification series.

39.4.2 In the process of retreating, the same rules concerning the length of service, classification seniority lists, etc., apply as in the first stage of the layoff process. In order to retreat, the targeted employee must be higher on the seniority list for the classification into which he or she is retreating than at least one of the incumbents on the probationary or permanent seniority list for that classification.

39.4.3 If an employee is qualified for retreat into more than one classification with comparable salary ranges, or if a vacancy exists in a classification to which an employee is entitled to retreat, the options shall be discussed with the employee and due consideration shall be given to the employee's preferences. However, it is the prerogative of the City Manager to determine the final placement offer to the employee.

39.4.4 The retreating employee has a right to be retained in the highest salary range possible which is equal to or less than his or her present salary range. An employee involved in layoff does not have a right of mandatory placement to positions with a higher salary range, i.e., promotion.

39.5 Employee Notification

39.5.1 Emergency, temporary, intermittent, seasonal, etc., employees shall be notified individually, in writing, of pending layoff as soon as possible, but no definite time period is required. However, at least two (2) weeks notification is desirable if possible.

39.5.2 Provisional employees shall be notified individually, in writing, of pending layoff as soon as possible, with no less than fifteen (15) calendar days notification if targeted for release or reassignment.

39.5.3 Permanent, probationary, and career-exempt employees should be notified individually in writing of pending layoffs as soon as possible, with no less than thirty (30) calendar days notification if targeted for release or reassignment.

If an employee fails to accept a bona fide offer of reassignment within ten (10) calendar days after the offer has been made, he or she forfeits further right to employment retention. Acceptance of a reassignment does not remove the right of appeal under Section 39.9 (Appeal Procedure).

35.5.4 An employee who is transferred in lieu of layoff when his or her position has been eliminated shall have automatic return rights to the previous position

if it is restored within one (1) year of the date of the transfer. If an employee with a full-time position is offered a reduction in hours in that position or in a lower classification, the employee may elect to be targeted for layoff for purpose of consideration under Section 39.6 (Flexible Placement Program.) If there is no flexible placement available for the employee, the employee may accept the reduction in hours, in lieu of layoff.

39.6 Flexible Placement Program

39.6.1 In order to minimize the negative impact of layoff, the City Manager will, as previously stated in Section 39.1.2 (Freezing of Vacancies), impose a citywide freeze on all appropriate vacancies as soon as it has been determined that a layoff of career City employees may be necessary.

39.6.2 Following the release of all emergency, temporary, and provisional employees in classes similar to those targeted for layoff, and as soon as employees targeted for layoff have been identified and the provisions under Sections 39.4 (Employee Retreat Rights) have been carried out, the Human Resources Department will review and identify the frozen vacant classifications into which employees ultimately targeted for layoff may be placed on the basis of total experience and education. In making this decision, a waiver of minimum qualification standards, and/or the substitution of related experience and education may be made, with an understanding on the part of management and supervisory personnel that adequate on-the-job training, which can be completed within no more than six (6) months, will be provided to facilitate job adjustment and to compensate for the waiver of qualification standards if that has occurred.

This shall be called the qualification period. The employee shall be advised of their progress after two months and four and six months in the new classification. If at the end of the qualification period the department head notifies the Human Resources Department that the employee is unable to adequately perform the assignment or fails a test for the position administered by Human Resources then the employee shall be subject to the layoff process.

39.6.3 Assignments under the Flexible Placement Program shall be limited to positions in the same or lesser salary range as the classification from which the employee is to be laid off, except that the City Manager may authorize the offer of a flexible placement to position with a maximum salary of no more than five (5) percent above the salary range as the classification from which layoff is targeted, when it is in the best interest of the City service to do so. Whenever flexible placement is made to a classification with a greater salary range, the appointment shall be probationary, in accordance with the terms of that classification.

39.6.4 Offers to positions under the Flexible Placement Program shall be made

according to seniority service date and in accordance with the probationary and permanent seniority list certification process outlined in Section 39.3 (Establishment of Seniority Lists). All offers and placements made under this provision of the layoff policy shall be documented in detail, with records available for audit and review at all times.

39.6.5 If an employee fails to accept a bona fide written offer of an alternative job within ten (10) calendar days after the offer has been made, he or she forfeits further rights to employment retention. Acceptance of an alternative job under the Flexible Placement Program in no way jeopardizes an employee's standing on the reemployment priority lists on which his or her name has been placed in accordance with Section 39.7 (Reemployment Lists).

39.7 Reemployment Lists

39.7.1 The names of all probationary and permanent employees released from positions in the competitive service as a result of layoff must be placed on reemployment priority lists for those classifications from which they were separated, as well as all other classifications to which they have retreat rights in accordance with Section 39.4 (Employee Retreat Rights).

39.7.2 A reemployment priority list shall remain in effect for three (3) years.

39.7.3 Departments with vacancies in any classification for which there is an active reemployment priority list must use the reemployment priority list to fill their positions and may not use any other recruitment or appointment method to fill a vacancy until appropriate reemployment lists have been exhausted.

39.7.4 When a vacancy occurs in a class for which there is a reemployment priority list, the name of the employee on the appropriate reemployment priority list with the highest seniority date shall be certified to the selecting official. Employees so certified from the reemployment priority list must be appointed to the existing vacancy.

39.7.5 If a former employee fails to accept a bona fide written offer of reemployment within fifteen (15) calendar days, his or her name will be removed permanently from the reemployment priority list from which the offer was made. Failure to accept an offer of reemployment to the classification with the highest salary range for which the employee is eligible for reemployment will result in automatic removal from all reemployment priority lists. However, the employee may decline (or accept) reemployment to lower salary range classifications without jeopardizing his or her standing on the reemployment priority list for the classification from which he or she was originally terminated.

39.7.6 Upon reappointment to the classification from which the employee was

originally separated or demoted, the employee has the right to be placed at the step of the salary range which the employee held at the time of layoff or demotion.

39.8 Career Exempt Employees

Only those employees holding full-time, benefited, exempt positions, who in the past have achieved permanent status and have been continuously employed without a break in service between their career and exempt appointment, have the right to retreat to previously held career classifications, placement on the reemployment priority lists, and all other provisions governing layoff procedures. For the purpose of layoff, such employees shall be referred to as "career-exempt."

39.9 Appeal Procedures

Any permanent, probationary, or career-exempt employee who is laid off, demoted, or reassigned as a result of layoff who believes that the layoff procedure has been improperly administered as it pertains to the employee's case may appeal the action under Section 35 (Grievances). In addition, employees may, at all times before, during, and subsequent to layoff, review all records, including seniority lists, reemployment priority lists, documentation pertaining to appointments under the Flexible Placement Program, etc., which pertain to their classification and their rights under the provisions of the layoff policy.

39.10 Reemployment Priority Rights

If it is determined that a vacancy has been filled by a non-reemployment priority list eligible in a classification for which a reemployment priority list existed and which included available applicants at the time, the former employee with reemployment rights shall be hired and given retroactive pay from the date that the vacancy occurred. The employee who was originally hired to fill the vacancy shall continue to be retained in City employment, provided he or she has completed the probationary period.

SIGNATURE PAGE

Executed this 26 day of JULY, 2022, by the Employer and Employee representatives whose signatures appear below for their respective organizations.

FOR INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL 1245

Bob Dean, Business Manager

Charley Souders, Business Representative
(Chief Negotiator)

Greg Marwick, Steward

Ryan Schaeffler, Negotiation Committee

FOR THE CITY OF BERKELEY

Dee Williams-Ridley, City Manager

Aram Kouyoumdjian, Director of
Human Resources

Dawud Brewer, Employee Relations
Manager (Chief Negotiator)

Joy Brown, Operations Manager
Public Works

Executed this of , 2025 by the Employer and Employee representatives whose signatures appear below for their respective organizations.

FOR INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL 1245

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

Casey Salkauskas, Asst. Business Manager

Greg Marwick, Steward

Ryan Schaeffler, Negotiation Committee

FOR THE CITY OF BERKELEY

Paul Buddenhagen, City Manager

Janelle Rodrigues, Director of Human
Resources

Chaka Young, Employee Relations
Manager

Terrance Davis, Director of Public Works

EXHIBIT A - Hourly Salary Schedule

~~As of August 7, 2022 (3.0% Salary Increase)~~

~~Job Code~~	~~Rep Unit~~	~~Classification Title~~	~~FLSA~~	~~Step 1~~	~~Step 2~~	~~Step 3~~	~~Step 4~~	~~Step 5~~
~~32020~~	~~C~~	~~COMMUNICATIONS TECHNICIAN~~	~~N~~	~~0~~	~~0~~	~~48.2945~~	~~50.6173~~	~~52.9270~~
~~52180~~	~~C~~	~~ELECTRICAL PARTS TECHNICIAN~~	~~N~~	~~0~~	~~35.3125~~	~~37.5934~~	~~39.5648~~	~~40.5647~~
~~51030~~	~~C~~	~~ELECTRICIAN~~	~~N~~	~~0~~	~~0~~	~~48.2945~~	~~50.6173~~	~~52.9270~~
~~51100~~	~~C~~	~~LEAD COMMUNICATION TECHNICIAN~~	~~N~~	~~0~~	~~0~~	~~51.6314~~	~~53.9685~~	~~56.5598~~
~~51080~~	~~C~~	~~LEAD ELECTRICIAN~~	~~N~~	~~0~~	~~0~~	~~51.6314~~	~~53.9685~~	~~56.5598~~

Salary Ranges as of Ratification (4% Cost of Living Adjustment)

JOB CLASS	CLASSIFICATION TITLE	FLSA	PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
9028	COMMUNICATIONS SUPERVISOR	N	C007	_	_	69.3250	71.3751	73.4250
3016	COMMUNICATIONS TECHNICIAN	N	C001	_	_	54.8370	57.4745	60.0971
5020	ELECTRICAL PARTS TECHNICIAN	N	C002	_	40.0964	42.6863	44.9247	46.0600
9027	ELECTRICAL SUPERVISOR	N	C006	_	_	69.3250	71.3751	73.4250
5021	ELECTRICIAN	N	C003	_	_	54.8370	57.4745	60.0971
5032	LEAD COMMUNICATIONS TECH	N	C004	_	_	58.6259	61.2798	64.2221
5033	LEAD ELECTRICIAN	N	C005	_	_	58.6259	61.2798	64.2221

~~As of July 7, 2023 (3.0% Salary Increase)~~

~~Job Code~~	~~Rep Unit~~	~~Classification Title~~	~~FLSA~~	~~Step 1~~	~~Step 2~~	~~Step 3~~	~~Step 4~~	~~Step 5~~
~~32020~~	~~C~~	~~COMMUNICATIONS TECHNICIAN~~	~~N~~	~~0~~	~~0~~	~~49.7433~~	~~52.1358~~	~~54.5148~~
~~52180~~	~~C~~	~~ELECTRICAL PARTS TECHNICIAN~~	~~N~~	~~0~~	~~36.3719~~	~~38.7212~~	~~40.7517~~	~~41.7816~~
~~51030~~	~~C~~	~~ELECTRICIAN~~	~~N~~	~~0~~	~~0~~	~~49.7433~~	~~52.1358~~	~~54.5148~~
~~51100~~	~~C~~	~~LEAD COMMUNICATION TECHNICIAN~~	~~N~~	~~0~~	~~0~~	~~53.1803~~	~~55.5876~~	~~58.2566~~
~~51080~~	~~C~~	~~LEAD ELECTRICIAN~~	~~N~~	~~0~~	~~0~~	~~53.1803~~	~~55.5876~~	~~58.2566~~

Salary Ranges as of July 5, 2026 (2.5% Cost of Living Adjustment)

JOB CLASS	CLASSIFICATION TITLE	FLSA	PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
9028	COMMUNICATIONS SUPERVISOR	E	C007	_	_	71.0581	73.1595	75.2606
3016	COMMUNICATIONS TECHNICIAN	N	C001	_	_	56.2079	58.9114	61.5995
5020	ELECTRICAL PARTS TECHNICIAN	N	C002	_	41.0988	43.7535	46.0478	47.2115
9027	ELECTRICAL SUPERVISOR	E	C006	_	_	71.0581	73.1595	75.2606
5021	ELECTRICIAN	N	C003	_	_	56.2079	58.9114	61.5995
5032	LEAD COMMUNICATIONS TECH	N	C004	_	_	60.0915	62.8118	65.8277
5033	LEAD ELECTRICIAN	N	C005	_	_	60.0915	62.8118	65.8277

Salary Ranges as of January 3, 2027 (2% Cost of Living Adjustment)

JOB CLASS	CLASSIFICATION TITLE	FLSA	PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
9028	COMMUNICATIONS SUPERVISOR	E	C007	_	_	72.4793	74.6227	76.7658
3016	COMMUNICATIONS TECHNICIAN	N	C001	_	_	57.3321	60.0896	62.8315
5020	ELECTRICAL PARTS TECHNICIAN	N	C002	_	41.9208	44.6286	46.9688	48.1557
9027	ELECTRICAL SUPERVISOR	E	C006	_	_	72.4793	74.6227	76.7658
5021	ELECTRICIAN	N	C003	_	_	57.3321	60.0896	62.8315
5032	LEAD COMMUNICATIONS TECH	N	C004	_	_	61.2933	64.0680	67.1443
5033	LEAD ELECTRICIAN	N	C005	_	_	61.2933	64.0680	67.1443

~~As of July 9, 2024 (1.0% Salary Increase)~~

~~Job Code~~	~~Rep Unit~~	~~Classification Title~~	~~FLSA~~	~~Step 1~~	~~Step 2~~	~~Step 3~~	~~Step 4~~	~~Step 5~~
~~32020~~	~~C~~	~~COMMUNICATIONS TECHNICIAN~~	~~N~~	~~0~~	~~0~~	~~50.2407~~	~~52.6572~~	~~55.0599~~
~~52180~~	~~C~~	~~ELECTRICAL PARTS TECHNICIAN~~	~~N~~	~~0~~	~~36.7356~~	~~39.1084~~	~~41.1592~~	~~42.1994~~
~~51030~~	~~C~~	~~ELECTRICIAN~~	~~N~~	~~0~~	~~0~~	~~50.2407~~	~~52.6572~~	~~55.0599~~
~~51100~~	~~C~~	~~LEAD COMMUNICATION TECHNICIAN~~	~~N~~	~~0~~	~~0~~	~~53.7121~~	~~56.1435~~	~~58.8392~~
~~51080~~	~~C~~	~~LEAD ELECTRICIAN~~	~~N~~	~~0~~	~~0~~	~~53.7121~~	~~56.1435~~	~~58.8392~~

Note: Employee's monthly salary will depend upon the number of hours worked. Employees hired before January 9, 2000, have an option (discussed in detail in Exhibit D (Hours and Days of Work) to work either a 37.5-hour work week or a 40-hour work week. Employees hired after January 9, 2000 work a 40-hour per week schedule.

EXHIBIT B

CITY OF BERKELEY
MUNICIPAL CODE CHAPTER 4.04.120

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 to the city manager, police review commission officer, police review commission investigator, and assistant to the mayor;

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 his or her career appointment from which he or she was promoted or transferred if within six months of

appointment to a position not included in the career service, action is taken to dismiss him or her, 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.

EXHIBIT C – Service Vacation Leave

Years During Which Service Rendered	Number of Years of Service	AUTHORIZED ANNUAL VACATION LEAVE (IN CALENDAR WEEKS)
All years prior to 01/01/1950		2
01/01/1950 through 12/31/1956	First 10 years of service Years of service in excess of 10	2 3
01/01/1957 through 12/31/1961	First 5 years of service 6 through 25 years of service Years in excess of 25	2 3 4
01/01/1962 through 12/31/1965	First 5 years of service 6 through 20 years of service Years of service in excess of 20	2 3 4
01/01/1966 through 06/30/1970	First 5 years of service 6 through 20 years of service 21 through 25 years of service Years of service in excess of 25	2 3 4 5
Subsequent to 06/30/1970	First 5 years of service 6 through 15 years of service 16 through 25 years of service Years of service in excess of 25	2 3 4 5
Effective 01/01/1981	First 4 years of service 5 through 12 years of service 13 through 20 years of service	2 3 4
Effective 07/01/1984	First 3 years of service 4 through 11 years of service 12 through 17 years of service 18 and subsequent years of service	2 3 4 5
Effective 12/08/1987	First 3 years of service 4 through 11 years of service 12 through 17 years of service 18 through 24 years of service 25 and subsequent years of service	2 3 4 5 6

EXHIBIT D - HOURS AND DAYS OF WORK

The hours and days of work applicable to employees in Representation Unit C, as set by the City Manager, are presently as follows:

1. Hours per Day

Field Operations:

Working arrangements may vary as to daily schedules under the reduced workweek.

Flexible Hours:

On a job-by-job basis, with prior approval of the Senior Electrical Supervisor, a crew may schedule a workday, or workdays, other than the normal workday schedule of 7:00 a.m. to 3:30 p.m.

2. Hours per Week (Basic)

Field Operations:

40 hours. However, employees in Representation Unit C as of January 9, 2000 have the option of retaining a 37.5-hour per week work schedule. An employee will have an option to change his work schedule to 40 hour per week at the beginning of a payroll period. An employee will have a one-time option to revert to a 37.5 hour per week work schedule at the beginning of a payroll period. After exercising this one time option, if the employee chooses to change his work schedule to 40 hours per week, the employee must maintain this work schedule for the balance of his career in this Representation Unit. All persons hired on or after January 9, 2000 will work a 40-hour per week schedule and will not be permitted to change his or her work schedule to 37.5 hours per week.

The parties may agree in writing to alternative work schedules other than those set forth in this Agreement, such as a 9-80 work schedule which produces an 80-hour pay period with the hours worked in nine work days. The City will take into consideration its operational needs, including the impact of potential overtime, in deciding whether to approve an alternate work schedule. However, such alternate work schedule will not be unreasonably denied.

3. Work Week

The work week will begin at 12:01 a.m., Sunday and end at Saturday midnight. Regular days off will be considered to be Saturday and Sunday.

EXHIBIT E - IMPLEMENTING THE REDUCED WORK SCHEDULE

NOTE:

This Exhibit E applies only to employees hired before January 9, 2000 who are permitted to work a 37.5 hour per week work schedule subject to the conditions set forth in Exhibit D (Hours and Days of Work).

The City and the Union agree that the implementation of the reduced work schedule which is to be effective June 29, 1986 will be as follows:

That one-fourth of the Electrical Division employees will be off every fourth Monday on a staggered basis. This time would be treated as a scheduled day off and could not be adjusted or moved. A yearly schedule would be set up at the beginning of the year so that each employee would know what days he would have off. Since the agreed upon reduced work schedule does not calculate evenly into one day off every four weeks, it is proposed that an additional day off (Friday) be given once every 16 weeks. This agreement very closely approximates the reduced work schedule. Any discrepancies would be credited to the employee's vacation at the end of the contract year.

For Fair Labor Standards Act purposes, the workweek is defined as 40 hours.

Sick leave, vacation, and other compensable leaves of absences shall be based on the 40 hour work week.

When a scheduled day off falls on a holiday, the next regularly scheduled work day shall be observed as the scheduled day off.

EXHIBIT F

DIRECTIVE PROHIBITING UNAUTHORIZED CONSTRUCTION

Office of the City Manager

July 31, 2001

To: Department Directors

From: Weldon Rucker, City Manager

Subject: **DIRECTIVE PROHIBITING UNAUTHORIZED CONSTRUCTION OR FACILITY MAINTENANCE WORK IN CITY FACILITIES**

It has come to my attention that some construction, building maintenance and electrical work is being improperly performed at various facilities that are either owned or leased by the City. Because this work can affect the health and safety of all City employees and can result in a significant potential liability for the City, it is absolutely essential that any such work be done by competent and experienced individuals. Even if licensed contractors are brought in to do the work, they may not be fully aware of how their work will impact other City projects or facilities. Furthermore, already scarce City funds are wasted when Public Works has to correct improper or hazardous work performed by unauthorized individuals or contractors. Accordingly, such construction and maintenance work must only be performed by properly trained and supervised Public Works maintenance staff or contractors selected by, and under the direction of, the Public Works Department.

Therefore, I am reminding and directing all department directors to ensure that absolutely no construction, building maintenance or electrical work be performed in any City owned or leased facilities by contractors or anyone else not under the direction of Public Works. All construction and facility maintenance work is to be referred to the Public Works Department.

For routine maintenance, minor repairs, or minor physical modifications, contact the Public Works Customer Service representative at 644-6620. For larger construction projects, contact Public Works Capital Improvement Projects at 981-6330. Public Works can then make appropriate decisions as to whether construction or maintenance work should be performed by City employees or by outside contractors, utilities, or agencies.

Thank you, in advance, for your full compliance with this direction.

cc: City Manager's Office

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7000 TDD: 510.981.6903 Fax: 510.981.7099
E-mail: manager@ci.berkeley.ca.us

MEMORANDUM AGREEMENT

Between the

CITY OF BERKELEY

and the

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1245 - A.F.L. - C.I.O.

July 1, 2025 to June 30, 2028

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MEMORANDUM AGREEMENT
Between
CITY OF BERKELEY
and the
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL 1245

ARTICLE 1 - ADMINISTRATION

SECTION 1: RECITALS

1.1 This Memorandum Agreement is entered into pursuant to the Meyers-Milias Brown Act (Government Code, Sections 3500-3511), as amended, and has been jointly prepared by the parties.

1.2 The City Manager is the representative of the City of Berkeley (hereinafter referred to as "the City") in employer-employee relations as provided in Resolution No. 43,397-N.S., adopted by the City Council on October 14, 1969.

1.3 International Brotherhood of Electrical Workers, Local 1245, is the recognized employee organization for Representation Unit C (Electrical Occupations), which organization has been certified as such pursuant to said Resolution No. 43,397N.S. The employee positions in such Representation Unit are hereinafter set forth in Exhibit A attached hereto and made a part hereof, and International Brotherhood of Electrical Workers, Local 1245 (hereinafter referred to as "the Union") is recognized as the sole representative of employees assigned to such positions.

1.4 The parties have met and conferred in good faith regarding wages, hours, and other terms and conditions of employment of the employees in said Representation Unit C, have exchanged freely information, opinions, and proposals, and have endeavored to reach agreement on all matters relating to the employment conditions and employer-employee relations of such employees.

1.5 This Memorandum Agreement shall be presented to the City Council as the joint recommendation of the undersigned.

1.6 Section titles in this Memorandum Agreement are for identification purposes only and are not to be used for the purpose of interpreting either the intent or the meaning of the language of any section.

SECTION 2: PARTIES TO THE AGREEMENT

2.1 Exclusive Representation

The Union is the exclusive representative of all employees within Representation Unit C (Electrical Occupations) and shall continue to be recognized as such unless, in accordance with the provisions of Resolution No. 43,397-N.S. or said Resolution may be amended, the Union is no longer certified as the Recognized Employee Organization for employees in Representation Unit C.

2.2 Management Rights

The Union recognizes that the management of the City and its business and the direction of its working forces are vested exclusively in the City, and this includes, but it not limited to, the following: to direct and supervise the work of its employees, to hire, promote, demote, transfer, suspend, and discipline or discharge employees for just cause; to plan, direct, and control operations; to lay off employees because of lack of work or for other legitimate reasons; to introduce new or improved methods or facilities, provided, however, that all of the foregoing shall be subject to the provisions of this Agreement, arbitration decisions, or letters of agreement, or memorandums of understanding clarifying or interpreting this Agreement.

The City shall not by reason of the execution of this Agreement (a) abrogate or reduce the scope of any present plan or rule beneficial to employees, such as its vacation and sick leave policies or its retirement plan, or (b) reduce the wage rate of any employee covered hereby, or change the conditions of employment of any such employee to his disadvantage. The foregoing limitation shall not limit City in making a change in a condition of employment if such change has been negotiated and agreed to by City and Union.

SECTION 3: NO DISCRIMINATION

The City and Union agree that they will not discriminate against employees covered by this Agreement in a manner which would violate any applicable laws due to any status protected by applicable state or federal law, or protected Union activity. Furthermore, the City and Union agree to comply with all applicable federal, state and local laws pertaining to nondiscrimination and equal employment opportunity.

The City of Berkeley Harassment Prevention Policy and Sexual Harassment Policy, as may be amended from time to time to comply with applicable state or federal law, is available on-line on the City's IntraWeb at CITY OF BERKELEY (berkeleyca.gov), in the Department of Human Resources, or by contacting the City's Equal Employment Opportunity and Diversity Officer.

The Union agrees that it will support programs for making members of minority groups

and women aware of employment opportunities within the City's jurisdiction, and that it will work with the City to increase recruitment efforts of such minorities and women into City service. The Union recognizes and supports the City of Berkeley's commitment to equal employment opportunity.

SECTION 4: UNION SECURITY

4.1 Union Security

4.1.1 An employee included in Unit C, may become and remain a member in good standing of the Union; or pay to the Union an initial fee equal to the regular initiation fee and, thereafter, a monthly fair share service fee equal to the regular monthly union dues and general assessments.

4.1.2 **Contracting Out**

The City will not hire any contractors, firm or individual which will result in the layoff of any employees covered under this Agreement.

4.1.3 **Subcontracting**

If the City intends to subcontract any electrical or communication work, the City will notify the Union in advance of any bid solicitation whose value is estimated to be $25,000 or more. The City will notify the Union in advance by mailing a copy of the City Council Bid Notifications Report to the Union Stewards. Information will be sent to the Union at the same time it is forwarded to the City Council and will include nature of project, the name of department requesting the work, and the budget code. Upon written request from the Union, the City will provide a copy of the actual bid specifications.

For electrical or communication work estimated to cost less than $25,000, the City will provide the Union Stewards a copy of the Council Awarded Contracts Report on a monthly basis.

4.2 Indemnification and Union Reports

4.2.3 **Indemnification**

The Union shall indemnify and save harmless the City, its officers and employees, from and against any and all loss, damages, costs, expenses, claims, attorneys' fees, demands, actions, suits, judgments and other proceedings arising out of any claims made by Unit C employees for deductions made in reliance on information provided by the Union.

4.2.4 **Union Reports**

The City shall furnish the Union, on a monthly basis, the name, date of hire, salary, classification and work location of all newly-hired employees subject

to this Agreement.

4.3 New Employee Orientation

This provision shall apply to new hire employees appointed to classifications covered by this Agreement.

4.3.1 **Onboarding**

The parties acknowledge that the City provides a new employee orientation (onboarding) to each new employee hired by the City. As such, the Union will be provided with not less than 10 calendar days' advanced notice of the time, date, and location of the onboarding of any new employee represented by the Union. The Union will be given 30- minutes at the start of the new employee onboarding in a room designated by the City for no more than one (1) representative to present Union membership information. The City representative will excuse him or herself during the Union portion of the onboarding. The Union agrees in its portion of the onboarding not to engage in speech that could cause disruption or material interference with City activities.

The City will provide 30 minutes of Union Release Time to the Union representative presenting the Union membership information during the scheduled onboarding. The Union shall provide the Union representative's immediate supervisor with the Union representative's name at least five (5) days prior to the onboarding. The Union representative shall be released for this purpose unless unusual operation needs interfere with such release in which case the Union representative's immediate supervisor will provide a written explanation of why release could not be approved. If the Union representative is not released due to department operational needs, the Union representative may arrange an alternative date and time to meet with the newly hired employee within the first two (2) weeks of employment, subject to the 30-minutes onboarding and Union Release Time requirements as stipulated above.

4.3.2 **Information Provided**

On a quarterly basis (March, June, September, and December), the City will provide the Union with a digital file via email to the email address designated by the Union. The Union acknowledges and understands that the City is working diligently and in good faith to update its contact information database functionality to incorporate all the fields of contact information listed below. As a result, the City may not initially be able to provide the employee's work telephone number, personal phone number, and personal email address until the completion and implementation of the City's new Enterprise Resource Management Application (ERMA) system.

The City will provide the Union with the following information on file, to the extent the City has it on file:

- Name.
- Job Title.
- Department.
- Work Location.
- Home telephone number.
- Home address.
- Personal cellular telephone number (new hires hired on or after October 1, 2017).
- Work telephone number (*upon implementing ERMA*).
- Personal email addresses on file with the City (*upon implementing ERMA*).

Notwithstanding the foregoing, limited to the express purpose of the requirements of Government Code section 3558 only, an employee may opt out via written request to the City (copy to the Union) to direct the City to withhold disclosure of the employee's: Home address; home telephone number; personal cellular telephone number; personal email address; and date of birth.

SECTION 5: DEDUCTION OF UNION DUES

5.1 Deductions

The City shall deduct, once monthly, the amount of Union regular and periodic dues, service fees, or insurance premiums as may be specified by the Union under the authority of written notification by the Union certifying that the employee has provided written affirmed consent for deduction of union membership dues or fair share service fees.

Such deductions, together with a written statement of the names and amounts deducted, shall be forwarded promptly to the Union office.

5.2 Revocation

Upon receipt of a written notice from the Union to the Human Resources Department, the City shall cease deducting membership dues or fair share service fees from the designated employee.

5.3 Authorization Forms

The City may request verification of employee’s authorization form giving affirmed consent to deduct dues or fees only if a legitimate dispute arises about the existence or term of the authorization.

5.4 Notice

Union agrees to give reasonable notice of dues change.

SECTION 6: UNION REPRESENTATIVES

6.1 Number of Representatives

The City shall allow two (2) representatives of the Union reasonable time off from work, without loss of compensation or other benefits, to represent its members in disputes which involve the interpretation or application of those rules, regulations, and resolutions which have been or may hereafter be adopted by the City Council to govern personnel practices and working conditions, including such rules, regulations, and resolutions as may be adopted by the City Council to effect memoranda of understanding which may result from the meeting and conferring process, and to represent its members in meeting and conferring in good faith for amendments to this Memorandum Agreement in the future, subject to the conditions set forth in Sections 6.2 (Maximum Representatives) and 6.3 (Notification).

All release time shall be recorded on time sheets and time cards with appropriate codes.

6.2 Maximum Representatives

Two (2) Union representatives shall be the maximum number who will be allowed concurrent time off.

6.3 Notification

The representatives shall notify the first non-bargaining supervisor a minimum of one workday in advance before leaving their work assignments except for emergency situations which require the immediate attention of said representatives (an emergency is defined as a safety problem or hazardous condition), but in no case shall an employee leave his or her job without notification of the first non-bargaining supervisor. Such request shall include the location, and area of activity, the approximate time needed and the general nature of the union business involved. Such request shall not be unreasonably denied. Failure to comply with notification and time recording rules may be grounds for denial of leave.

6.4 Union/Management Meetings

Quarterly meetings shall be held between the union and management. Release time shall be granted for up to two union representatives. Agendas for such meetings shall be set one week in advance between the Business Representative of the Union and the City Manager or their designees. Meetings within department

may be held at the discretion of the department head.

6.5 Union Training

Conditional upon prior approval of the course content and upon receipt of certification of completion, if the employee is an elected official or steward of the Union, the City shall reimburse the employee for up to one-half of his or her regular work time spent in such training at the employee's permanent rate of pay, not to exceed twenty (20) hours of paid leave in a calendar year.

SECTION 7: SEPARABILITY OF PROVISIONS

In the event that any provisions of this Memorandum Agreement are declared by a court of competent jurisdiction to be illegal or unenforceable, that provision of this Memorandum Agreement shall be null and void, but such nullification shall not affect any other provisions of this Memorandum Agreement, all of which other provisions shall remain in full force and effect.

SECTION 8: EXISTING MEMORANDUM AGREEMENT

Pursuant to Section A of the Memorandum of Understanding dated August 9, 1972 by and between the City and the Union, this Memorandum Agreement shall supersede all existing Memoranda of Understanding between the City and the Union. There is no guarantee that working conditions and practices will be continued if they are not included in this Memorandum Agreement or have not been or are not hereafter specifically authorized by ordinance or by resolution or the City Council.

SECTION 9: FINALITY OF RECOMMENDATIONS

The recommendations set forth herein are final. No changes or modifications shall be offered, urged, or otherwise presented by the Union, or the City Manager prior to October 20, 2018; provided, however, that nothing herein shall prevent the parties to this Memorandum Agreement from meeting and conferring and making modifications herein by mutual consent.

SECTION 10: DURATION

This Memorandum Agreement shall be effective upon ratification by the City Council except for those provisions which have been assigned other effective dates as herein set forth, and shall remain in full force and effect up to and including June 30, 2028. This Memorandum Agreement and all its rights, obligations, terms and provisions shall expire and otherwise be fully terminated at midnight June 30, 2028.

ARTICLE 2 - SALARIES, HOURS OF WORK AND COMPENSATION ISSUES

SECTION 11: SALARIES

11.1 Salary Rates

Salary rates for the period of July 1, 2025 through June 30, 2028, for all classes of positions in Representation Unit C shall be set according to the classifications and salary ranges assigned to those classifications listed in Exhibit “A” and attached hereto and made part hereof.

11.1.1 Salary Increase upon Council Approval

The salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase as follows: Effective the first full pay period following council approval, the salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase of four percent (4.0%).

Effective the first full pay period in July 2026, the salary ranges for those classifications covered by this Agreement will receive a salary increase equal to two and a half percent (2.5%).

Effective the first full pay period in January 2027, the salary ranges for those classifications covered by this Agreement will receive a salary increase equal to two percent (2.0%).

If during any fiscal year during the term of this agreement, the City executes an agreement with the largest miscellaneous bargaining unit or extends the unrepresented employees an across the board Cost of Living Adjustment (COLA) increase, an across the board wage increase, an across the board lump sum payment, or other benefit increase the City agrees to apply these same increases to the salary ranges and/or benefits for those classifications covered by this MA as listed in Exhibit A. For purposes of this provision, “across the board” means that the wage COLA, or lump sum increase applies equally to all qualifying members in the largest miscellaneous bargaining unit or all unrepresented employees.

11.2 Step Placement

Employees occupying a position in the competitive service shall be paid a salary or wage within the range established for that position's class as set forth in Exhibit “A”. The minimum rate for the class shall apply to employees upon original appointment

to the position except as may be determined by the City Manager within the negotiated wage ranges. Employees who have been laid-off and are rehired to the same classification shall be placed on the same wage step they were in when laid-off. Transfers shall not affect an employee's salary rate. Employees appointed to any of the positions set forth in Exhibit "A" and employed or working on a part-time basis shall be paid in proportion to the time worked and described in their appointment.

11.3 Maximum Salary Rate

No salary advancement shall be made so as to exceed the maximum rate established for the class to which the advanced employee's position is allocated. Advancement shall be in accordance with the compensation plan of the City and shall depend upon increased service value of an employee to the City as exemplified by recommendations of the department head, performance record, special training, length of service, and other pertinent evidence.

11.4 Effect of Leaves

An employee's pay increase shall not be affected by any leave of absence without pay if the employee is off the payroll for less than one hundred sixty (160) consecutive hours. If the employee is off the payroll for more than one hundred sixty (160) consecutive hours, the total amount of time off shall be made up before the employee shall be entitled to such pay increase.

11.5 Y-Rate

Any employee occupying a position which is reallocated to a class, the maximum salary for which is less than the incumbent's present salary, or occupying a position in a class, the salary rate or range for which is reduced, shall continue to receive his present salary. Such salary shall be designated as a Y rate. When an employee on a Y rate vacates his or her position, subsequent appointments to that position shall be made in accordance with Section 11.1 (Salary Rates).

11.6 Pay Frequency

Payment of salaries shall be made bi-weekly. Each pay period shall begin at 12:01 a.m. Sunday up to and including 12:00 midnight Saturday two weeks following. Each payment shall be made not later than the Friday following the end of each payroll period and shall include payment for all earnings during the previous payroll period.

11.6.1 **Full-Time**

Bi-weekly payment to full-time employees shall be made on the basis of the hourly rate, as set forth in Exhibit A, multiplied by the number of hours worked during the pay period.

11.6.1.1 **40 Hour Week**

For employees on a forty (40) hour week schedule, the annual salary shall be the product of the hourly salary times 2,080 hours.

11.6.1.2 **37.5 Hour Week**

For employees on a thirty-seven and one-half (37.5) hour work week schedule, the annual salary shall be the product of the hourly salary times 1,950 hours.

11.6.1.3 **Monthly Salary**

The monthly salary shall be the quotient of the annual salary divided by 12.

11.6.2 **Part-Time**

Bi-weekly payment to part-time employees in a class for which a monthly salary rate has been herein established shall be made on the basis of the hourly rate multiplied by the number of hours worked during the pay period. The hourly rate for such part-time employees shall be computed in the same manner as for full-time employees.

11.6.3 **Intermittent**

Bi-weekly payment to intermittent employees in a class for which a monthly salary rate has been established shall be made on the basis of the hourly rate multiplied by the number of hours worked during the pay period. The hourly rate for such intermittent employees shall be computed in the same manner as for full-time employees.

11.6.4 **Bi-Weekly Daily Rate**

Bi-weekly payment to employees in a class for which a daily rate rather than a monthly rate has been herein established shall be made on the basis of the actual days worked during the biweekly pay period multiplied by the daily rate.

11.6.5 **Bi-Weekly Hourly Rate**

Bi-weekly payment to employees in a class for which an hourly rate rather than a monthly rate has been herein established shall be made on the basis of the hourly rate multiplied by the number of hours worked during the pay period.

11.7 Higher Classification

The Department Head will work all employees within their career classifications. The departments may specifically assign an employee to work in a higher class. Such assignments shall be in writing and shall indicate the reasons, length and duties of the assignment. Assignments over one (1) week shall be approved in advance by the City Manager or his or her designee. Blanket authorizations for department will be issued on a yearly basis for applicable positions. To be eligible for higher-class pay, the employee must work a minimum of four (4) hours, meet the minimum qualifications, and perform the duties of the higher class. Employees meeting these requirements will be compensated at the lowest step of the higher classification which provides at least a five percent (5%) differential. The journey level employees will rotate the assignment on a monthly basis and perform the necessary duties. In the event the offer of higher class is declined by the journey level employee assigned for that month, volunteers will be asked according to the rotation list. If there are no volunteers, the journey-level employee assigned for that month will be required to perform the necessary duties.

11.8 Temporary Appointment

When a temporary vacancy is to be filled in a classification for which there is an existing eligibility list, the City shall attempt to make the temporary appointment from that list.

11.9 Step Increases for Provisional Employees

An employee who holds a provisional appointment in a classification shall receive step increases in such classification as if the employee held a permanent appointment thereto.

11.10 End of Year Pay Period

For all salary and benefit purposes, the parties agree that the last day of the last pay period ending in the calendar year shall be the end of the year. For excess leave only, the end of the year shall be treated as the last day of the pay period nearest March 31st.

11.11 Overtime Underpayment

The City will include any payment of overtime, which was inadvertently omitted or miscalculated, in the following pay period's check.

11.12 Equity Studies

A list of comparison jurisdictions is established for the purpose of salary equity studies: Alameda County, Contra Costa County, Oakland, Palo Alto, Richmond, San Francisco, San Jose, San Leandro, Santa Clara, and Concord. Other

jurisdictions may be added as required by agreement between the parties. Job classifications which fall below the median for these jurisdictions may be reviewed. It is the policy of the City that within available funding limits, equity adjustments which are in the interests of the service will be considered.

Whenever a cost of living increase and equity increase take effect on the same day, the increases will be added together rather than compounded.

11.13 Step Increase

Step increases shall be effective for payroll purposes only on the first day of the pay period nearest to the actual anniversary date. Personnel records will maintain actual dates and will be used to resolve any discrepancies or questions that may arise.

11.14 Effective Date of Salary Adjustment

Any general future salary adjustments will be set to become effective on the first day of the pay period.

11.15 Reclassification

In the event the City reclassifies a position based on an employee initiated review from a lower level classification to a higher level classification, an incumbent occupying such position shall be reclassified without competitive examination provided he or she has performed the duties of the new classification for one (1) year and has not received an unsatisfactory evaluation during that period. All other employees shall be required to pass an examination for the higher classification and shall serve the normal probationary period. If a position is reclassified, the employee shall receive salary compensation retroactive to the date the position description questionnaire is submitted and verified as having been received by the department head. Position description questionnaires will be provided by the City. Employees may request one (1) job audit one (1) year after an initial job audit has been completed on their position. Thereafter one (1) job audit will be permitted every two (2) years.

Reclassification or reallocation of positions shall not be used as a mechanism, the sole purpose of which is to improperly circumvent the provisions of this Agreement, including provisions relating to layoff, transfer, demotion or promotion.

11.16 Premium Pay Differential - Working at Heights of 60 Feet or More

Assignments for working at heights of 60 feet or more will be on a voluntary basis. However, if all qualified employees decline the assignment, the City will be free to contract the work out to an outside service provider.

Employees who work at heights of 60 feet or more, including but not limited to

performing maintenance of lights at San Pablo Park, shall receive Height Premium Pay Differential of one and one-half times (1½) times the normal hourly rate for all time performing such work. The Height Premium Pay Differential shall be reported to CalPERS as Height Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

11.17 Commercial Driver's License Premium

Employees required to possess and maintain a valid California Class A or Class B Commercial Driver's License as a condition of employment shall receive three percent (3%) differential to hourly rate. This differential shall be reported to CalPERS as Special Class Driver's License Pay. However, any hours worked on overtime are excluded from CalPERS reported "Compensation earnable" in California Government Code Section20636.

11.18 Longevity Pay

Effective the first full pay period after Council approval on its Regular Agenda, employees completing nineteen (19) years of service shall receive a three percent (3.0%) differential beginning with the anniversary date of beginning of the twentieth (20^{th}) year of service and shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay. This provision shall expire effective the first full pay period of July 2026.

Effective the first full pay period in July 2026, employees completing fourteen (14) years of service shall receive a three percent (3%) differential beginning with the anniversary date of beginning the fifteenth (15th) year of service and shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay.

11.19 State Certification Premium

An employee who possesses and maintains a "General Electrician" state certification from the Department of Industrial Relations shall receive an additional three percent (3%) to their base rate of pay. The City shall retain the right to add the general electrician state certification as a minimum qualification for the Electrician and Lead Electrician classifications. If the certification is made a minimum qualification, active employees, employed in classifications within this unit at the time of implementation, shall be exempt from this qualification for the remainder of their employment.

11.20 Notification of New Classification

The City shall notify the Union and upon written request discuss in advance the establishment of new career classifications if the work is related to work performed by classifications covered in this agreement. This procedure shall also be applicable

to the reclassification of positions presently in this MOU.

SECTION 12: HOURS AND DAYS OF WORK

12.1 Hours and Days of Work

Hours and days of work shall be governed by rules established by the City Manager. (At the present time, the hours and days of work are as shown in Exhibit D (Hours and Days of Work)

12.2 Sunday and Graveyard Shifts

Regularly scheduled Sunday shifts and "graveyard" shifts, as defined in Section 14 (Shift Differential), shall be for eight (8) consecutive hours, including up to one-half (½) hour for lunch.

12.3 Shift Assignment

Within a given classification, shift assignments shall first be offered to employees by classification seniority on a voluntary basis. In the event shift assignments are not filled voluntarily, such assignments will be made on the basis of inverse classification seniority.

12.3.1 **Types of Shifts**

a. **Swing shift** means authorized work schedules regularly assigned in which at least four (4) hours worked are between the hours of 5:00 p.m. and 12:00 midnight of each workday.

b. **Night shift** means authorized work schedules regularly assigned in which at least four (4) hours worked are between the hours of 12:00 midnight and 7:00 a.m. of each workday.

c. **Day shift** means any authorized work schedules between the hours of 7:00 a.m. and 5:00 p.m.

12.4 Classes during Shift Assignments

If an employee assigned to the swing or graveyard shift wishes to attend classes during the day, the employee shall notify the first non-bargaining supervisor of his or her intention to enroll in classes during the day and the completion date of the classes. The City will review the work program and advise the employee within 14 days whether or not the day classes will interfere with the shift assignments. If no conflict exists, the City will not change the shift assignment until after the semester ends provided that the employee continues to be actively enrolled in the class.

12.5 Rest Period

Each employee shall be entitled to a rest period of fifteen (15) minutes during each one-half (1/2) shift worked.

12.6 Daylight Saving Time

12.6.1 **Spring**

In the Spring when transitioning to Daylight Saving Time (DST), employees working during the one (1) hour transition from Standard Time to DST will be paid only for actual hours worked. Employees working on a shift which includes the one (1) hour transition may be granted an option by the Department Head or his or her designee, to work an additional hour or use compensatory time, floating holiday, or vacation to make up the lost work hour.

12.6.2 **Fall**

In the Fall when transitioning from DST, employees working during the one (1) hour transition will be paid for all hours worked including overtime at one and one-half (1½) times the straight-time rate of pay for hours worked in excess of the regular workweek as set forth in Section 13 (Overtime) of this Agreement.

12.7 Family Friendly and Environment Friendly Workplace

The City shall comply with the applicable provisions of the Berkeley Family Friendly and Environment Friendly Workplace Ordinance 13.101 to members of this bargaining unit. As such, employees may request variable working hours such as, but not limited to, 10 hours a day, four (4) days a week, flexing start and end times, and working under a flexible arrangement. Management may approve, in advance, an employees' request to temporarily flex their work schedule between the hours of 6:00 a.m. and 8:00 p.m. on a particular day, or over a specific period of time, by adjustment to the employee's start time and end time, or lunch break. Any denial of an employee's request for flexible scheduling shall explain the denial in a written response that sets out a business reason for the denial.

SECTION 13: OVERTIME

Employees required to work in excess of their basic work week or in excess of 8 hours in one day (excepting voluntary regular schedules of 9 or 10 hours) during any one week shall be compensated for such overtime services as follows:

13.1 Rate

The overtime rate shall be one and one-half (1½) times the regular hourly salary for

the first four (4) hours of such excess and at two (2) times the regular hourly salary for the balance of such excess.

13.2 Department Head Discretion

Whether an employee shall be compensated for overtime by compensatory time off or by payment shall be at the sole discretion of the employee's department head.

13.2.1 **Compensatory Time Off:**

Compensatory time off may be earned in lieu of overtime pay at the rate of one and one-half (1½) hours for each overtime hour worked up to a maximum of sixty (60) hours of such compensatory time. Accumulation of compensatory time off in excess of sixty (60) hours may be allowed at the discretion of the department head. Utilization of compensatory time shall be at the discretion of the employee's department head. The times during the calendar year at which an employee shall take his or her compensatory time off shall be determined by the department head with due regard for the wishes of the employee and particular regard for the needs of the service. As used herein, sixty (60) hours is equivalent to ninety (90) hours of time off work.

13.3 Payoff of Overtime

In the event that an employee resigns or is terminated, he or she shall be entitled to compensation for his or her accumulated overtime.

13.4 FLSA Workweek

For the purpose of computing overtime, the work week shall be defined as beginning at 12:01 a.m. Sunday and ending at 12:00 midnight Saturday. Any applied benefited leave shall be included in the calculation of overtime.

13.5 Emergency Overtime

Employees who are called from their living quarters for emergency work or duty on days other than normal workdays, or on normal workdays outside of their regular work hours, shall be paid emergency overtime compensation for actual time worked; provided, however, that in any case of emergency overtime as herein provided the minimum time for which such overtime compensation shall be paid shall be four (4) hours; and provided further that if such overtime work is performed prior to the beginning of the regularly scheduled work period and such overtime continues into such regularly scheduled work period without a break in service, compensation shall be paid only for the actual time worked.

13.5.1 Overtime Earned Rest Period

If an employee has worked four (4) hours or more of overtime between the hours of 8:30 p.m. and 4:30 a.m. preceding the beginning of his/her regular work hours on a workday, he/she shall be entitled, except in an emergency, to a rest period to include two (2) hours of his/her workday without loss of his/her regular straight-time pay. If the overtime work period extends for six (6) hours or more of overtime between the hours of 8:30 p.m. and 4:30 a.m. preceding the beginning of his/her regular work hours on a workday, he/she shall be entitled, except in an emergency, to a rest period to include five (5) hours of his/her workday without loss of his/her regular straight-time pay. In the event that an employee, due to operational need, is required to work during an earned rest period during regular work hours, the employee will be paid for the earned rest period in addition to wages earned for hours worked.

13.6 Meals

The City will provide meals to employees during emergency assignments and when the employees work continuously for two (2) or more hours immediately before or after their regular shift of eight (8) or nine (9) hours for a total of ten (10) or eleven (11) hours. The employee shall earn an additional meal for every four (4) hours of continuous work after the first meal is earned or taken.

The City will reimburse the employees for the costs of the meal up to twenty-five dollars ($25) if no meals are provided.

13.7 Standby Pay

An employee assigned to standby shall receive ten (10) hours of overtime compensation in addition to any overtime worked while on standby.

13.7.1 **Standby Week**

For the purpose of this Section 13.7.1 (Standby Week), a week shall mean the seven (7) consecutive calendar days following assignment to standby service. In the case of emergencies, the Senior Supervisor or Superintendent may assign another employee to complete the standby week for the originally assigned employee. In that case, the ten (10) hours standby compensation will be pro-rated between the employees.

13.7.2 **Missed Assignment while on Standby**

If an employee misses an overtime assignment while on standby duty, he or she will not receive the standby pay for that day. If he or she misses a second call during the same standby period, he or she will forfeit all the standby pay for that period.

13.7.3 **Consequences**

If an employee develops a pattern of failing to perform the service when called, they will be subject to disciplinary action and the Union reserves the right to appeal any action.

13.7.4 **Standby Vehicle**

The City will provide the employee on standby duty with a vehicle. Said employee shall be responsible for taking all reasonable steps to insure the safety of the tools and equipment on that vehicle.

13.8 Emergency Overtime Assignments

All emergency overtime assignments including calling an employee other than the employee on scheduled standby status will be paid the minimum overtime compensation as defined in Section 13.5 (Emergency Overtime). In the event that the employee on scheduled standby is not called, and another employee has been called to perform the emergency overtime assignment, both the employee who performed the assignment and the employee on scheduled standby status will receive the minimum overtime compensation.

13.8.1 **Scheduled Overtime during Standby**

The employee who is on scheduled standby status may perform scheduled overtime tasks on a voluntary basis. The standby premium shall not be pro-rated. If an emergency call occurs during the time that the employee is performing scheduled overtime tasks that call shall be paid at the time and one-half rate and not at the call back rate set forth in Section 13.5 (Emergency Overtime). If other City electrical employees are concurrently performing scheduled overtime tasks, the Senior Electrical Supervisor may, at his or her discretion, assign the work to electrical employees present within the City performing the scheduled overtime tasks at the regular overtime rate of pay. The employee who is on scheduled standby status who chooses to perform scheduled overtime shall defer to other employees who choose schedule overtime assignments pursuant to Section 13.9 (Overtime Offers).

13.9 Overtime Offers

The Department will offer Scheduled Overtime on a voluntary basis to employees with the least amount of overtime worked in accordance with the following provisions:

13.9.1 **Posting of Overtime**

The Department will post a Scheduled Overtime Sign-up List on the Division's bulletin board once every two weeks. Employees who wish to be considered for scheduled overtime during that time period must sign the list.

13.9.2 **Scheduled Overtime Definition**

Scheduled Overtime shall be defined
as an overtime assignment scheduled at least 24 hours in advance.

13.9.3 **Overtime Report**

The Department will prepare and post a Report of Overtime Worked for employees on a calendar year basis beginning with a zero balance on January 1. The report will be updated after each pay period.

13.9.4 **Overtime Assignments**

As scheduled overtime assignments occur, the Department will offer the assignment to individuals on the list for the applicable time period beginning with the person on the sign-up list with the least amount of overtime worked during the calendar year. Notification of scheduled overtime assignments shall be made during work hours at the work place, and employees must be present at the work place to receive the overtime work assignment.

13.9.5 **Overtime Assignment Tie Breaker**

If employees have equal amounts of overtime, the scheduled overtime assignment shall be offered to employees in the same order as their names appear on the sign-up list.

SECTION 14: SHIFT DIFFERENTIAL

14.1 Swing Shift

Employees who regularly work a full shift of seven and a half (7½) hours or more on swing shift as defined in Section 12.3.1 (Types of Shifts), which includes more than four (4) hours between the hours of 5:00 p.m. and 12:00 midnight, shall be

paid their regular salary plus seven and a half percent (7½%) of their regular monthly salary per month.

14.2 Night Shift

Employees who regularly work a full shift of seven and a half (7½) hours or more on night shift as defined in Section 12.3.1 (Types of Shifts), which includes more than four (4) hours between the hours of 12:00 midnight and 7:00 a.m. (night shift), shall be paid their regular salary plus ten percent (10%) of their regular monthly salary per month; provided, however, that in the case of any such employee who is regularly assigned to such night-shift work for less than an entire work week, the additional payment shall be made only for the portion of the work week worked on the night-

shift assignment.

SECTION 15: NATURAL DISASTER/DECLARED EMERGENCY

If an emergency is formally declared by the City, county, state or national authority:

15.1 Call Outside Normal Working Hours

If an employee is called outside of normal working hours, the employee gets time and one-half (1½) the normal rate of pay for the first whole shift regardless of the number of hours worked. If the employee is not called from home the regular rules apply (i.e., overtime for hours worked above eight in a day).

15.2 Shift Differential

Thereafter, the first eight hours at regular rate and 7½% for hours worked between 5:00 p.m. and midnight; 10% for hours worked from midnight to 7:00 a.m. For hours greater than eight in a shift, the employee gets time and one-half (1½) the normal rate of pay but no shift differential on those hours above eight.

15.3 Reduction in Hours

There will be no reduction in the number of hours in the regular work week schedule.

15.4 Change in Assignments

If an employee is at work during the day when an emergency is declared and is assigned to work a night shift and is sent home, the employee will be compensated as follows:

15.4.1 If an employee has been at work for up to but not more than two (2) hours the employee will be paid for two (2) hours at the straight time rate.

15.4.2 If an employee has been at work for more than two (2) hours but not more than four (4) hours the employee will be paid for four (4) hours at the straight time rate.

15.4.3 If an employee has been at work for more than four (4) hours the employee will be paid for eight (8) hours at the straight time rate.

15.5 Hours Worked in Excess of 12-hours

An employee working more than twelve (12) hours in one continuous shift will be compensated at two (2) times the normal hourly rate.

ARTICLE 3 - LEAVES

SECTION 16: VACATION

16.1 Vacation Approval

The times during the calendar year at which an employee shall take his or her vacation shall be determined by the department head with due regard for the wishes of the employee and particular regard for the needs of the service. Wherever practical, employees working in the same classifications within a division shall be given preference of vacation time by seniority. If the requirements of the service are such that a department head cannot permit an employee within his or her department to take an annual vacation leave or any part of such leave within a particular calendar year, the City Manager may permit such employee to take the deferred vacation during the following year.

16.2 Use of Incremental Vacation

Employees may, with advance supervisory approval, use vacation leave in increments of one hour.

16.3 Accrual Rate as of December 8, 1987

Effective December 8, 1987, the vacation accrual rate shall be modified as follows:

Vacation Accrual Schedule	Authorized Annual Workweeks of Vacation	Vacation Leave Credits in Work Days per Month of Service	Vacation Leave Credits in Hours Earned per Month of Service
Through the first three (3) calendar years of service (except as provided in Section 16.3 (Accrual Rates as of December 8, 1987) and 16.4	2 work weeks	0.833	6.667
Fourth (4th) through eleventh (11th) calendar years of service (except as provided in Section 16.4 below)	3 work weeks	1.25	10.00
Twelfth (12th) through seventeenth (17th) calendar years (except as provided in Section 16.4)	4 work weeks	1.667	13.33
Eighteenth (18th) through twenty-fourth (24th) calendar years (except as provided in Section 16.4)	5 work weeks	2.083	16.667
Twenty-fifth (25th) and subsequent calendar years (except as provided in Section 16.4)	6 work weeks	2.5	20.00

The authorized annual vacation leave for prior years is set forth in Exhibit C attached hereto and made a part hereof.

16.4 Accrual, Use, and Limitation for Employees with Less than 6-Months of Service

Each employee, during that portion of the calendar year in which he or she is originally appointed and during the next succeeding year, shall be entitled to vacation leave credits at the rate of 0.833 work days for each calendar month of service. Each such employee shall be entitled to take during these two (2) calendar years only such annual vacation leave as he or she earns.

16.5 Vacation Eligibility for Part-time, Intermittent, Leave Without Pay or Reemployed Employees

For an employee who has worked on a part-time or intermittent basis or who has been on leave of absence without pay for a total of six (6) months or more or who has been terminated and subsequently reemployed, the actual years of service with the City shall be used for the purpose of computing length of service in determining eligibility for vacation at the three (3), four (4), five (5) and six (6) weeks' rate.

16.5.1 Prorated Vacation for Intermittent or Part-Time Employees

Employees working on an intermittent or part-time basis who have worked half-time or more in the preceding calendar year without termination of employment shall be entitled to a prorated vacation leave based upon the actual years of service with the City and upon the actual amount of time worked in the preceding calendar year.

16.5.2 Effect of Military Leave on Vacation Eligibility

For the purpose of computing length of service in determining eligibility for vacation at the three (3), four (4), five (5) or six (6) weeks' rate, time spent on extended military leave shall be counted as time spent in the service of the City.

16.6 Maximum Vacation Accumulation

Employees may accrue vacation earned up to a maximum cumulative total of 320 hours. Once an employee accrues 320 hours vacation, the employee shall not accrue any additional vacation leave hours until his or her vacation leave balance is below the maximum 320 hours. Under no circumstances will an employee be allowed to accrue more than 320 hours vacation leave. As provided below, the City will advise employees and their supervisors when the employee has attained an accumulation of 280 hours. Supervisors should be flexible in granting vacation requests from employees who reach 280 hours. Provided further that with regard to employees who have reached 280 hours, no vacation request by such employee shall be unreasonably denied. No employee shall be denied vacation leave such

that it causes him or her to reach the 320 hour limit.

Notification:

To assist employees to remain below the 320 hours vacation leave maximum accumulation, the parties agree that no later than October 1 of each year of this Agreement, the City will provide the Union and Department Heads with a report identifying accumulated vacation hours of all employees. The City also agrees to notify all employees who have accrued 280 hours of vacation leave, as of this date, that they must take vacation leave to reduce their vacation leave to avoid reaching the 320 hour maximum accrual.

16.7 Prorated Vacation due to Extended Absence, Reemployment or Reinstatement

An employee who has returned from extended military leave or any other extended leave of absence without pay or who has been reemployed or reinstated shall be entitled, during the calendar year in which he or she returns to the City service, to a prorated vacation based upon the total years of service with the City and upon the total number of months of actual service with the City during the said calendar year. For succeeding calendar years, his or her vacation leave shall be as provided elsewhere in this Section 16 (Vacation).

An employee who is granted a leave of absence without pay and who is off the payroll for less than one hundred sixty (160) consecutive hours shall be entitled to a full vacation. If such an employee is off the payroll for one hundred sixty (160) consecutive hours, his or her vacation shall be as provided in the preceding paragraph of this Section 16.7 (Prorated Vacation due to Extended Absence, Reemployment or Reinstatement) or Section 16.8 (Payment of Vacation upon Termination or Extended Leave after Six Months of Service).

16.8 Payment of Vacation upon Termination or Extended Leave after Six Months of Service

If an employee, is terminated, or is granted an extended military leave or other extended leave of absence without pay, such employee, or his or her estate, shall be paid for vacation credits in excess of the actual amount of vacation leave taken or such employee, or his or her estate, shall reimburse the City for the actual amount of vacation leave taken in excess of vacation leave credits, as the case may be.

16.9 Calculation and Payment or Reimbursement of Vacation Credits upon Termination or Extended Leave

Upon termination, extended military leave, or other extended leave of absence without pay, vacation leave credits shall be totaled, and the actual amount of vacation leave taken, including any that may have been taken during the year in which the termination, extended military leave, or other extended leave of absence

without pay occurs, shall be deducted from the total credits. If the credits exceed the actual amount of vacation leave taken, such employee, or his or her estate, shall be paid for the excess of credits on the basis hereinafter set forth. If the actual amount of vacation leave taken exceeds the credits, such employee, or his or her estate, shall reimburse the City on the same basis.

The basis for such payment by the City or for such reimbursement to the City shall be as follows:

The employee's hourly pay rate at date of termination, extended military leave, or other extended leave of absence without pay, multiplied by the excess of credits over vacation leave actually taken or excess of vacation leave actually taken over credits, as the case may be.

16.10 Lump Sum Payment of Vacation

Upon termination, extended military leave or other extended leave of absence without pay, payment for excess of vacation leave credits shall be made in one lump sum at time of termination, extended military leave, or other extended leave of absence without pay, or as soon thereafter as possible; provided, however, that an employee may elect to use excess vacation leave credits prior to termination, extended military leave, or other extended leave of absence without pay, to the extent permitted by this Section 16 (Vacation), and receive a lump sum payment for the balance of leave credits, if any. An employee, or his or her estate, shall not be paid for vacation leave credits in excess of eight (8) calendar weeks. Notwithstanding the foregoing, accumulated but unearned vacation credit at the time of retirement shall be paid off in a lump sum.

16.11 Calculation of Vacation Based on Actual Paid Hours

All vacation benefits shall be calculated upon actual paid hours of work. This provision shall go into effect immediately upon implementation of necessary data processing and programming changes.

16.12 Vacation Accounting Procedures

The City may revise vacation accumulation provisions in order to standardize accounting procedures without effect on the amount of employees' vacation, subject to review and approval by the union.

16.13 Voluntary Time Off

The City will implement a voluntary time off (VTO) program, which may include a year-end holiday closure. It is understood by the parties that employee participation is completely voluntary and that employees who wish to work during such periods will be permitted to do so.

SECTION 17: HOLIDAYS

17.1 Holidays

Recognized holidays for employees in Representation Unit C shall be:

17.1.1 New Year's Day
17.1.2 Martin Luther King's Birthday (3rd Monday of January)
17.1.3 Lincoln's Birthday
17.1.4 Washington's Birthday (observed on the third Monday in February)
17.1.5 Cesar Chavez Day (observed on the last Monday in March)
17.1.6 Malcolm X's Birthday (observed on Monday or Friday nearest May 19th)
17.1.7 Memorial Day (observed on the last Monday in May)
17.1.8 Juneteenth National Independence Day (observed on the Monday or Friday nearest June 19th)
17.1.9 Independence Day
17.1.10 Labor Day (observed on the first Monday in September)
17.1.11 Indigenous Peoples' Day (observed on the second Monday in October)
17.1.12 Veteran's Day
17.1.13 Thanksgiving Day
17.1.14 Day after Thanksgiving Day
17.1.15 Christmas Day

17.2 Floating Holidays

Any employee shall be granted three (3) floating holidays each calendar year. The days selected shall be by mutual agreement between the employee and the department head (or his or her designee). In the event mutual agreement cannot be reached on the selection of floating holidays, the employee shall have the three (3) days added to his or her accrued vacation time. Employees may take Floating Holidays in one (1) hour increments.

17.3 Floating Holiday Accrual upon Employment

In the first calendar year of employment, an employee hired before May 1 shall be entitled to three (3) floating holidays; and an employee hired on or after May 1, but before September 1, shall be entitled to two (2) floating holidays; and an employee hired on or after September 1, shall be entitled to one (1) floating holiday in that first calendar year.

17.4 Limitations

No monetary award shall be authorized for unused accumulated Floating Holidays for employees who terminate employment prior to the completion of six (6) months of continuous City service.

17.5 Holidays for Employees whose Work Week is Other than Monday through Friday

Employees whose work week is Monday through Friday shall be allowed all holidays with pay which fall within such work week. Those employees whose work week is other than Monday through Friday shall be entitled to the same number of holidays, with pay, during each calendar year as are allowed to employees whose work week is Monday through Friday. The procedure for allowing holidays for employees whose workweek is other than Monday through Friday shall be established by the City Manager. The provisions of this Section 17.5 (Holidays for Employees whose Work Week is Other than Monday through Friday) are not applicable to intermittent employees.

17.6 Work during a Holiday

An employee required to work on any day which is a holiday for employees whose work week is Monday through Friday shall be paid for the number of hours worked during such day at the rate of one and one-half (1½) times the straight-time rate, based upon his or her regular monthly salary, or shall be granted compensatory time off in an amount equal to one and one-half (1½) times the number of hours worked on such holiday. Any employee who works on Christmas day or Thanksgiving Day shall be paid double time for that day. The hours worked on such holiday and paid at the rate herein provided shall not be credited in computing the hours worked in the week for overtime purposes.

The holiday pay provided for shall be in addition to an employee's regular salary. In the event that the time worked on such a holiday is also overtime, as provided in Section 13 (Overtime) of this Memorandum Agreement, payment will be made for the hours worked either as overtime under said Section 13 (Overtime), or as holiday pay under this Section 17 (Holidays), but will not be made under both Sections.

17.7 Holidays for Part-Time Employees

Regularly scheduled part-time employees 1) who are assigned to a regular schedule of twenty (20) or more hours per week; 2) who have worked for the City as regular or part-time employees for one (1) or more years; and 3) who during such period of time have worked a minimum of 1,000 hours shall be entitled to the holiday pay for the number of hours which such employee would have worked had the holiday not occurred, provided such holiday occurs on a day which such employee is regularly scheduled to work.

SECTION 18: SICK LEAVE

18.1 Eligibility

Any employee shall be entitled to take sick leave with full pay in case of sickness, disability, or serious illness within the immediate family of the employee in

accordance with the provisions of Sections 18.2 (Sick Leave Accrual) to 18.12 (Cessation of Accrual).

18.2 Sick Leave Accrual

Each employee shall be credited with one (1) working day of sick leave with full pay for each month of service.

For the purposes of this Section 18 (Sick Leave), a month of service shall mean thirty (30) consecutive calendar days in the case of employees working on a fulltime or part-time basis, and shall mean 163 hours of work in the case of employees working on an intermittent basis.

18.3 Pro-rated Sick Leave for Part-Time Employees

An employee working on a part-time basis shall be entitled to use earned sick leave only on a pro rata basis; for example if an employee works half-time, he or she shall be paid for time off on sick leave on a half-time basis.

18.4 Sick Leave for Intermittent Employees

An employee who works on an intermittent basis shall be entitled to use earned sick leave only for those days on which he or she would have worked if he or she had not been sick; provided, however, that an employee working on an intermittent basis who works only when called shall be entitled to use earned sick leave only when he or she becomes sick after reporting to work in response to such call.

18.5 Maximum Accumulation

Such sick leave as provided in Section 18.2 (Sick Leave Accrual), when not used, shall be cumulative; but the accumulated unused period of sick leave shall not exceed two hundred (200) working days, regardless of the length of service. When the maximum of two hundred (200) working days has been reached, and thereafter part of said maximum has been used, the used part of said maximum may subsequently be replenished at the applicable rate provided in Section 18.2 (Sick Leave Accrual).

18.6 Payment upon Retirement/Termination

All accumulated sick leave shall be canceled when an employee terminates or is terminated, except as provided below for employees hired on or before June 30, 2013.

18.6.1 **Employees Hired on or Before June 30, 2013**

For employees hired on or before June 30, 2013 who retire or voluntarily terminate with a vested pension, and with between twenty (20) years and

twenty-eight (28) years of benefited service shall be entitled to receive payment in an amount equal to thirty eight percent (38%) of their accrued sick leave days up to a maximum of the two hundred (200) day maximum accumulation. Provided further that any employee retiring on permanent disability arising out of and incurred in the course and scope of his employment with the City shall be entitled to receive payment at retirement for thirty eight percent (38%) of accumulated unused sick leave days but not, in any event, more than thirty eight percent (38%) of the two hundred (200) day maximum accumulation.

18.6.2 **Payment After 28 Years of Service for Employees Hired on or Before June 30, 2013**

Employees who were hired on or before June 30, 2013, who terminate with at least twenty-eight (28) years of benefited City of Berkeley service or employees retiring on permanent disability arising out of and incurred in the course and scope of their employment with the City with at least twenty-eight (28) years of benefited service shall be entitled to receive payment in an amount equal to fifty percent (50%) of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days.

18.6.3 **Sick Leave Payout to 401(a) Plan for Employees Hired on or Before June 30, 2013**

The City and the Union have met and conferred on an Internal Revenue Code Section 401(a) plan and trust agreement to address the liquidation of sick leave at time of retirement. This plan and trust agreement was originally negotiated with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 and has been submitted to the Internal Revenue Service for a Determination Letter and a Private Letter Ruling which are pending. If the City receives a positive response from the Internal Revenue Service, the plan and trust agreement will be extended to the employees in the bargaining unit. This will provide the employees with an irrevocable option to defer accrued but unused sick leave at time of retirement into a 401(a) plan or be paid out the balance of the accrued but unused sick leave less withholding of applicable federal and state taxes.

18.7 Annual Payment for Hours in Excess of Maximum for Employees Working Half Time or More for Employees Hired on or Before June 30, 2013

Employees who regularly work one-half (½) time or more and who have attained the one hundred fifty (150) day maximum sick leave accumulation shall be entitled to receive payment for one-third (1/3) of the first twelve (12) days of sick leave for which they become eligible but do not use and would otherwise forfeit because of the one hundred fifty (150) day maximum limitation. Determination of eligibility for such payment shall be made on an annual calendar year basis, and payment for such

sick leave for any calendar year shall be made not later than January 22 of the following year. Such payment shall be made at the employee's salary rate in effect on the preceding December 31 and shall be made only in units of whole days and not for any fraction of a day.

18.8 Restoration of Sick Leave if Reemployed within Two Years

Accumulated sick leave, which has been canceled by reason of an employee's termination, shall be credited back to such employee if the employee returns to City employment within two (2) years of such termination.

18.9 Sick Leave Use/Family Illness

Sick leave shall not be considered as a privilege which an employee may use at his or her discretion but shall be allowed only in case of his or her sickness or disability or in the case of serious illness within the immediate family of the employee. Not more than fifteen (15) working days in any calendar year may be taken as sick leave because of the illness of a member of the employee's immediate family, except for serious medical conditions covered under the provisions of Administrative Regulation 2.4 (Family Care Leave). The immediate family of an employee, for the purpose of this Section, shall be defined as: spouse, domestic partner, son, daughter, parent or dependent.

18.10 Prohibition for Use with Outside Employment

No sick leave shall be allowed for time off for an injury incurred while working for another employer, provided that such injury is covered by the Workers' Compensation laws of the State of California, or other provision for payment for time off because of such injury is made by such other employer. In the event such injury is not covered by the Workers' Compensation laws of the State of California and no other provision for payment for time off because of injury is made by such other employer, sick leave in accordance with the provisions of this Section shall be allowed only if such outside employment has been approved by the City.

18.11 Notification Requirement

In order to receive compensation while absent on sick leave, the employee shall notify his department head prior to or within four (4) hours after the time set for beginning his or her daily duties, or as may be approved by the head of his or her department. The Union and the City recognize it is advantageous to both parties that calls should normally be made prior to the beginning of the work shift. Leave for non-emergency doctors' appointments shall be requested in advance. In specific instances the City may by written notice require an employee (s) to call in prior to the beginning of their shift in order to be eligible for sick leave.

18.12 Cessation of Accrual

An employee who is granted a leave of absence without pay and who is off the payroll for less than one hundred-sixty consecutive hours shall receive his or her earned sick leave credit. If the employee is off the payroll for one hundred-sixty

(160) consecutive hours or more, he or she shall not earn sick leave credit for each two successive pay periods that he or she is off the payroll.

18.13 Workers' Compensation

All probationary and permanent employees of the City and provisional employees who have worked a total of four (4) months or more for the City, who have suffered any disability arising out of and in the course of their employment as defined by the Worker's Compensation Insurance and Safety Act of the State of California, and who are receiving or shall receive compensation from the insurance carrier for such disability, and during the first seven (7) days after such disability when compensation is not paid by the insurance carrier shall be entitled to remain absent from duty with pay until such time as they are able to return to duty or some other final disposition is made of their case; provided, however, that provisional employees who have worked a total of four (4) months or more for the City shall be entitled to remain absent from duty with pay for the period they would have been permitted to remain provisional employees under their employment at the time of injury.

All employees, other than probationary and permanent employees and provisional employees who have worked a total of four (4) months or more, shall be entitled to such compensation as may be allowed them by the Workers' Compensation Insurance and Safety Act of the State of California.

18.13.1 **Workers' Compensation Payments**

Payments from the insurance carrier for disability arising out of and in the course of employment shall be paid to the employee. The amount of such payment or payments shall be deducted from the monies, which the employee received from the City. Payments from the insurance carrier, plus the monies paid to the employee by the City, shall be equivalent to the employee's regular full pay.

18.13.2 **Workers’ Compensation Leave and Salary Continuation**

Payments under the Workers' Compensation law for temporary disability, or a recurrence thereof, arising out of and in the course of employment shall be paid for a period not to exceed 365 days at a maximum payment of the employee's pre-disability net pay but shall not exclude any salary adjustments to which the employee is entitled. Thereafter, the employee will continue to receive only the temporary disability payments provided under state law, and the City will cease to pay the difference. However,

salary continuation payments above the statutorily required temporary disability payments shall not be reported by the City to CalPERS as compensation. No time worked shall be part of the 365 calendar days of salary supplement paid by the City. This change shall not affect employees who are currently off the job with a work-related injury which occurred prior to July 1, 1979.

18.13.3 **Calculation**

The City shall continue to calculate salary continuation at pre-disability gross pay. The City may calculate salary continuation payments at pre-disability net pay at such time when they develop the capacity to administer it equitably. Any change in calculation shall not reduce employees' combination of disability payments and salary continuation payments below employees' pre-disability net pay.

The change in calculation shall not affect employees who are off the job with a work-related injury prior to the new calculation method being implemented.

18.13.4 **Workers' Compensation Related Absence of Less than Four (4) Hours**

An employee who is absent from work for a medical appointment or physical therapy for less than four (4) hours will have ½ day charged against his or her 365-day maximum period for receipt of salary continuation pre-disability net pay.

18.13.5 **Workers' Compensation Related Absence of Four (4) Hours or More**

An employee who is absent from work for a medical appointment or physical therapy for 4 hours or more will have 1 day charged against his or her 365-day maximum period for receipt of salary continuation pre-disability net pay.

18.13.6 **Calculation Based on Actual Paid Hours:**

All sick leave benefits shall be calculated upon actual paid hours.

18.14 Light Duty

Assignments for temporarily disabled employees.

An employee who is absent by reason of industrial disability may be returned to work and given temporary light duties within his or her ability to perform. The duration of any such period of temporary work should be determined by the City. Employees should be compensated at the rate of pay of their regular classification

while engaged in such temporary duties, and such work assignments are to incorporate the following provisions:

18.14.1 **Modified Duty Accommodation**

The City shall accommodate, when feasible, employees covered by this memorandum under the provisions of workers' compensation, and such work assignments are to incorporate the following provision:

18.14.1.1 The assignment shall be consistent with medical limitations as determined by the physician of record.

18.14.1.2 The Assignment shall be within the City of Berkeley and may include hours and days of work other than the employee's regular assignment.

18.14.2 **Modified Duty Accommodation for Non-Industrial Disabilities**

The City may accommodate an employee disabled with a non-industrial disability by providing a modified work assignment in that employee's classification. To be eligible for such a modified assignment, the employee must provide the Human Resources Department with a medical statement from his or her treating physician that clearly states the medical limitations and abilities of the employee. If modification of that position does not serve the best interests of the City, other classifications may be considered, subject to the approval of the Human Resources Director. Compensation will be provided at the level of the classification in which the temporarily disabled employee works during the disability. The employee must meet standards of satisfactory performance for the duration of the work assignment.

18.14.3 **Modified Duty for Pregnancy-Related Disability:**

In the case of a medically certified, pregnancy-related disability, in which the normal duties clearly threaten the health and safety of the employee or the unborn child, the Human Resources Department will endeavor to place the employee in a position which best serves the interest of the City with no loss of pay, but in no event will such placement exceed 5 months in duration.

18.14.4 **Light Duty Assignments**

Availability of light duty job assignments shall be discussed upon request at the monthly Labor-Management Meetings.

18.15 Control Program for Sick Leave Use

The City may establish a reasonable program for the control of abuse of sick leave and absenteeism, subject to Union review and comment.

18.16 Bonus Time for Unused Sick Leave

For every six (6) months of perfect sick leave attendance the employee will receive eight (8) hours of bonus time. A leave of absence from work pursuant to workers' compensation is counted as an absence from work in the same manner as sick leave for the purpose of this bonus. This bonus time will be prorated for part-time employees. Such bonus time can be used for any leave purpose covered by this Memorandum Agreement. Such bonus time shall be counted as vacation leave credits for purposes of determining eligibility for carry-over and cash payment.

18.17 State Disability Insurance

Except as provided in 18.17.1.3 below, any employee who is absent due to personal illness for more than 7 calendar days (or for any period of time if hospitalized) may apply for State Disability Insurance Benefits.

18.17.1 **State Disability Integration**

After such employee has been absent from work due to personal illness for six (6) consecutive work days, if the employee applies and is eligible for State Disability Insurance, the City shall integrate the employee's pay with the employee's State Disability benefits in the following way:

18.17.1.1 The City will determine the weekly SDI benefit amount based on the amount of wages earned with the City of Berkeley in the SDI base period.

18.17.1.2 The weekly SDI benefit will be subtracted from the employee's normal weekly wages and the amount necessary to bring the total of State Disability plus wages to 100% will be deducted from any accumulated sick leave, vacation leave and compensatory time available to the employee. The integration with vacation leave and compensatory time is optional but will be automatically implemented after sick leave has expired unless written notification is received from the employee, as discussed below.

18.17.1.3 The employee must notify the payroll clerk, in writing, to stop integration of State Disability Insurance payments with vacation leave or compensatory time. Upon receipt of notification, the payroll clerk will cease integration of any future leave for that incident of illness.

18.17.1.4 The employee must show the State of California form (Disability Insurance Notice of Computation) to his or her payroll clerk to verify dates covered by SDI and the amount to be paid. The employee must inform their payroll clerk of all SDI payments. Any employee entitled to State Disability Insurance shall receive in addition thereto such portion of his or her accumulated leave as will meet, but not exceed, the standard earnings of the employee for his or her normal workweek, up to a maximum of five (5) days.

SECTION 19: BEREAVEMENT LEAVE

In the case of death within the immediate family of an employee the employee shall be entitled to remain absent from duty with pay in order to attend the funeral or memorial service, and grieving for a period not exceeding five (5) working days. Three (3) working days shall be with pay. Two (2) working days shall be unpaid except that an employee may use available, accrued sick leave, vacation, or compensatory time, for two (2) working days or, in the case of a funeral or memorial service conducted out of the State of California, all five (5) working days shall be with pay. Bereavement leave is not required to be taken in consecutive days but shall be taken within three (3) months of the death of the family member. For the purpose of this Section, the immediate family of an employee shall be defined as: parent, parent-in-law, or parent of the domestic partner, grandparent, grandparent-in-law, or grandparent of the domestic partner, spouse, domestic partner, child, child-in-law, step-child, child of the domestic partner, foster child, sibling, step-sibling, sibling-in-law, aunt or uncle of the employee, nieces and nephews, grandchild, any relative living in the immediate household of the employee, or any other person sharing the relationship of in loco parentis.

Leave of absence with pay because of death in an employee's immediate family is allowed for the purpose of attending the funeral or memorial services, and such leave shall not be charged against vacation or sick leave that an employee may be entitled to but shall be in addition thereto. Employees may request, and the City will make reasonable efforts to accommodate requests, for employees to supplement bereavement leave by using accrued vacation, compensatory time, or floating holiday. All accrued leave (and/or sick leave, if applicable) shall be utilized prior to taking a leave of absence without pay.

Funeral Leave for Persons Other than Immediate Family

In special cases, with the approval of the department head, the City Manager may grant a death leave to allow an employee to attend funeral or memorial services because of a death of a person not included within the definition of the immediate family.

SECTION 20: MILITARY AND MARITIME LEAVE

Military and Maritime Leave shall be governed by the provisions of the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and any regulations

promulgated to implement the Act and the California Military and Veteran's Code.
If an employee voluntarily extends his or her military leave in excess of two (2) weeks, the amount of pay received by the employee for his or her military duty shall be deducted from his or her regular pay for such period.

SECTION 21: PARENTAL LEAVE

21.1 Eligibility

Employees with one (1) or more years of employment with the City (or equivalent in the case of part-time employees) shall be entitled to parental leave as follows:

A continuous parental leave of up to one year will be granted to any employee with one year (full-time) or more years of employment with the City (or equivalent in the case of part-time employees) upon the birth of a child or the legal adoption of a child who is five years or younger, provided that:

21.1.1 **Commencement of Parental Leave**

The one-year parental leave must commence no later than 13 months from the date of birth or adoption and must expire no later than 25 months from the date of birth or adoption, and.

21.1.2 **Notice Requirement**

Employees exercising their rights under this provision must provide the City at least 45 calendar days-notice prior to the anticipated commencement date of the parental leave, unless a shorter notice is approved for good cause.

21.1.3 **Use of Sick Leave**

The employee, at his or her option, may request that all or any portion of sick leave (up to a maximum of two hundred (200) days) or vacation leave that he or she has accumulated be paid in the same manner as it would if he or she had been absent due to illness or on vacation during the leave. In the event both parents are employed by the City, nothing in the Personnel Rules and Regulations shall prohibit both employees from taking simultaneous parental leave.

21.1.4 **Verification Requirement**

The foregoing leave shall be granted upon medical certification of pregnancy or the presentation of legal evidence of adoption.

21.1.5 **Life and Health Insurance Coverage Upon Exhaustion of Leave**

During approved parental leave, after all earned leaves are exhausted,

(except sick leave) the City agrees to maintain life and health insurance coverage for duration of the approved leave subject to any regular participation requirement of the employee. Thereafter the City agrees to continue coverage for the employee at the employee's expense.

SECTION 22: LEAVE OF ABSENCE WITHOUT PAY

22.1 Department Head Authority

Upon the request of the employee, a department head may grant a leave of absence to an employee within his or her department without pay for a period not to exceed fifteen (15) working days. No leave without pay shall be granted for more than fifteen (15) working days except upon the written request of an employee and approval of the City Manager. Failure on the part of an employee on leave to report promptly at its expiration shall be cause for discharge.

22.2 Union Sponsored Training

A leave of absence without pay shall be granted at the request of an employee and the Union for the purpose of the employee's attending a training course sponsored by the Union. The maximum duration of such leave shall not exceed two (2) consecutive payroll periods in a calendar year.

22.3 Exhaustion of Accrued Time

Leaves of absence without pay shall be granted only after the employee has utilized all accrued vacation and any other time owed to the employee, except sick leave.

SECTION 23: JURY DUTY LEAVE

An employee who is called or required to serve as a trial juror shall be entitled to be absent from work with pay during the period of jury service or while required to be present in court as a result of a call to jury duty. An employee is required to be present at work when not serving as a trial juror or as a member of a jury selection panel. An employee will notify his or her supervisor of any unusual constraints (e.g., time to call in, time to report for jury service) made by the court that affect the employee’s ability to simultaneously fulfill his or her jury duty service and employment obligations; and the supervisor will attempt to accommodate the employee based on the operational needs of the department. Absence from work to perform jury duty service shall apply to employees who work swing and graveyard shifts for those days on jury duty. An employee who serves jury duty on his or her day off shall be granted an equivalent number of days off during his or her normal workweek. Employees are required to submit a written proof of jury duty service issued by the court in order to receive payment for Jury Duty Leave. The employee will keep any payment received for jury service including mileage reimbursement.

23.1 Court Time

The City will guarantee a minimum of three (3) hours pay for every court appearance required by an employee in the conduct of official City of Berkeley job duties on the employee's scheduled day off and three (3) hours minimum if on a workday but outside scheduled working hours. In addition, employees assigned to court phone standby in the conduct of official City of Berkeley job duties will be compensated by earning compensatory time as follows: Duty day, outside of scheduled working hours, one-hour minimum compensatory time and hour for hour thereafter. Day off, two-hour minimum compensatory time and hour for hour thereafter.

ARTICLE 4 - HEALTH AND WELFARE BENEFITS

SECTION 24: HOSPITAL-MEDICAL, DENTAL, AND VISION COVERAGE

24.1 Medical Coverage

The City shall pay the cost of health insurance coverage for employees who are not excluded from such benefit pursuant to Chapter 4.04.120 of the Berkeley Municipal Code (Personnel Ordinance) which is attached hereto as Exhibit B (City of Berkeley Municipal Code Chapter 4.04.120) and made a part hereof, and who have such coverage under any group health insurance plan authorized by the City Council. The present level of benefits under the Kaiser Plan shall be maintained at City expense for the duration of this Memorandum Agreement. Medical benefits are extended to full-time employees, spouse of the employee or domestic partner, and IRS dependent up to age 26.

The City is committed to providing at least one fully paid employer provided health insurance option for employees and eligible dependents. The Union acknowledges the City's policies as stated above.

24.2 Maximum Medical Premium Payments

24.2.1 Effective January 1, 2003, the City will transfer employees who chose to maintain Kaiser medical plan coverage from the Kaiser V-5 Plan into the Kaiser S-1 Plan. Effective January 1, 2003, the City will transfer employees who chose to maintain Health Net HMO coverage from the Health Net W-2 Plan to the Health net C9A Plan.

24.2.2 For employees hired on or after January 1, 2003, the maximum amount the City shall be required to pay for medical insurance premiums shall be the applicable Kaiser rate (i.e., single party, two-party, or family) regardless of the City sponsored health plan selected by the employee.

24.2.3 For employees in a probationary or career benefited status as of January 1, 2003, the City will continue to pay 100% of the health care premium costs (employee and any dependents) for the health plan the employee is enrolled in as of this date as long as the employee remains employed in the bargaining unit. After January 1, 2003, if the employee transfers health coverage to a different health plan, the employee will assume responsibility for paying the difference, if any, between the Kaiser monthly premium rate (i.e., single-party, two-party, or family) and the plan chosen by the employee from that date forward.

24.2.4 Effective January 1, 2009, the amount the City contributes each calendar year toward the payment of health insurance premiums, in accordance with Section 24.2 (Maximum Medical Premium Payment), will increase by the

lesser of twenty percent (20%) (single, two-party, family) or the amount of the Kaiser HMO premium amount (single, two-party, family) in effect on that date.

24.2.5 Effective January 1, 2014, for those employees who are enrolled on October 31, 2012 in the Health Net Point of Service (POS) health plan (Payroll Benefit Code Description HJ, HK, and HL) the City shall pay medical insurance premiums at the applicable rate for the Health Net HMO plan (i.e., single; 2-party, or family). If the employee chooses to remain enrolled in the Health Net POS Plan on or after January 1, 2014, the employee will assume responsibility for paying the difference between the Health Net POS and the Health Net HMO monthly premium rate (single; 2-party, or family). Provided further that if at any time after January 1, 2014 the employee transfers health coverage from Health Net POS to the Kaiser health plan, the maximum amount the City shall be required to pay for medical insurance premiums shall be the applicable Kaiser rate (i.e., single 2-party; or family) even if the employee subsequently enrolls in a different City sponsored health plan.

Any changes resulting from a review of employee health insurance or other health related benefits will be subject to meet and confer between the Union and the City, except as otherwise provided in Section 24.5 (Change in Insurance Carrier).

24.3 Dental Coverage

The City shall provide a dental care program for employees who are not excluded from such benefit by Chapter 4.04.120 of the Berkeley Municipal Code (Personnel Ordinance) which is attached hereto as Exhibit B (City of Berkeley Municipal Code Chapter 4.04.120) and made a part hereof. The present level of benefits under the Dental Program shall be maintained at City expense for the duration of this Memorandum. Dental benefits are extended to full-time employees, spouse of the employee or domestic partner, and IRS dependents up to age 26.

24.3.1 Effective January 1, 2000, the dental plan is improved from 90% coverage to 100% coverage.

24.3.2 Effective January 1, 2003, the annual maximum dental benefit will be increased to $4000 per year, the lifetime maximum orthodontia benefit will be increased to $4000, and the annual cleanings will be increased from two (2) to four (4). Effective January 1, 2016, the number of annual cleanings will be decreased from four (4) to three (3).

24.4 Vision Coverage

Effective January 1, 2003, the City shall provide a Vision Care Program for employees covered by this Agreement. The annual maximums for this benefit are

as follows:

Benefit	Benefit Frequency
Exam	12-Months
Lenses	12-Months
Frames	24-Months
Contact Lenses**	12-Months
**Note: Benefits for Contact Lenses are in lieu of benefits for lenses and frames.	

The maximum amount the City shall be required to pay for the Vision Care Program shall be the applicable Vision Services Plan ($25 Plan B) rate (i.e., employee only, employee plus spouse, employee plus one (1) child; employee plus family).

If during the term of this Agreement the premiums for such Vision Care Program are increased, the amount the City contributes shall increase no more than five percent (5%) above the previous calendar year's contribution amount towards the payment of the monthly premium.

Recognizing that the "vision exam" portion of the Vision Care Program duplicates existing benefit provided under Medical Coverage Section 24.1 (Medical Coverage) and 24.2 (Maximum Medical Premium Payments), the Union and the City agree to revisit the Vision Care Program during the term of this Agreement with the expectation that it may be possible to identify a plan that provides a "Hardware Only" benefit (Lenses every 12-months; Frames every 24-months). Such "Hardware Only" plan shall be at a lower City and employee cost than the present Vision Services Plan ($25 Plan B).

24.5 Change in Insurance Carrier

Before the City acts to change an insurance carrier during the term of this Agreement, the City shall give the Union thirty (30) days notice of its intention to change carriers and shall, upon written request, meet with the Union to discuss the reasons for such change. The final determination of insurance carriers shall be at the sole discretion of the City.

24.6 Domestic Partner Coverage

If an employee chooses to complete and submit an Affidavit of Domestic partnership and sign up for medical and/or dental benefits for his or her domestic partner, the employee shall be subject to federal and state income tax withholding.

24.7 Part-Time Employees and Prorated Benefits

All career and grant-funded, benefited employees working less than full time shall receive prorated rather than full fringe benefits and shall pay, by payroll deduction, a pro rata portion of the health and dental insurance premiums.

24.8 Commencement of Medical, Dental, and Vision Benefits

Medical, dental, and vision benefits shall begin the first day of the calendar month following the date of hire, and end the last day of the month an employee is in pay status.

24.9 Health Insurance In-Lieu Payments

Effective January 1, 2019, for employees who show proof of alternate medical coverage, the City will compensate the employee $576.00 per month, prorated for less than full-time employees, as provided in Section 24.7 (Part-Time Employees and Prorated Benefits). In order to include in-lieu payments in the regular rate of pay for the correct overtime calculation, the City must provide in-lieu payments on the bi-weekly payroll cycle. This benefit shall be frozen at this amount for the term of this agreement.

24.10 Group Life Insurance

Effective January 1, 2016, the City shall provide group life insurance, by a carrier of the City's choice, in the amount of $100,000 which shall include a standard accidental death and dismemberment provision of a like amount. In addition, the employee may purchase additional life insurance up to a maximum of $300,000 at a rate offered by the City's insurance carrier and subject to any medical exam as required by the insurance carrier. Life insurance shall become effective the first day of the calendar month following the date of hire, and shall continue until the last day of the calendar month in a pay status.

24.11 Pre-Tax Status

When employees are required to contribute to the cost for medical, dental, or vision insurance, those contributions will continue to qualify as pre-tax expenses under the provisions of IRS Section 125.

SECTION 25: RETIREE MEDICAL COVERAGE

The City and Union have agreed that the City will make available retiree health insurance coverage under certain terms and conditions described below. The retiree medical benefit described below is the plan tentatively agreed to during multi-union bargaining during the summer of 1998. The terms and conditions of this benefit shall be set forth in a separate document which shall contain a full plan description and shall control the administration of the retiree medical plan.

The City will begin to provide the retiree medical coverage set forth in this Section on July 1, 1998. An employee's entitlement to any and all benefits provided by the City under this retiree medical cover plan are subject to the funding limitations set forth in sub-Section 25.8 (City Funding of Retiree Health Benefit).

25.1 Amendment of Retiree Health Premium Assistance Plan III, effective January 23, 1998, Restated and Amended effective March 22, 2011

Employees who retire on or after June 21, 2015, shall be permitted, at their discretion, to enroll in non-City sponsored health plans. After Council approval of the successor Memorandum of Understanding, the City shall amend the Retiree Health Premium Assistance Plan III as soon as practicable to allow enrollment in non-City sponsored health plans. In the event a retiree elects to enroll in a non-City sponsored health plan, the City shall make medical insurance premium payments directly to the health insurance provider in an amount equal to what the City would contribute to the City sponsored health plan. Retiree shall be solely responsible for all aspects of the requirements to enroll in a non-City sponsored health plan and maintain eligibility for such a plan; the City's sole obligation is to pay the medical insurance premium contribution required under this Section, as directed by the retiree to a non-City sponsored health plan. The City shall not be responsible for any excess cost differentials associated with the direct payment of premiums to non-City sponsored plans. The City will only make payments through its third-party administrator to provide medical insurance premium payments for an individual plan and will not make payments for a group plan. The retiree and/or surviving spouse or domestic partner that enroll in non-City sponsored health plans shall be solely responsible for paying the administrative set up fee, the monthly administrative fee, and/or any other fees established by the third-party administrator, and said fees will be deducted directly from the retiree's monthly contribution. No cash payments will be paid directly to the retiree and/or the retiree's spouse/domestic partner. There shall be no cash in lieu payments made under this benefit.

The City and the Union agree that the City will also amend the Retiree Premium Assistance Plan III to allow eligible retirees who retired prior to June 21, 2015 to enroll in a non-City sponsored health plan.

25.2 Eligibility

An employee is eligible for the retiree health insurance coverage set forth in sub-Section 26.2 (Provisional Appointments to a Higher Classification) below if he or she meets all the following criteria:

25.2.1 retires on or after July 1, 1998,
25.2.2 is vested with CalPERS,
25.2.3 has at least eight (8) years of CalPERS qualifying service with the City,
25.2.4 is at least age 55.

25.3 Pre-Age 65 Retiree Health Insurance

25.3.1 **Beginning July 1, 1998**

The City shall make available health insurance coverage to the employee

and his or her spouse or domestic partner. The City will pay on the employee's behalf no more than $166.26 per month for an employee electing single party health coverage and no more than $332.52 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the following chart:

Years of CalPERS Qualifying Service	Percent of City Contribution
8	30%
9	40%
10	50%
11	58%
12	66%
11	58%
12	66%
13	74%
14	82%
15	90%
16	92%
17	94%
18	96%
19	98%
20	100%

The employee will pay the difference between the City's monthly contribution and the actual monthly insurance premium charged by the health plan he or she has elected for retiree medical coverage. If during the term of this Agreement, the premiums for such health insurance are increased, the amount the City contributes shall increase no more than 4.5% above the previous year's contribution. No increases in the amount the City contributes shall occur before July 1, 1999. Thereafter, any increase in the amount contributed by the City will occur on July 1 each year thereafter.

25.3.2 **Effective June 28, 2009**

For employees who retire on or after June 28, 2009, the City will pay on the employee's behalf no more than $358.19 per month for an employee electing single party health coverage and no more than $716.38 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.3 **Effective June 27, 2010**

For employees who retire on or after June 27, 2010, the City will pay on the employee's behalf no more than $424.31 per month for an employee electing single party health coverage and no more than $848.61 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.4 **Effective June 26, 2011**

For employees who retire on or after June 26, 2011, the City will pay on the employee's behalf no more than $468.40 per month for an employee electing single party health coverage and no more than $936.80 per month for an employee electing two party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.5 **Effective June 24, 2012**

For employees who retire on or after June 24, 2012, the City will pay on the employee's behalf no more than $589.48 per month for an employee electing single party health coverage and no more than $1,178.96 per month for an employee electing two-party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.6 **Effective June 23, 2013**

For employees who retire on or after June 23, 2013, the City will pay on the employee's behalf no more than $666.00 per month for an employee electing single party health coverage and no more than $1,332.01 per month for an employee electing two-party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.7 **Effective June 22, 2014**

For employees who retire on or after June 22, 2014, the City will pay on the employee's behalf no more than $720.97 per month for an employee electing single party health coverage and no more than $1441.94 per month for an employee electing two-party coverage. The actual monthly amount of money the City will contribute on the employee's behalf will be based on

the employee's total years of CalPERS service as provided in the above-referenced chart.

25.3.7.1 **Retiree Health Premium Assistance Plan Benefit as of June 30, 2017**

As of June 30, 2017, the maximum amount the City will pay the health care service provider, which were increased in accordance with Section 25.3 (Pre-Age 65 Retiree Health Insurance), total $1,517.40 for two party coverage for the retiree and spouse or domestic partner or $758.70 for single party coverage.

25.4 Retiree Benefits for Employees Age 65 and Over

Once an employee or retiree reaches age 65, he or she is eligible for Medicare. On reaching age 65, the City will make available health insurance coverage in addition to Medicare. For employees in the bargaining unit retiring after November 30, 2025, the following shall apply: when an employee or retiree with an effective retirement date after November 30, 2025 reaches age 65, the City will contribute no more than $300.00 per month on the employee's behalf for single party health insurance coverage and no more than $600.00 per month for two party health coverage. If during the term of this Agreement, the premiums for such health insurance are increased, the amount the City contributes shall increase no more than 4.5% above the previous year's contribution.

The City will take such actions under the provisions of Section 218(g) of the Social Security Act to permit employees who are not currently paying employee portion of the Medicare Tax with a one-time opportunity to choose to be covered by the Medicare Tax. If the employee chooses to be covered by the Medicare Tax the choice cannot be revoked at a later date.

25.5 Termination by City of Retiree Medical Benefit

Failure of the retiree or surviving spouse to pay their monthly share of the health insurance premium will result in termination of the retiree medical benefit and relieve the City of any further obligation to provide any further benefits under this Section.

25.6 Retiree Medical Benefit for Employees Retiring Between the Ages of 50 and 55

An employee who is at least 50 years of age, but less than 55, and has at least eight years of CalPERS qualifying employment with the City will retain eligibility for the retiree medical benefits provided in sub-Section 25.3 (Pre-Age 65 Retiree Health Insurance) when the employee reaches age 55 if the employee is enrolled in a group health plan coverage from the date of his or her termination from City employment until the employee's 55th birthday. If for any reason the employee has a lapse in group health care coverage the employee forfeits his or her eligibility for the retiree health plan benefits upon reaching age 55 and the City has no further obligation to provide any benefits under this Section to the employee and/or his spouse or

domestic partner.

25.7 Employees Retiring with a CalPERS Approved Disability Retirement

If an employee retires from the City before age 55 with a CalPERS approved disability retirement, the employee will retain eligibility for the retiree medical benefits provided in sub-Section 25.3 (Pre-Age 65 Retiree Health Insurance) when the employee reaches age 55 if the employee is enrolled in a group health plan coverage from the date of his or her termination from City employment until the employee's 55th birthday. If for any reason the employee has a lapse in health care coverage the employee forfeits his or her eligibility for the retiree health plan benefits upon reaching age 55 and the City has no further obligation to provide any benefits under this Section to the employee and/or his spouse or domestic partner.

25.8 City Funding of Retiree Health Benefit

City contributions to the retiree medical benefit will begin on July 1, 1998. Funding of this benefit will be set aside in a trust to be established by the City.

The retiree medical benefit will be funded by a charge of 0.25% of payroll in each year of this Agreement, so that contributions are at 1% of the payroll in the fourth year of the Agreement. The City will fund the benefit at approximately 1% of the payroll for every year thereafter with the intent of achieving a funding level of 70% after 30 years. The funding will be ongoing to maintain a 70% funding level thereafter.

Effective June 28, 2009, a total charge of twenty-six thousand, six hundred and forty ($26,640) of employee payroll will be charged in the final three years of the Agreement so that contributions are at 1.764% in the final year of the Agreement. The purpose of the 0.764% increase in payroll contributions is to fund Pre Age 65 Retiree Health Insurance.

25.9 Actuarial Study

The Union understands and acknowledges that the City conducted an actuarial study to determine the percentage of payroll it needed to set aside each year and the rate of return of 7% it must achieve to fund the retiree health benefit provided in this Section. The City will conduct an actuarial study by an outside actuary of the retiree medical plan prior to June 30, 2002. After that time, the City will conduct an actuarial study by the outside actuary of the retiree medical plan every two to three years to review the funding status of the program. The outside actuary will be selected by mutual agreement of the parties. The Union and City agree that if the Actuary concludes that the City's funding of this benefit by contribution of 1% of the payroll for all miscellaneous employees is insufficient to fully fund the retiree medical benefits, the City shall not be required to increase its funding for this benefit to more than 1% of the payroll for miscellaneous employees. In the event that there are insufficient funds in the trust to cover all retirees' monthly health premiums, the City

and the Union agree to meet and confer regarding the City's distribution of its 1% contribution.

ARTICLE 5 – TERMS AND CONDITIONS OF EMPLOYMENT

SECTION 26: PROBATIONARY PERIOD

26.1 Duration and Effect of Military Leave on Probationary Period

Original and promotional appointments from employment lists shall be tentative and subject to a probationary period of: one (1) year (full time equivalent exclusive of all leave and light duty completed within 18 months) upon original appointment to the unit; employees promoted within the unit are subject to a probationary period of six (6) months (half time equivalent exclusive of all leave and light duty completed within one year); in addition, employees in trainee programs with specified training, evaluation or probation periods shall be governed by the applicable provisions of such program. 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.

26.2 Provisional Appointments to a Higher Classification

If, before completing the required probationary period, an employee is provisionally appointed to a higher class in the same or a related series of classes, the time served in such higher class shall be counted toward completion of the probationary period in the lower class.

26.3 Report Requirement

If the service of the probationary employee has been satisfactory to the department head, the department head shall file with the Director of Human Resources a statement in writing to such effect and stating that the retention of such probationer in the service is desired. If such service has been unsatisfactory, the department head shall file with the Director of Human Resources such a statement in writing with the recommendation to the City Manager that the employee be rejected.

26.4 Rejection during Probationary Period

During the probationary period, an employee may be rejected at any time without right of appeal or hearing in any manner. An employee rejected from a position to which he has been promoted shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged as provided in Section 31 (Discharge). Career City employees who are rejected during their probationary period in a promotional position or fail to complete the training requirements of a training program (academics or OJT) shall revert to their prior classification.

26.5 Rejections Subject to Disciplinary Appeal

A promoted employee may not grieve his or her rejection from probationary period/training. However, an employee disciplined for cause while on promotional probationary period shall have access to the disciplinary appeal procedure.

26.6 Probationary or Temporary Employee Assignments

No probationary or temporary employee will be assigned as the only ground worker with an Electrician until such employee has completed one (1) month of familiarization with aerial truck equipment.

SECTION 27: TRANSFER

A transfer may be made at any time by the City Manager. Transfer shall not be used to effect a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided elsewhere in this Memorandum Agreement. No person shall be transferred to a position for which he or she does not possess the minimum qualifications. An employee with permanent status who is transferred from one class to another class shall assume permanent status in the class to which the employee is transferred.

SECTION 28: PROMOTION

Insofar as practicable and consistent with the best interests of the service, all vacancies in the competitive service shall be filled by promotion from within the competitive service after a promotional examination has been given and a promotional list established.

If, in the opinion of the City Manager, the best interests of the service can be served by an open, competitive examination instead of a closed, promotional examination, and if there is not already a promotional list for the higher position, which list has not been abolished and from which the vacancy could be filled, then the City Manager may instruct the Director of Human Resources to call for applications for the vacancy and arrange for an open, competitive examination and for the preparation and publication of an eligibility list.

Interview of Employees

A City employee who is on a closed promotional or open competitive list shall have the option to interview for the vacancy. A City employee who is unsuccessful and who so requests shall be advised of steps he or she may take to increase his or her competitive standing for future promotional opportunities.

Employees who have qualified for promotional lists shall be considered for promotion based on the following factors: previous work performance, previous training and experience, merit, ability, and seniority.

SECTION 29: DEMOTION

The City Manager may demote an employee who so requests it, or whose ability to perform his or her required duties falls below standard, or for disciplinary purposes. No employee shall be demoted to a class for which he does not possess the minimum qualifications as determined by the Director of Human Resources.

Notice of the demotion shall be given the employee not later than four (4) weeks prior to the effective date of demotion and a copy of said notice filed with the Director of Human Resources. Any employee who has been demoted shall be entitled to receive a written statement of the reasons for such action.

An employee with permanent status who is demoted shall assume permanent status in the class to which he or she is demoted.

Upon request of the employee, demotion may be made to a vacant position as a substitution for layoff. In such cases, the employee shall be restored to his or her former position without further examination whenever such position is again to be filled.

SECTION 30: SUSPENSION

The City Manager may suspend an employee from his position at any time for the good of the service, for a disciplinary purpose, or for other just cause. Suspension without pay shall not exceed twenty (20) working days, nor shall any employee be penalized by suspension for more than twenty (20) days in any fiscal year. Any employee who has been suspended shall be entitled to receive a written statement of the reasons for such action.

For the good of the service, a department head may suspend an employee for not more than three (3) working days for any one offense. Such suspension shall be reported immediately to the City Manager.

SECTION 31: DISCHARGE

An employee may be discharged at any time by the City Manager, but if the probationary period has been completed then such discharge must be for just cause. Any employee who has been discharged shall be entitled to receive a written statement of the reasons for such action.

SECTION 32: RESIGNATION

An employee wishing to leave the competitive service in good standing shall file with the department head, at least two (2) weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Director of Human Resources with a statement by the department head as to the

resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure of the employee to give the notice required shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give notice shall be reported by the department head immediately.

SECTION 33: REINSTATEMENT

A permanent or probationary employee who has resigned with a good record may be reinstated within two (2) years to his or her former position, if vacant, or to a vacant position in the same or comparable class without further competitive examination. This Section shall not be interpreted as a guarantee of reinstatement to an employee who has resigned with a good record and requests reinstatement within two (2) years.

SECTION 34: NOTICE OF TERMINATION

Department head shall notify the Director of Human Resources of all terminations of employment before or within two (2) days after the termination has taken place. Such notice shall be on forms provided by the Director of Human Resources and shall indicate the effective date and reasons for termination and a statement certifying whether or not the employee's services have been satisfactory.

ARTICLE 6 - GRIEVANCE AND DISCIPLINARY APPEAL PROCEDURE

SECTION 35: GRIEVANCES

35.1 Definition

A grievance is any dispute which involves the interpretation or application of those rules, regulations, and resolutions which have been or may hereafter be adopted by the City Council to govern personnel practices and working conditions, including such rules, regulations, and resolutions as may be adopted by the City Council to effect memorandum agreements which result from the meeting and conferring process.

A grievant may be any member of the bargaining unit covered by the terms of this Agreement, or the grievant may designate the Union to act on his or her behalf, or the Union itself may file a grievance on behalf of a member or group of members. Grievances must be filed in a timely manner. Grievances that are filed by the Union on behalf of a member or group of members, or when a grievant designates the Union to act on his or her behalf, are subject to settlement at any step of the grievance procedure at the Union's sole discretion.

A member of the bargaining unit that files a grievance where the Union is not representing or acting on the grievant's behalf, may only utilize this grievance procedure through step 3. The Union retains the sole discretion to refer which, if any, grievances to move to arbitration.

The parties agree that disclosure to the other party of all relevant information available to them is critical to the successful resolution of grievances at the lowest possible step of the grievance procedure. The parties therefore agree to disclose to each other the relevant information in their possession related to the grievance. Further, the parties agree to comply with reasonable grievance related information requests from the other party in a timely manner.

35.2 Procedure

Grievances shall be processed in the following manner:

35.2.1 **Informal Step**

An employee who believes that he or she has a grievance (and / or the employee's steward or Union representative) may discuss the complaint with the Deputy Director of Public Works, or with such subordinate management official as the Deputy Director may designate. If the issue is

not resolved informally, the formal procedures hereinafter specified may be invoked.

35.2.2 **First Formal Step**

Any informal grievance which has not been resolved by the Deputy Director of Public Works or his or her designee, must be filed in writing to the Deputy Director of Public Works within thirty (30) days from the date the informal discussion was initiated. The written grievance must state specific issues involved, the decision rendered at the informal step, and the remedy sought. The Deputy Director or his or her designee shall have five (5) days to respond in writing to the formal, written grievance.

35.2.3 **Second Formal Step**

Any formal grievance which has not been resolved by the Deputy Director of Public Works or his or her designee, may be referred to the Director of Public Works or his or her designee within thirty (30) days from the date of the Deputy Director's formal written response, or if more than five (5) days have elapsed since the grievance was presented at the Deputy Director's level.

35.2.3.1 **Referral to Department Director**

The grievance may be referred to the Director's level and shall include a copy of the original grievance, the decision rendered at the Deputy Director's level, and a clear, concise statement of the reasons for the referral.

The Director of Public Works may designate a personnel representative to investigate the merits of the complaint, to meet with the complaining employee (and/or the employee's steward or Union representative); if the grievant is not the Union itself, to meet with the officials of the Union; and to settle such grievance or to make recommendations thereon to the City Manager in his or her capacity as an employee relations officer. The Director of Public Works shall issue a formal written decision within five (5) days of receipt of the grievance or if a meeting is held with the employee and his or her Union, the meeting must be held within ten (10) days of receiving the referral. The Director of Public Works or his or her designee shall issue a written decision within five (5) days from his or her meeting with the complaining employee and/or Union representative. If the issue is not resolved the grievance may be referred to the Third Formal Step within thirty (30) days of receipt of the response from the Director of Public Works.

35.2.4 **Third Formal Step**

Any grievance which has not been resolved by the procedures hereinabove set forth may be referred to the City Manager by the grievant, the Union, or the Director of Public Works. Any such referral shall be in writing including a copy of the original grievance, the decision rendered at the Director's level, and a clear, concise statement of the reasons for the referral. The City Manager shall designate a Human Resources representative to investigate the merits of the complaint, and upon request from the employee or the union, that representative to meet with the complaining employee (and/or the employee's steward or Union representative), if the grievant is not the Union itself, to meet also with the officials of the Union, and to settle such grievance or to make recommendations thereon to the City Manager in his or her capacity as an employee relations officer.

The City Manager shall issue a decision within ten (10) days of receipt of the grievance referral or within ten (10) days of the meeting, or if a meeting is held with the employee and/or the Union, the meeting must be held within ten (10) days of the referral. Grievances filed by a bargaining member where the Union is not representing or acting on the grievant's behalf, shall end at this step and no further right of appeal exists. The City Manager's decision shall be final.

Union controlled grievances:

If the issue is not resolved, the grievance may be referred to Arbitration by the Union pursuant to Section 35.2.5 (Arbitration: The Union retains the sole discretion to move a grievance to arbitration) below within thirty (30) days of receipt of the City Manager's response. Provided further that the Union shall forward to the City the Union's portion of the State Mediation and Conciliation Services (SMCS) fee within sixty (60) days of receipt of the City Manager's response. Failure by the Union to meet this sixty (60) days deadline for both referral to Arbitration and payment of the SMCS fee shall be deemed as a full and complete waiver by the Union to appeal the City Manager decision to Arbitration and the City Manager decision shall be final and binding on all parties.

35.2.5 **Arbitration**: **The Union retains the sole discretion to move a grievance to arbitration.**

Any grievance which has not been resolved by the procedures hereinabove set forth may be referred by the Union, or the City to an impartial arbitrator who shall be designated by mutual agreement between the Union and the City, using the State Mediation and Conciliation Services (SMCS) to provide a list of five (5) arbitrators. The City and the Union will alternately strike a name until one remains. The remaining name will be the arbitrator. The fees

and expenses of the arbitrator, the State Mediation and Conciliation Services (SMCS) and of the court reporter shall be shared equally by the Union and the City. Each party, however, shall bear the cost of its own presentation, including preparation and post-hearing briefs, if any. Arbitrator decisions on matters properly before them shall be final and binding on both parties.

The arbitrator may hear testimony, receive written briefs, interview witnesses, and conduct any investigation she or he deems appropriate, and shall render a final and binding decision to the parties which will end the formal grievance process.

35.2.5.1 **Arbitrator Jurisdiction**

No arbitrator shall entertain, hear, decide, or make recommendations on any dispute involving a position over which a formally recognized employee organization has jurisdiction unless such dispute falls within the definition of a grievance as hereinabove set forth in Section 35 (Grievances).

35.2.5.2 **No Modifications**

Proposals to add to or change this Memorandum Agreement or written agreements or addenda supplementary hereto shall not be arbitrable, and no proposal to modify, amend, or terminate this Memorandum Agreement, nor any matter arising out of or in connection with such proposal, may be referred for arbitration under this Section; and no arbitrator shall have the power to amend or modify or recommend amendment or modification of this Memorandum Agreement or any written agreements or addenda supplementary hereto or to establish or recommend establishment of any new terms and conditions of employment.

35.2.5.3 **Timeliness of Award**

No arbitrator will be selected hereunder who does not agree to render an award not later than thirty (30) calendar days after the close of the hearing. By mutual agreement between the City and the Union, the arbitrator may render an award immediately upon the conclusion of the presentation of evidence.

35.3 EEO Complaints

Any grievance which in any way affects the implementation of the City's Equal Employment Opportunity Policy shall not be subject to arbitration. The decision as to whether or not implementation of the Equal Employment Opportunity Policy is in any way involved shall be made by the City Manager in his or her sole discretion. If,

in his or her judgment, any grievance which involves the Equal Employment Opportunity Policy, the Equal Employment Opportunity and Diversity Officer shall notify the Union to that effect in writing within seven (7) days of the date upon which the grievance is received in the Human Resources Department and, in such notification, refer to that Section of the Equal Employment Opportunity Complaint Investigation & Resolution Procedure which is involved; provided, however, that such notice may come at any time prior to arbitration if additional factors come to the attention of the Equal Employment Opportunity and Diversity Officer on the basis of which he or she considers it appropriate to change his or her original determination.

35.4 Compensation Complaints

All complaints involving or concerning the payment of compensation shall be initially filed in writing with the Director of Human Resources. In such cases, no adjustment shall be retroactive for more than thirty (30) days from the date upon which the complaint was filed or thirty (30) days from the date when an employee may reasonably be expected to have learned of said claimed violation. Only grievants which allege that employees are not being compensated in accordance with the rules, regulations, and resolutions of the City Council or in accordance with the understanding contained in any Memorandum Agreement which has resulted from the meeting and conferring process shall be considered as grievances. Any other matters of compensation are to be resolved in the meeting and conferring process and, if not detailed in the memorandum agreement which results from such meeting and conferring process, shall be deemed withdrawn until the meeting and conferring process is next open for such discussion.

35.4.1 **Response Time Limits**

The Director of Human Resources or his or her designee shall issue a decision in writing within twenty (20) days from the time he or she received the compensation grievance in writing. The grievant or the Union may refer the decision to the Third Formal Step (Section 35.2.4 - Third Formal Step) of this Memorandum Agreement) within twenty (20) days of receipt of the written decision.

35.5 Changes or Interpretations

No changes in this Memorandum Agreement or interpretation thereof (except interpretations resulting from arbitration proceedings hereunder) will be recognized unless agreed to by the City Manager and the Union.

35.6 Extension of Timelines

Timelines noted in this Section may be extended for cause upon mutual agreement between the City and the Union.

35.7 Days

All references in this Section 35 (Grievances) to "days" shall mean normal working days except as otherwise noted.

35.8 Grievances Challenging Disciplinary Action

35.8.1 Any grievance involving any disciplinary action up to as three (3) day suspension will be filed at the Director level.

35.8.2 All grievances involving demotion, discharge, or suspension of greater than three (3) days will be filed at the City Manager's level of the grievance procedure. If the issue is not resolved within fifteen (15) days of referral to this step, the procedures hereinafter specified may be invoked.

35.8.3 No grievance involving the suspension or discharge of an employee will be entertained unless it is filed in writing with the City Manager within five (5) working days of the time at which the affected employee was notified of such action in writing. If the City Manager, in pursuance of the procedures outlined in Section 35.2.4 (Third Formal Step) above, resolves a grievance which involves suspension or discharge, he or she may agree to payment for lost time or to reinstatement with or without payment for lost time.

35.8.4 Arbitrator decisions on matters properly before them which pertain to the suspension or discharge of an employee shall be final and binding on both parties, to the extent permitted by the Charter of the City.

ARTICLE 7 – GENERAL PROVISIONS

SECTION 36: GENERAL PROVISIONS

36.1 Personal Conduct

36.1.1 No employee shall accept appointment to the deputyship or assistantship of any county or state office or position, or otherwise incur an obligation of civil public service outside his or her regular municipal employment without first obtaining the recommendation of the head of his or her department and of the City Manager.

36.1.2 No employee shall be disciplined for off-the-job activities which do not affect his or her job performance.

36.1.3 Employees shall so arrange their personal financial affairs so that the demands of creditors and collection agencies shall not impose a recurring burden upon the offices of the City Manager, the department head, or the Director of Human Resources for the purpose of making collections.

36.1.4 Full-time City employees may not carry on concurrently with their public service any private business or undertaking, attention to which affects the time or quality of their work or which casts discredit upon or creates embarrassment for the City government.

36.1.5 No official or employee who wears a badge or other official insignia as evidence of his or her authority and identity shall permit such badge or insignia to be used or worn by any other person of the same or another department or otherwise to leave his possession without approval by the head of this department. The department head shall not grant such approval except as to persons regularly and formally appointed by the City Manager to the position designated by the badge or insignia.

36.2 Rain Gear

The City will provide rain gear for employees in Representation Unit C assigned to work in inclement weather.

36.3 Tools

Each employee shall continue to be responsible for providing tools of the trade or other equipment, but shall receive a flat annual tool replacement allowance of Seven Hundred and Fifty dollars ($750) each July 1. New employees hired before or after July 1 will be entitled to a prorated tool replacement allowance payable the following July 1 after employment.

36.4 Shoes

Effective the first full pay period in July 2025, an annual allowance of three hundred dollars ($300) shall be paid to Classifications covered in this MA toward the purchase of safety shoes.

36.5 Training

36.5.1 **Responsibility**

Responsibility for developing training programs for employees shall be assumed by the City Manager. Such training programs may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal employees in the performance of their duties. The City shall endeavor to provide training for all new technology purchased by the City and maintained by members of this Agreement.

36.5.2 **Advancement/Promotional Consideration for Special Training Courses**

Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed with the Director of Human Resources by the department head.

36.5.3 **Mileage and Tuition Reimbursement**

The City shall reimburse all employees for mileage and tuition expenses related for attendance at job-related courses. Provided that the employee must have prior authorization from his or her department head and the course has been approved by the City.

36.5.4 **Education Leave**

The City shall allow up to forty (40) hours off with pay per year to employees:

36.5.4.1 Who are required to obtain a license (excluding Class C driver's licenses) issued by the State of California and, in order to do so, must take courses which were not offered as a part of their basic curriculum or,

36.5.4.2 Who are required to obtain continuing education as a condition of license renewal; provided the license is required by the City for the employment or continued employment of the employee and that no more hours than are required by the State shall be

granted. Employees seeking time off to take courses for an initial license must provide verification that the course was not offered as a part of their basic curriculum.

Employees who take classes during non-scheduled work hours in order to retain a job required license or to meet continuing education requirements shall be allowed time off from work on an hour-for-hour basis without loss of compensation or other benefits.

36.5.4.3 To obtain education and training related to job skills to enhance performance, or to qualify for promotion, at the discretion of the department head.

36.5.5 **Management/Union Meetings**

The City and Union agree that it is beneficial to both parties to discuss and develop training for all classifications. The Director of Public Works and the Union shall meet on a quarterly basis to discuss and review progress made in addressing initial employee orientation, new equipment training, and vendor training.

36.5.6 **Commercial Driver's License**

The City shall provide the necessary training for employees to obtain a California Class B driver's license when such license is a requirement of their job classification and a condition of employment. Employees who fail to obtain the required California Class B driver's license after training will be subject to rejection from the probationary period pursuant to Section 26.4 (Rejection during Probationary Period) of this Memorandum Agreement.

36.6 Use of Automobiles

The City Manager shall govern the use of City-owned automotive equipment and privately-owned automotive equipment by such rules and regulations as he or she may establish. Compensation shall be given in the form of a cash allowance for the use of private-owned automobiles on City business if such use has been authorized in advance by the City Manager. The cash allowance will be equal to the amount established by the Internal Revenue Service, and will change as necessary to comply with IRS Standard Mileage Rate.

36.7 Safety

36.7.1 **Safety Committee**

The City and the Union will make every effort to maintain excellent health and safety standards. No employee shall be required to perform work with unsafe equipment or in situations which are injurious to his or her health or

safety. To further these purposes, the City shall maintain an ongoing safety program which shall include committees comprised of representatives from the Union and appropriate supervisory personnel.

36.7.2 **Rainy Weather Assignments**

The City shall endeavor to avoid assigning non-emergency, routine work in rainy weather, which would constitute a safety hazard.

36.8 YMCA Group Membership

The City shall offer employees a low or no-cost group membership in the Berkeley Central YMCA. As of July 1, 1999, the City will pay 75% of the membership fee. If the monthly fee is increased to more than $60, the employee share will be capped at $30 per month; the City will pay the balance. The amount the City contributes toward the employee's monthly membership fee is subject to federal and state income tax withholding.

Use of the YMCA membership by a City of Berkeley employee, as provided for in this Agreement, is non-compensable, is not a part of the employee's work-related duties, is not required for employment and is not condoned as part of a physical fitness program, or required to remain top physical conditioning for the employee's job performance.

The City of Berkeley or its Claims Administrator may not be liable for any injury that arises out of a City of Berkeley employee's participation in and use of a YMCA membership.

36.9 Annual Performance Evaluation

The City may implement a program of annual performance evaluation. Such evaluations shall be conducted by the employee's immediate supervisor and reviewed by additional levels of supervision. Each employee may make written comments on the evaluation, which shall be made a part of the employee's personnel records.

ARTICLE 8 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

SECTION 37: PAYMENT OF EMPLOYEES' PERS CONTRIBUTIONS

37.1 Miscellaneous Designation

The City shall continue participation under the Miscellaneous Employees Plan of the California Public Employees' Retirement System, (CalPERS).

37.2 “Classic Employees” Definition

Classic Employees are defined as current employees and future employees who do not qualify as “New Members” under the California Public Employees’ Pension Reform Act of 2013 (PEPRA).

37.3 “New Member” Definition

“New Members are as defined in the Public Employees’ Pension Reform Act of 2013 (PEPRA), Government Code Section 7522.04(f).

37.4 CalPERS Retirement Formula for “New Members” as Defined Under the Public Employees’ Pension Reform Act of 2013 (PEPRA)

“New Members” as defined by PEPRA who are hired by the City on or after January 1, 2013 shall be entitled to the retirement formula set forth in PEPRA.

37.5 CalPERS Retirement Formula and Employer Paid Member Contribution for Classic Employees (i.e. current employees and employees who do not qualify as “New Members” under PEPRA)

Current employees and other employees who do not qualify as “New Members” under PEPRA shall continue to be entitled to the 2.7% at age 55 retirement formula benefit, and the City shall continue the contribution of eight percent (8%) to CalPERS on behalf of the employee.

37.6 CalPERS New Members Normal Share of Cost

New Members as defined by PEPRA who are hired on or after January 1, 2013 shall pay 50% of the normal share of cost required by PEPRA. New Members shall receive any other additional optional CalPERS benefits that the City provides to Classic Employees as allowed by PEPRA.

37.7 Reporting of Contributions

Effective July 3, 1994, contributions made pursuant to Section 37.5 above have been

reported to CalPERS as "special compensation" as provided in Government Code Section 20636(c)(4) pursuant to Section 20691. Said contributions shall not apply in the case of temporary or provisional employees.

The member contributions made by the City shall not be considered as a part of an employee's salary for the purpose of computing straight time earnings, compensation for overtime worked, or education incentive pay; nor shall such contribution be taken into account in determining the level of any other benefit which is a function of or percentage of salary. Pursuant to California Government Code Section 20691, the City shall not increase, reduce or eliminate payments of the normal contributions on behalf of the employee without engaging in the meet and confer process with the Union.

The City will not treat these contributions as compensation subject to income tax withholding unless the Internal Revenue Service or Franchise Tax Board indicates that such contributions are taxable income subject to withholding. Each employee shall be solely and personally responsible for any federal, state or local tax liability of the employee that may arise out of the implementation of this Section or any penalty that may be imposed therefore.

37.8 City Contracts with CalPERS

The City's contract with CalPERS includes the following optional benefits:

37.8.1 **Classic Employees – One Year of Final Compensation**

Classic Employees as defined in Section 37.2 ("Classic Employees" Definition) above and as provided in Government Code Section 20042 (July 9, 1978).

37.8.2 **New Members – Three Years Final Compensation**

Provided further that New Members as defined by PEPRA hired on or after January 1, 2013 shall be eligible to receive retirement allowance based on three (3) highest consecutive years of compensation under the plan as provided under the California Public Employees' Pension Reform Act of 2013, or as subsequently amended.

37.8.3 Post Retirement Survivor Allowance as provided in Sections 21624, 21626 and 21628 (December 16, 1973).

37.8.4 Post Retirement Survivor Allowance to Continue after Remarriage as provided in Section 21635 (July 18, 1986).

37.8.5 Credit for Unused Sick Leave as provided in Section 20965 (June 26, 1988).

37.8.6 1959 Survivor Benefits to Surviving Spouse at Age 60 as provided in

Section 21580 (December 16, 1973).

37.8.7 Third Level of 1959 Survivor Benefits as provided in Section 21573 (November 28, 1996).

37.8.8 2% @ 55 for Local Miscellaneous Members as provided in Section 21354 (June 30, 1992).

37.8.9 Military Service Credit as Public Service as provided in Section 21024 (April 9, 1999).

37.8.10 Public Service Credit for Peace Corps or AmeriCorps/VISTA Service as Provided in Section 21023.5 (April 14, 2000).

37.9 Index Level 1959 Survivor Benefit

The City intends to amend its contract with CalPERS to provide the Indexed Level of the 1959 Survivor Benefit as provided in Section 21574.5 when administratively feasible.

37.10 Classic Members' Pension Contribution through 20516 a Contract Amendment

37.10.1 **July 3, 2016**

Effective July 3, 2016, employees will contribute one and one-quarter percent (1.25%) toward the City's CalPERS employer share of pension through a 20516 CalPERS amendment that allows such contributions via automatic payroll deduction on a pre-tax basis, in exchange for the City granting the salary increase set forth in Section 11.1.5 (July 3, 2016 - Salary/PERS Exchange) of this MA. Such employee deductions by the City shall be used towards the City's CalPERS required contributions.

37.11 New Members' Pension Contributions through 20516 a Contract Amendment

37.11.1 **July 3, 2016**

Effective July 3, 2016, in addition to the contributions in Section 37.4 (CalPERS Retirement Formula for "New Members" as Defined Under the Public Employees' Pension Reform Act of 2013 (PEPRA)), New Members will contribute one and one-quarter percent (1.25%) towards the City's CalPERS employer share of pension through a 20516 CalPERS amendment that allows such contributions as pre-tax via automatic payroll deduction, in exchange for the City granting the salary increase set forth in Section 11.1.5 (July 3, 2016 - Salary/PERS Exchange) of this MA. Such employee deductions by the City shall be used towards the City's

CalPERS required contributions.

37.11.2 The parties recognize that the CalPERS 20516 amendment that allows employee contributions toward the employer rate is in addition to the required 50% of the normal cost of “New Members” benefits and made in consideration of additional salary increases in Section 11.1.5 (July 3, 2016 - Salary/PERS Exchange) above (a total of 1% salary increases in exchange for employees paying a total of 1.25% towards CalPERS pension cost).

As soon as administratively possible, following council approval of this agreement, the additional contribution of 1.25%, as indicated in Section 37.11.1, shall be eliminated through a contract amendment with CalPERS. The start of the first full pay period following completion of the contract amendment shall be the effective date of the reduction.

SECTION 38: SUPPLEMENTAL RETIREMENT/DISABILITY INSURANCE PLAN

Effective January 1, 1983, the majority of miscellaneous employees under the City's contract with the State of California Public Employees Retirement System who were covered by the integrated Social Security Program voted to withdraw from participation in the Federal Social Security Program. In lieu of Social Security payments, the City has agreed to pay an amount equal to that percent of individual pay (6.7% payable on the first $32,400 of salary paid in the calendar year) which had been paid by the City to Social Security as of December 31, 1982 to a Supplemental Retirement and Income and Long Term Disability Insurance Plan for those employees previously covered under the integrated PERS/Social Security Plan. Provisions of this plan are described in Berkeley Municipal Code Chapter 04.36.101 (Supplemental Retirement and Income Plan I) as amended and Berkeley Municipal Code Chapter 04.38.101 (Supplemental Retirement and Income Plan II) as amended. All employees hired after July 22, 1988 are in SRIP II. All employees hired prior to July 22, 1988 are in SRIP I unless they chose to enroll in SRIP II prior to December 17, 1988.

ARTICLE 9 - LAYOFF PROCEDURE

SECTION 39: LAYOFF

The layoff policy for the City of Berkeley is intended to provide the maximum employment protection of the City staff should a layoff become necessary. The policy also aims to minimize the impact such a layoff might have on the City's affirmative action accomplishments.

39.1 Announcement of Layoff

39.1.1 **Notification**

The City Council, City Manager, and department head shall make every reasonable effort to manage and budget the City's resources effectively and to plan for the delivery of City services in a manner which will avoid the necessity of laying off career City employees. If a reduction in the work force for more than thirty (30) calendar days is necessitated by, but not limited to, the following: a material change in duties and organization, adverse working conditions, return of employee from leave of absence, or shortage of work or funds, the City Manager shall notify the Director of Human Resources of the intended action and the reason for the layoff.

39.1.2 **Freezing of Vacancies**

Immediately following a decision which may involve the potential layoff of career City employees, the City Manager shall freeze all current City vacancies in the competitive service in similar and related classifications to those likely to be targeted for layoff, as well as all related full-time, benefited, temporary positions which are expected to last six (6) months or more, and notify all department heads that such current and anticipated vacancies will be frozen until further notice in order to implement the provisions of Section 39.6 (Flexible Placement Program).

39.2 Seniority Service Date

39.2.1 All service in the employ of the City shall be counted toward the establishment of an employee's seniority service date, including, for example, permanent, probationary, provisional, temporary (full-time and intermittent), seasonal, and exempt employment, as well as leaves of absence for obligatory military service while an employee of the City. Less than full-time service will be consolidated in equivalences of full-time service for the purpose of establishing the seniority service date. Time off as a result of formal disciplinary action will be subtracted from the seniority service date.

39.2.2 The auditor's office will maintain up-to-date and current seniority dates for all City employees holding probationary and permanent appointments.

39.3 Establishment of Seniority Lists

39.3.1 Whenever a layoff of one or more career employees becomes necessary, as defined above, such layoffs shall be made according to City-wide classification seniority lists. Upon receiving notification that the City Manager must proceed with a possible reduction in the work force, and following receipt of information concerning the specific positions, programs, and departments involved, the Human Resources Department will immediately establish separate probationary and permanent seniority lists for each classification targeted for layoff.

39.3.2 The names of all City employees holding permanent and probationary appointments in a given classification will be listed on the appropriate list in descending order by seniority service date. Employees on both lists shall be laid off on the basis of their seniority service date, i.e., employees with the least amount of total service shall be laid off first. All emergency, temporary, and provisional employees working in classifications similar to those identified for layoff must be terminated prior to the layoff of probationary or permanent employees. Employees on the probationary seniority list for a specific classification will be laid off prior to employees on the permanent seniority list for that classification.

39.3.3 Probationary or permanent employees temporarily acting out of classification and holding a provisional appointment in another classification will only be listed on a seniority list of the classification in which they hold permanent or probationary status targeted for layoff.

39.3.4 If two (2) or more employees on a seniority list have an identical seniority service date, the tie shall be broken in the following order:

39.3.4.1 Time in classification - the employee having least time in the classification shall be released first;

39.3.4.2 By lot

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39.4 Employee Retreat Rights

39.4.1 Before an employee with permanent or probationary status may be released from employment with the City of Berkeley, the Human Resources Department must consider the employee's right to retreat to lower level classifications through which he or she was originally promoted or any subsequently created intermediate level career classification which provides normal progression through the classification series. Retreat rights shall also

extend to employees who have not previously been promoted through a classification but for whom the classification is a natural progression or beginning in the classification series.

39.4.2 In the process of retreating, the same rules concerning the length of service, classification seniority lists, etc., apply as in the first stage of the layoff process. In order to retreat, the targeted employee must be higher on the seniority list for the classification into which he or she is retreating than at least one of the incumbents on the probationary or permanent seniority list for that classification.

39.4.3 If an employee is qualified for retreat into more than one classification with comparable salary ranges, or if a vacancy exists in a classification to which an employee is entitled to retreat, the options shall be discussed with the employee and due consideration shall be given to the employee's preferences. However, it is the prerogative of the City Manager to determine the final placement offer to the employee.

39.4.4 The retreating employee has a right to be retained in the highest salary range possible which is equal to or less than his or her present salary range. An employee involved in layoff does not have a right of mandatory placement to positions with a higher salary range, i.e., promotion.

39.5 Employee Notification

39.5.1 Emergency, temporary, intermittent, seasonal, etc., employees shall be notified individually, in writing, of pending layoff as soon as possible, but no definite time period is required. However, at least two (2) weeks notification is desirable if possible.

39.5.2 Provisional employees shall be notified individually, in writing, of pending layoff as soon as possible, with no less than fifteen (15) calendar days notification if targeted for release or reassignment.

39.5.3 Permanent, probationary, and career-exempt employees should be notified individually in writing of pending layoffs as soon as possible, with no less than thirty (30) calendar days notification if targeted for release or reassignment.

If an employee fails to accept a bona fide offer of reassignment within ten (10) calendar days after the offer has been made, he or she forfeits further right to employment retention. Acceptance of a reassignment does not remove the right of appeal under Section 39.9 (Appeal Procedure).

35.5.4 An employee who is transferred in lieu of layoff when his or her position has been eliminated shall have automatic return rights to the previous position

if it is restored within one (1) year of the date of the transfer. If an employee with a full-time position is offered a reduction in hours in that position or in a lower classification, the employee may elect to be targeted for layoff for purpose of consideration under Section 39.6 (Flexible Placement Program.) If there is no flexible placement available for the employee, the employee may accept the reduction in hours, in lieu of layoff.

39.6 Flexible Placement Program

39.6.1 In order to minimize the negative impact of layoff, the City Manager will, as previously stated in Section 39.1.2 (Freezing of Vacancies), impose a citywide freeze on all appropriate vacancies as soon as it has been determined that a layoff of career City employees may be necessary.

39.6.2 Following the release of all emergency, temporary, and provisional employees in classes similar to those targeted for layoff, and as soon as employees targeted for layoff have been identified and the provisions under Sections 39.4 (Employee Retreat Rights) have been carried out, the Human Resources Department will review and identify the frozen vacant classifications into which employees ultimately targeted for layoff may be placed on the basis of total experience and education. In making this decision, a waiver of minimum qualification standards, and/or the substitution of related experience and education may be made, with an understanding on the part of management and supervisory personnel that adequate on-the-job training, which can be completed within no more than six (6) months, will be provided to facilitate job adjustment and to compensate for the waiver of qualification standards if that has occurred.

This shall be called the qualification period. The employee shall be advised of their progress after two months and four and six months in the new classification. If at the end of the qualification period the department head notifies the Human Resources Department that the employee is unable to adequately perform the assignment or fails a test for the position administered by Human Resources then the employee shall be subject to the layoff process.

39.6.3 Assignments under the Flexible Placement Program shall be limited to positions in the same or lesser salary range as the classification from which the employee is to be laid off, except that the City Manager may authorize the offer of a flexible placement to position with a maximum salary of no more than five (5) percent above the salary range as the classification from which layoff is targeted, when it is in the best interest of the City service to do so. Whenever flexible placement is made to a classification with a greater salary range, the appointment shall be probationary, in accordance with the terms of that classification.

39.6.4 Offers to positions under the Flexible Placement Program shall be made

according to seniority service date and in accordance with the probationary and permanent seniority list certification process outlined in Section 39.3 (Establishment of Seniority Lists). All offers and placements made under this provision of the layoff policy shall be documented in detail, with records available for audit and review at all times.

39.6.5 If an employee fails to accept a bona fide written offer of an alternative job within ten (10) calendar days after the offer has been made, he or she forfeits further rights to employment retention. Acceptance of an alternative job under the Flexible Placement Program in no way jeopardizes an employee's standing on the reemployment priority lists on which his or her name has been placed in accordance with Section 39.7 (Reemployment Lists).

39.7 Reemployment Lists

39.7.1 The names of all probationary and permanent employees released from positions in the competitive service as a result of layoff must be placed on reemployment priority lists for those classifications from which they were separated, as well as all other classifications to which they have retreat rights in accordance with Section 39.4 (Employee Retreat Rights).

39.7.2 A reemployment priority list shall remain in effect for three (3) years.

39.7.3 Departments with vacancies in any classification for which there is an active reemployment priority list must use the reemployment priority list to fill their positions and may not use any other recruitment or appointment method to fill a vacancy until appropriate reemployment lists have been exhausted.

39.7.4 When a vacancy occurs in a class for which there is a reemployment priority list, the name of the employee on the appropriate reemployment priority list with the highest seniority date shall be certified to the selecting official. Employees so certified from the reemployment priority list must be appointed to the existing vacancy.

39.7.5 If a former employee fails to accept a bona fide written offer of reemployment within fifteen (15) calendar days, his or her name will be removed permanently from the reemployment priority list from which the offer was made. Failure to accept an offer of reemployment to the classification with the highest salary range for which the employee is eligible for reemployment will result in automatic removal from all reemployment priority lists. However, the employee may decline (or accept) reemployment to lower salary range classifications without jeopardizing his or her standing on the reemployment priority list for the classification from which he or she was originally terminated.

39.7.6 Upon reappointment to the classification from which the employee was

originally separated or demoted, the employee has the right to be placed at the step of the salary range which the employee held at the time of layoff or demotion.

39.8 Career Exempt Employees

Only those employees holding full-time, benefited, exempt positions, who in the past have achieved permanent status and have been continuously employed without a break in service between their career and exempt appointment, have the right to retreat to previously held career classifications, placement on the reemployment priority lists, and all other provisions governing layoff procedures. For the purpose of layoff, such employees shall be referred to as "career-exempt."

39.9 Appeal Procedures

Any permanent, probationary, or career-exempt employee who is laid off, demoted, or reassigned as a result of layoff who believes that the layoff procedure has been improperly administered as it pertains to the employee's case may appeal the action under Section 35 (Grievances). In addition, employees may, at all times before, during, and subsequent to layoff, review all records, including seniority lists, reemployment priority lists, documentation pertaining to appointments under the Flexible Placement Program, etc., which pertain to their classification and their rights under the provisions of the layoff policy.

39.10 Reemployment Priority Rights

If it is determined that a vacancy has been filled by a non-reemployment priority list eligible in a classification for which a reemployment priority list existed and which included available applicants at the time, the former employee with reemployment rights shall be hired and given retroactive pay from the date that the vacancy occurred. The employee who was originally hired to fill the vacancy shall continue to be retained in City employment, provided he or she has completed the probationary period.

SIGNATURE PAGE

Executed by the Employer and Employee representatives whose signatures appear below for their respective organizations.

FOR INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1245	FOR THE CITY OF BERKELEY
Sheila Lawton, Asst. Business Manager (Chief Negotiator)	Paul Buddenhagen, City Manager
Casey Salkauskas, Asst. Business Manager	Janelle Rodrigues, Director of Human Resources
Greg Marwick, Steward	Chaka Young, Employee Relations Manager
Ryan Schaeffler, Negotiation Committee	Terrance Davis, Director of Public Works

EXHIBIT A - Hourly Salary Schedule

Salary Ranges as of Ratification (4% Cost of Living Adjustment)

JOB CLASS	CLASSIFICATION TITLE	FLSA	PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
9028	COMMUNICATIONS SUPERVISOR	N	C007			69.3250	71.3751	73.4250
3016	COMMUNICATIONS TECHNICIAN	N	C001			54.8370	57.4745	60.0971
5020	ELECTRICAL PARTS TECHNICIAN	N	C002		40.0964	42.6863	44.9247	46.0600
9027	ELECTRICAL SUPERVISOR	N	C006			69.3250	71.3751	73.4250
5021	ELECTRICIAN	N	C003			54.8370	57.4745	60.0971
5032	LEAD COMMUNICATIONS TECH	N	C004			58.6259	61.2798	64.2221
5033	LEAD ELECTRICIAN	N	C005			58.6259	61.2798	64.2221

Salary Ranges as of July 5, 2026 (2.5% Cost of Living Adjustment)

JOB CLASS	CLASSIFICATION TITLE	FLSA	PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
9028	COMMUNICATIONS SUPERVISOR	E	C007			71.0581	73.1595	75.2606
3016	COMMUNICATIONS TECHNICIAN	N	C001			56.2079	58.9114	61.5995
5020	ELECTRICAL PARTS TECHNICIAN	N	C002		41.0988	43.7535	46.0478	47.2115
9027	ELECTRICAL SUPERVISOR	E	C006			71.0581	73.1595	75.2606
5021	ELECTRICIAN	N	C003			56.2079	58.9114	61.5995
5032	LEAD COMMUNICATIONS TECH	N	C004			60.0915	62.8118	65.8277
5033	LEAD ELECTRICIAN	N	C005			60.0915	62.8118	65.8277

Salary Ranges as of January 3, 2027 (2% Cost of Living Adjustment)

JOB CLASS	CLASSIFICATION TITLE	FLSA	PAY GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
9028	COMMUNICATIONS SUPERVISOR	E	C007			72.4793	74.6227	76.7658
3016	COMMUNICATIONS TECHNICIAN	N	C001			57.3321	60.0896	62.8315
5020	ELECTRICAL PARTS TECHNICIAN	N	C002		41.9208	44.6286	46.9688	48.1557
9027	ELECTRICAL SUPERVISOR	E	C006			72.4793	74.6227	76.7658
5021	ELECTRICIAN	N	C003			57.3321	60.0896	62.8315
5032	LEAD COMMUNICATIONS TECH	N	C004			61.2933	64.0680	67.1443
5033	LEAD ELECTRICIAN	N	C005			61.2933	64.0680	67.1443

Note: Employee's monthly salary will depend upon the number of hours worked. Employees hired before January 9, 2000, have an option (discussed in detail in Exhibit D (Hours and Days of Work) to work either a 37.5-hour work week or a 40-hour work week. Employees hired after January 9, 2000 work a 40-hour per week schedule.

EXHIBIT B

CITY OF BERKELEY
MUNICIPAL CODE CHAPTER 4.04.120

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 to the city manager, police review commission officer, police review commission investigator, and assistant to the mayor;

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 his or her career appointment from which he or she was promoted or transferred if within six months of

appointment to a position not included in the career service, action is taken to dismiss him or her, 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.

EXHIBIT C – Service Vacation Leave

Years During Which Service Rendered	Number of Years of Service	AUTHORIZED ANNUAL VACATION LEAVE (IN CALENDAR WEEKS)
All years prior to 01/01/1950		2
01/01/1950 through 12/31/1956	First 10 years of service Years of service in excess of 10	2 3
01/01/1957 through 12/31/1961	First 5 years of service 6 through 25 years of service Years in excess of 25	2 3 4
01/01/1962 through 12/31/1965	First 5 years of service 6 through 20 years of service Years of service in excess of 20	2 3 4
01/01/1966 through 06/30/1970	First 5 years of service 6 through 20 years of service 21 through 25 years of service Years of service in excess of 25	2 3 4 5
Subsequent to 06/30/1970	First 5 years of service 6 through 15 years of service 16 through 25 years of service Years of service in excess of 25	2 3 4 5
Effective 01/01/1981	First 4 years of service 5 through 12 years of service 13 through 20 years of service	2 3 4
Effective 07/01/1984	First 3 years of service 4 through 11 years of service 12 through 17 years of service 18 and subsequent years of service	2 3 4 5
Effective 12/08/1987	First 3 years of service 4 through 11 years of service 12 through 17 years of service 18 through 24 years of service 25 and subsequent years of service	2 3 4 5 6

EXHIBIT D - HOURS AND DAYS OF WORK

The hours and days of work applicable to employees in Representation Unit C, as set by the City Manager, are presently as follows:

1. Hours per Day

Field Operations:

Working arrangements may vary as to daily schedules under the reduced workweek.

Flexible Hours:

On a job-by-job basis, with prior approval of the Senior Electrical Supervisor, a crew may schedule a workday, or workdays, other than the normal workday schedule of 7:00 a.m. to 3:30 p.m.

2. Hours per Week (Basic)

Field Operations:

40 hours. However, employees in Representation Unit C as of January 9, 2000 have the option of retaining a 37.5-hour per week work schedule. An employee will have an option to change his work schedule to 40 hour per week at the beginning of a payroll period. An employee will have a one-time option to revert to a 37.5 hour per week work schedule at the beginning of a payroll period. After exercising this one time option, if the employee chooses to change his work schedule to 40 hours per week, the employee must maintain this work schedule for the balance of his career in this Representation Unit. All persons hired on or after January 9, 2000 will work a 40-hour per week schedule and will not be permitted to change his or her work schedule to 37.5 hours per week.

The parties may agree in writing to alternative work schedules other than those set forth in this Agreement, such as a 9-80 work schedule which produces an 80-hour pay period with the hours worked in nine work days. The City will take into consideration its operational needs, including the impact of potential overtime, in deciding whether to approve an alternate work schedule. However, such alternate work schedule will not be unreasonably denied.

3. Work Week

The work week will begin at 12:01 a.m., Sunday and end at Saturday midnight. Regular days off will be considered to be Saturday and Sunday.

EXHIBIT E - IMPLEMENTING THE REDUCED WORK SCHEDULE

NOTE:

This Exhibit E applies only to employees hired before January 9, 2000 who are permitted to work a 37.5 hour per week work schedule subject to the conditions set forth in Exhibit D (Hours and Days of Work).

The City and the Union agree that the implementation of the reduced work schedule which is to be effective June 29, 1986 will be as follows:

That one-fourth of the Electrical Division employees will be off every fourth Monday on a staggered basis. This time would be treated as a scheduled day off and could not be adjusted or moved. A yearly schedule would be set up at the beginning of the year so that each employee would know what days he would have off. Since the agreed upon reduced work schedule does not calculate evenly into one day off every four weeks, it is proposed that an additional day off (Friday) be given once every 16 weeks. This agreement very closely approximates the reduced work schedule. Any discrepancies would be credited to the employee's vacation at the end of the contract year.

For Fair Labor Standards Act purposes, the workweek is defined as 40 hours.

Sick leave, vacation, and other compensable leaves of absences shall be based on the 40 hour work week.

When a scheduled day off falls on a holiday, the next regularly scheduled work day shall be observed as the scheduled day off.

EXHIBIT F

DIRECTIVE PROHIBITING UNAUTHORIZED CONSTRUCTION

Office of the City Manager

July 31, 2001

To: Department Directors

From: Weldon Rucker, City Manager

Subject: **DIRECTIVE PROHIBITING UNAUTHORIZED CONSTRUCTION OR FACILITY MAINTENANCE WORK IN CITY FACILITIES**

It has come to my attention that some construction, building maintenance and electrical work is being improperly performed at various facilities that are either owned or leased by the City. Because this work can affect the health and safety of all City employees and can result in a significant potential liability for the City, it is absolutely essential that any such work be done by competent and experienced individuals. Even if licensed contractors are brought in to do the work, they may not be fully aware of how their work will impact other City projects or facilities. Furthermore, already scarce City funds are wasted when Public Works has to correct improper or hazardous work performed by unauthorized individuals or contractors. Accordingly, such construction and maintenance work must only be performed by properly trained and supervised Public Works maintenance staff or contractors selected by, and under the direction of, the Public Works Department.

Therefore, I am reminding and directing all department directors to ensure that absolutely no construction, building maintenance or electrical work be performed in any City owned or leased facilities by contractors or anyone else not under the direction of Public Works. All construction and facility maintenance work is to be referred to the Public Works Department.

For routine maintenance, minor repairs, or minor physical modifications, contact the Public Works Customer Service representative at 644-6620. For larger construction projects, contact Public Works Capital Improvement Projects at 981-6330. Public Works can then make appropriate decisions as to whether construction or maintenance work should be performed by City employees or by outside contractors, utilities, or agencies.

Thank you, in advance, for your full compliance with this direction.

cc: City Manager's Office

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7000 TDD: 510.981.6903 Fax: 510.981.7099
E-mail: manager@ci.berkeley.ca.us

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

ADOPTING A NEW CLASSIFICATION AND SALARY RESOLUTION FOR INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1245 AND RESCINDING RESOLUTION NO. 70,453-N.S.

WHEREAS, the City Council has approved a new three-year Memorandum Agreement with International Brotherhood of Electrical Workers, Local 1245 which includes salary increases; and

WHEREAS, it is necessary for the City Council to adopt a new Classification and Salary Resolution to reflect the salary adjustments reflected in the new Memorandum Agreement.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopts a new Classification and Salary Resolution for employees in Representation Unit C (Electrical Occupations) effective July 1, 2025 through June 30, 2028 to incorporate changes to the salary schedule as shown in Exhibit A attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that Resolution No. 70,453-N.S. is hereby rescinded.

Exhibits
A: International Brotherhood of Electrical Workers, Local 1245 Classification/Salary Schedule Period: December 7, 2025 through June 30, 2028.

EFFECTIVE DATE	CLASSIFICATION	STEP	HOURLY RATE
12/07/2025	COMMUNICATIONS SUPERVISOR	3	69.3250
12/07/2025	COMMUNICATIONS SUPERVISOR	4	71.3751
12/07/2025	COMMUNICATIONS SUPERVISOR	5	73.4250
12/07/2025	COMMUNICATIONS TECHNICIAN	3	54.8370
12/07/2025	COMMUNICATIONS TECHNICIAN	4	57.4745
12/07/2025	COMMUNICATIONS TECHNICIAN	5	60.0971
12/07/2025	ELECTRICAL PARTS TECHNICIAN	2	40.0964
12/07/2025	ELECTRICAL PARTS TECHNICIAN	3	42.6863
12/07/2025	ELECTRICAL PARTS TECHNICIAN	4	44.9247
12/07/2025	ELECTRICAL PARTS TECHNICIAN	5	46.0600
12/07/2025	ELECTRICAL SUPERVISOR	3	69.3250
12/07/2025	ELECTRICAL SUPERVISOR	4	71.3751
12/07/2025	ELECTRICAL SUPERVISOR	5	73.4250
12/07/2025	ELECTRICIAN	3	54.8370
12/07/2025	ELECTRICIAN	4	57.4745
12/07/2025	ELECTRICIAN	5	60.0971
12/07/2025	LEAD COMMUNICATIONS TECHNICIAN	3	58.6259
12/07/2025	LEAD COMMUNICATIONS TECHNICIAN	4	61.2798
12/07/2025	LEAD COMMUNICATIONS TECHNICIAN	5	64.2221
12/07/2025	LEAD ELECTRICIAN	3	58.6259
12/07/2025	LEAD ELECTRICIAN	4	61.2798
12/07/2025	LEAD ELECTRICIAN	5	64.2221
[redacted]			
07/05/2026	COMMUNICATIONS SUPERVISOR	3	71.0581
07/05/2026	COMMUNICATIONS SUPERVISOR	4	73.1595
07/05/2026	COMMUNICATIONS SUPERVISOR	5	75.2606
07/05/2026	COMMUNICATIONS TECHNICIAN	3	56.2079
07/05/2026	COMMUNICATIONS TECHNICIAN	4	58.9114
07/05/2026	COMMUNICATIONS TECHNICIAN	5	61.5995
07/05/2026	ELECTRICAL PARTS TECHNICIAN	2	41.0988
07/05/2026	ELECTRICAL PARTS TECHNICIAN	3	43.7535
07/05/2026	ELECTRICAL PARTS TECHNICIAN	4	46.0478
07/05/2026	ELECTRICAL PARTS TECHNICIAN	5	47.2115
07/05/2026	ELECTRICAL SUPERVISOR	3	71.0581
07/05/2026	ELECTRICAL SUPERVISOR	4	73.1595
07/05/2026	ELECTRICAL SUPERVISOR	5	75.2606
07/05/2026	ELECTRICIAN	3	56.2079
07/05/2026	ELECTRICIAN	4	58.9114
07/05/2026	ELECTRICIAN	5	61.5995
07/05/2026	LEAD COMMUNICATIONS TECHNICIAN	3	60.0915
07/05/2026	LEAD COMMUNICATIONS TECHNICIAN	4	62.8118
07/05/2026	LEAD COMMUNICATIONS TECHNICIAN	5	65.8277
07/05/2026	LEAD ELECTRICIAN	3	60.0915
07/05/2026	LEAD ELECTRICIAN	4	62.8118
07/05/2026	LEAD ELECTRICIAN	5	65.8277
[redacted]			
01/03/2027	COMMUNICATIONS SUPERVISOR	3	72.4793
01/03/2027	COMMUNICATIONS SUPERVISOR	4	74.6227
01/03/2027	COMMUNICATIONS SUPERVISOR	5	76.7658
01/03/2027	COMMUNICATIONS TECHNICIAN	3	57.3321
01/03/2027	COMMUNICATIONS TECHNICIAN	4	60.0896
01/03/2027	COMMUNICATIONS TECHNICIAN	5	62.8315
01/03/2027	ELECTRICAL PARTS TECHNICIAN	2	41.9208
01/03/2027	ELECTRICAL PARTS TECHNICIAN	3	44.6286
01/03/2027	ELECTRICAL PARTS TECHNICIAN	4	46.9688
01/03/2027	ELECTRICAL PARTS TECHNICIAN	5	48.1557
01/03/2027	ELECTRICAL SUPERVISOR	3	72.4793
01/03/2027	ELECTRICAL SUPERVISOR	4	74.6227
01/03/2027	ELECTRICAL SUPERVISOR	5	76.7658
01/03/2027	ELECTRICIAN	3	57.3321
01/03/2027	ELECTRICIAN	4	60.0896
01/03/2027	ELECTRICIAN	5	62.8315
01/03/2027	LEAD COMMUNICATIONS TECHNICIAN	3	61.2933
01/03/2027	LEAD COMMUNICATIONS TECHNICIAN	4	64.0680
01/03/2027	LEAD COMMUNICATIONS TECHNICIAN	5	67.1443
01/03/2027	LEAD ELECTRICIAN	3	61.2933
01/03/2027	LEAD ELECTRICIAN	4	64.0680
01/03/2027	LEAD ELECTRICIAN	5	67.1443

COMPREHENSIVE PACKAGE PROPOSAL

The below set of proposals is a package proposal from the City of Berkeley ("City") to IBEW ("Union") with respect to the parties' successor MOU negotiations. The proposals below are contingent upon the parties reaching tentative agreement on the entire package set forth below and on the entire successor MOU. The City will consider a rejection of any portion a general rejection of the entire package. In the event of a rejection, the City's position on all items at the table shall revert to the most recent position adopted prior to passing this package proposal. Acceptance of this package proposal resolves all issues between the City and the Union regarding the successor MOU. The City reserves the right to amend, revise, supplement, or withdraw this package proposal, or any part of thereof, at any time.

The following is a summary of the City's proposals and responses to Union proposals that constitute this comprehensive package proposal. The proposals summarized below are enclosed with this cover sheet.

A. City Proposals:

1. CP 8 – Me Too (9/30/2025 Revision, Attached)

B. City Counters to Union Proposals:

1. UP 16 – Retiree Benefits for Employees Age 65 and Over (9/30/2025 Revision, Attached)
2. UP 21 – Salaries (9/30/2025 Revision, Attached)

C. All prior tentative agreements will be included in the successor MOU:

1. CP 1 – Additional Floating Holidays (TA'd 6/26/2025)
2. CP 2 – Health and Welfare Benefits Meet & Confer (Union Counter 7/1/2025, TA'd 7/17/2025)
3. CP 3 – Funeral Leave (7/22/2025 Revision, TA'd 7/22)
4. CP 4 – No Discrimination (TA'd 6/26/2025)
5. UP 1 – Family Friendly and Environment Friendly Workplace (5/6/2025, TA'd 7/17/2025)
6. UP 2 – Holidays (City Counter 5/28/2025, TA'd 6/26/2025)
7. UP 6 – Tool Allowance (Passed 5/6/2025, TA'd 7/17/2025)
8. UP 7 – Shoe Allowance (Passed 5/6/2025, TA'd 7/17/2025)
9. UP 9 – Rest Period (Passed 5/6/2025, TA'd 7/17/2025)
10. UP 10 – Notification of New Classification (Passed 5/6/2025, TA'd 7/22/2025)
11. UP 18 – Longevity Pay (as proposed 7/9/2025, TA'd 7/17/2025)

12. UP 22 – Equity Studies (as proposed 7/22/2025, TA'd 7/31/2025)

Any and all City proposals not specifically referenced herein are hereby withdrawn. Any and all Union proposals not specifically referenced herein are hereby withdrawn.

10/17/2025
Date

Sheila Lawton
Chief Negotiator
IBEW Local 1245

10/20/2025
Date

Janelle Rodrigues
Human Resources Director/ Chief Negotiator
City of Berkeley

TEXT OF MODIFIED AND NEW CITY COUNTER-PROPOSALS

City of Berkeley Proposal to IBEW
Updated on 10/3/2025
City Proposal #8

SECTION 11: SALARIES

~~**11.1.2 One-Time Payment**~~

~~A onetime non-pensionable lump sum payment of $1,000.00 for each career employee in this unit shall be paid the first full pay period after council approval. Eligible employees must be current City employees in paid status for the full pay period this lump sum is conferred and shall not apply to unit members who are in unpaid status. Such payment shall be subject to required payroll tax deductions. This lump sum provision does not create or bind the City to any precedent or past practice.~~

If during any fiscal year during the term of this agreement, the City ~~reaches~~ executes an agreement with the largest miscellaneous bargaining unit or extends the unrepresented employees an across the board Cost of Living Adjustment (COLA) increase, an across the board wage increase, an across the board lump sum payment, or other benefit increase the City agrees to apply these same increases to the salary ranges and/or benefits for those classifications covered by this MA as listed in Exhibit A. For purposes of this provision, "across the board" means that the wage, COLA, or lump sum increase applies equally to all members in the largest miscellaneous bargaining unit or all unrepresented employees.

City of Berkeley Proposal to IBEW
Distributed on 10/3/2025
Counter to Union Proposal 16

25.4 Retiree Benefits for Employees Age 65 and Over

Once an employee or retiree reaches age 65, he or she is eligible for Medicare. ~~As a result, his or her eligibility for the retiree medical benefits set forth in subsection 25.3 (Pre-Age 65 Retiree Health Insurance) ceases.~~ On reaching age 65, the City will make available health insurance coverage in addition to Medicare. For employees in the bargaining unit retiring after November 30, 2025, the following shall apply: When an employee or retiree with an effective retirement date after November 30, 2025, reaches age 65, the City will contribute no more than ~~$50.00~~ $300.00 per month on the employee's behalf for single party health insurance coverage and no more than ~~$100.00~~ $600.00 per month for two party health coverage. If during the term of this Agreement, the premiums for such health insurance are increased, the amount the City contributes shall increase no more than 4.5% above the previous year's contribution.

The City will take such actions under the provisions of Section 218(g) of the Social Security Act to permit employees who are not currently paying employee portion of the Medicare Tax with a one-time opportunity to choose to be covered by the Medicare Tax. If the employee chooses to be covered by the Medicare Tax the choice cannot be revoked at a later date.

~~The City shall include in its next actuarial request, the impact on the City if the City were to amend its Retiree Health Premium Assistance Plan III to provide the following benefit levels:~~

~~Two Party Health: $200.00~~

~~Two Party Health: $400.00~~

~~25.4.1 Retiree Health Premium Assistance Plan Benefit as of June 30, 2017~~

~~As of June 30, 2017, the maximum amount the City will pay the health care service provider, which were increased in accordance with Section 25.4 (Retiree Benefits for Employees Age 65 and Over), total $62.59 for two party coverage for the retiree and spouse or domestic partner or $31.30 for single party coverage.~~

City of Berkeley Proposal to IBEW
Distributed on 10/3/2025
Counter to Union Proposal 21

Section 11: SALARIES

11.1 Salary Rates Salary rates for the period of July 1, ~~2022~~ 2025 through June 30, ~~2025~~ 2028, for all classes of positions in Representation Unit C shall be set according to the classifications and salary ranges assigned to those classifications listed in Exhibit "A" and attached hereto and made part hereof.

11.1.1 Salary Increase upon Council Approval The salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase as follows: Effective the first full pay period following council approval, the salary ranges for the classification covered by this Agreement as listed in Exhibit A will receive a salary increase of ~~three~~ ~~five percent (3.0%)~~ ~~(5.0%)~~ four percent (4.0%).

~~Effective July 1, 2026, the salary ranges for the classifications covered by this Agreement as listed in Exhibit A will receive a salary increase of five percent (5.0%).~~

~~Effective July 1, 2027, the salary ranges for the classifications covered by this Agreement as listed in Exhibit A will receive a salary increase of five percent (5.0%).~~

Effective the first full pay period in July 2026, the salary ranges for those classifications covered by this Agreement will receive a salary increase equal to two and a half percent (2.5%).

Effective the first full pay period in January 2027, the salary ranges for those classifications covered by this Agreement will receive a salary increase equal to two percent (2.0%).

City of Berkeley Proposal to IBEW
Distributed on 5/21/2025
City Proposal #1

SECTION 17: HOLIDAYS

~~17.2.1 Additional Floating Holidays~~

~~For employees who were required to remain in the workplace from March 17, 2020 - June 1, 2020, the City will provide 8 hours of floating holidays for every 40 hours of regularly scheduled hours worked in the workplace up to a maximum of 32 hours of floating holiday. The City will credit these floating holiday hours in the first full pay period after adoption of the MOU.~~

~~City will use a specific pay code for the additional floating holiday, hours will be available June 30, 2021. These additional 32 hours of floating holiday shall have no cash value and may not roll over to vacation if not used by June 30, 2021.~~

Chaka Young, Employee and Labor Relations HR Manager (Chief Negotiator)

7/1/2025
Date

Sheila Lawton, Business Representative (Chief Negotiator)

7/1/25
Date

City of Berkeley Proposal to IBEW
Distributed on 5/21/2025
City Proposal #2

SECTION 24: HOSPITAL-MEDICAL, DENTAL, AND VISION COVERAGE

~~24.2.6 Meet & Confer~~

~~The Parties agree to meet and confer with the City, commencing no sooner than January 1, 2017. The negotiations shall be on developing comparable and less expensive health plan options as a means of reducing or ensuring that the City shall not be required to pay any penalties associated with the Excise Tax. This meet and confer process will be subject to normal rules of collective bargaining, including applicable impasse, strike or lock-out procedures.~~

Any changes resulting from a review of employee health insurance or other health related benefits will be subject to meet and confer between the Union and the City, except as otherwise provided in Section 24.5 (Change in Insurance Carrier).

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

7/17/25
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/7/25
Date

City of Berkeley Proposal to IBEW
Distributed on 5/28/2025
Counter to Union Proposal #2

SECTION 17: HOLIDAYS

17.1 Holidays

Recognized holidays for employees in Representation Unit C shall be:

17.1.1	New Year's Day
17.1.2	Martin Luther King's Birthday (3rd Monday of January)
17.1.3	Lincoln's Birthday
17.1.4	Washington's Birthday (observed on the third Monday in February)
17.1.5	Cesar Chavez Day (observed on the last Monday in March)
17.1.~~5~~6	Malcolm X's Birthday (observed on Monday or Friday nearest May 19th)
17.1.~~6~~7	Memorial Day (observed on the last Monday in May)
17.1.~~7~~8	Juneteenth National Independence Day (observed on the Monday or Friday nearest June 19th)
17.1.~~8~~9	Independence Day
17.1.~~9~~10	Labor Day (observed on the first Monday in September)
17.1.1~~0~~1	Indigenous Peoples' Day (observed on the second Monday in October)
17.1.1~~1~~2	Veteran's Day
17.1.1~~2~~3	Thanksgiving Day
17.1.1~~3~~4	Day after Thanksgiving Day
17.1.1~~4~~5	Christmas Day
~~17.1.15~~6	~~Effective January 9, 2000, each employee shall be granted three (3) floating holidays each calendar year.~~

Chaka Young, Employee and Labor Relations HR Manager (Chief Negotiator)

7/1/2025
Date

Sheila Lawton, Business Representative (Chief Negotiator)

7/1/25
Date

IBEW 1245 – City of Berkeley

IBEW 1245 Proposal: 10 Date: 5-6-25

MOU language which is not proposed to be changed as shown below is intended to remain the same.

SECTION 11.21 Notification of New Classification (New Section)

The City shall notify the Union and upon written request discuss in advance the establishment of new career classifications if the work is related to work performed by classifications covered in this agreement. This procedure shall also be applicable to the reclassification of positions presently in this MOU.

Chaka Young, Employee and Labor Relations HR Manager (Chief Negotiator)

7/22/2025
Date

Sheila Lawton, Asst. Business Manager (Chief Negotiator)

7/22/25
Date

City of Berkeley Proposal to IBEW
Distributed on 7/22/2025
Counter to Union Proposal 22

SECTION 11.12: Equity Studies

A list of comparison jurisdictions is established for the purpose of salary equity studies: Alameda County, Contra Costa County, Oakland, Palo Alto, Richmond, San Francisco, San Jose, San Leandro, Santa Clara, and Concord ~~Vallejo~~. Other jurisdictions may be added as required by agreement between the parties. Job classifications which fall below the median for these jurisdictions may be reviewed. It is the policy of the City that within available funding limits, equity adjustments which are in the interests of the service will be considered.

Whenever a cost of living increase and equity increase take effect on the same day, the increases will be added together rather than compounded.

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

7/31/2025
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/31/2025
Date

IBEW 1245 – City of Berkeley

IBEW 1245 Proposal: 1 Date: 5-6-25

MOU language which is not proposed to be changed as shown below is intended to remain the same.

12.7 Family Friendly and Environment Friendly Workplace (New Section)

The City shall comply with the applicable provisions of the Berkeley Family Friendly and Environment Friendly Workplace Ordinance 13.101 to members of this bargaining unit. As such, employees may request variable working hours such as, but not limited to, 10 hours a day, four (4) days a week, flexing start and end times, and working under a flexible arrangement. Management may approve, in advance, an employees' request to temporarily flex their work schedule between the hours of 6:00 a.m. and 8:00 p.m. on a particular day, or over a specific period of time, by adjustment to the employee's start time and end time, or lunch break. Any denial of an employee's request for flexible scheduling shall explain the denial in a written response that sets out a business reason for the denial.

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

July 17th, 2025
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/17/25
Date

IBEW 1245 – City of Berkeley

IBEW 1245 Proposal: 6 Date: 5-6-25

MOU language which is not proposed to be changed as shown below is intended to remain the same.

36.3 Tools

Each employee shall continue to be responsible for providing tools of the trade or other equipment, but shall receive a flat annual tool replacement allowance of Seven Hundred and Fifty dollars ($750) each July 1. New employees hired before or after July 1 will be entitled to a prorated tool replacement allowance payable the following July 1 after employment.

~~36.3.1 Allowance~~

~~Effective July 1, 2015, the tool replacement is five hundred dollars ($500). Tool allowances shall be paid at the end of the fiscal year in which they are earned.~~

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

July 17th, 2025
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/17/25
Date

IBEW 1245 – City of Berkeley

IBEW 1245 Proposal: 7 Date: 5-6-25

MOU language which is not proposed to be changed as shown below is intended to remain the same.

36.4 Shoes

~~Effective June 18, 2017, all classifications covered by this MA shall be eligible for reimbursement of up to two hundred dollars ($200.00) per fiscal year for the cost of safety shoes. Employees receiving this reimbursement must wear safety shoes on duty.~~

~~36.4.1 **Reimbursement**~~

~~Employees shall be required to submit a reimbursement request, along with receipts verifying the purchase of safety shoes within sixty (60) days of purchase. Reimbursements will be paid within forty-five (45) days of complete reimbursement requests.~~

Effective the first full pay period in July 2025, an annual allowance of three hundred dollars ($300) shall be paid to Classifications covered in this MA toward the purchase of safety shoes.

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

July 17, 2025
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/17/25
Date

IBEW 1245 – City of Berkeley

IBEW 1245 Proposal: 9 Date: 5-6-25

MOU language which is not proposed to be changed as shown below is intended to remain the same.

Section 13.5.1 (Amend Section)

13.5.1 Overtime Earned Rest Period

If an employee has worked four (4) hours or more of overtime between the hours of ~~10:30~~ 8:30 p.m. and ~~6:30~~ 4:30 a.m. preceding the beginning of his/her regular work hours on a workday, he/she shall be entitled, except in an emergency, to a rest period to include two (2) hours of his/her workday without loss of his/her regular straight- time pay. If the overtime work period extends for six (6) hours or more of overtime between the hours of ~~10:30~~ 8:30 p.m. and ~~6:30~~ 4:30 a.m. preceding the beginning of his/her regular work hours on a workday, he/she shall be entitled, except in an emergency, to a rest period to include five (5) hours of his/her workday without loss of his/her regular straight-time pay. In the event that an employee, due to operational need, is required to work during an earned rest period during regular work hours, the employee will be paid for the earned rest period in addition to wages earned for hours worked.

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

7/17/2025
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/17/25
Date

City of Berkeley Proposal to IBEW
Distributed on 7/9/2025
Counter to Union Proposal 18

11.18 Longevity Pay

Effective the first full pay period after Council approval on its Regular Agenda, employees completing nineteen (19) years of service shall receive a three percent (3.0%) differential beginning with the anniversary date of beginning of the twentieth (20th) year of service and shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay. This provision shall expire effective the first full pay period of July 2026.

Effective the first full pay period in July 2026, employees completing fourteen (14) years of service shall receive a three percent (3%) differential beginning with the anniversary date of beginning the fifteenth (15th) year of service and shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay.

Chaka Young, Employee and Labor Relations
HR Manager (Chief Negotiator)

7/17/25
Date

Sheila Lawton, Asst. Business Manager
(Chief Negotiator)

7/17/25
Date

Restricted

16

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract: Plante Moran for Professional Services and Licensing of Informatica Integration Platform as a Service (iPaaS)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Plante Moran for professional services and software licensing of the Informatica Integration Platform as a Service (iPaaS) in an amount not to exceed $700,000 from December 3, 2025 through Dec 31, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Total project funding of $700,000 has been allocated from Fund 680, IT Cost Allocation. For Fiscal Year 2026, the Department of Information Technology has designated $400,000 for one-time implementation services and $150,000 for software licensing. For Fiscal Year 2027, an additional $150,000 has been allocated for software licensing.

Ongoing software licensing costs will be incorporated into the Department of Information Technology's annual software maintenance budget and will be subject to City Council approval through the Citywide Budget and Annual Appropriation Ordinance process.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley currently operates multiple enterprise systems that function independently but increasingly require the ability to exchange information to support cross-departmental business processes. At present, staff must manually transfer data between applications, which is time-consuming, prone to error, and can result in inconsistent or incomplete information across departments.

To address these challenges, the City selected Plante Moran through a competitive RFP process, initiated in April 2025, to implement the Informatica Integration Platform as a Service (iPaaS) solution. This platform will enable secure, automated, and seamless data exchange between key systems such as Tyler Munis, Accela, CivicRec, Passport, NeoGov, and other departmental applications. Informatica will serve as a sustainable, centralized integration hub, ensuring that information flows accurately and efficiently across the organization.

The adoption of an iPaaS solution will provide several key benefits, including improved operational efficiency through automation, enhanced data accuracy and consistency, faster access to real-time information, and greater flexibility to integrate future systems as the City's needs evolve. This initiative advances the City's Strategic Plan priority to "provide state-of-the-art, well-maintained infrastructure, amenities, and facilities".

BACKGROUND

Over the past several years, the City's departments have increasingly adopted cloud-based systems to enhance service delivery and operational efficiency. However, the City's existing on-premise integration platform solution has become outdated, requiring specialized technical expertise and complex, time-consuming processes to build and maintain system connections. As newer applications are deployed in the cloud, the limitations of the current platform have made it increasingly difficult to support modern integration needs in a timely and cost-effective manner.

To address this need, the Department of Information Technology released a Request for Proposal, RFP # 25-11704-C, in April 2025 to procure a modern Integration Platform as a Service (iPaaS) capable of securely and efficiently connecting multiple cloud and on-premise applications. An evaluation committee reviewed eight proposals, conducting detailed technical evaluations, vendor interviews, product demonstrations, and reference checks.

Following this comprehensive review, Plante Moran was selected as the recommended implementation partner. Staff chose the Informatica iPaaS platform for its scalability, strong security framework, and robust integration. Informatica's cloud-based solution provides the City with a more flexible, reliable, and future-ready integration environment that simplifies data exchange and supports future technological efforts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

As this is a cloud-based implementation, most deployment and management activities will be conducted remotely, minimizing the need for on-site work and reducing associated greenhouse gas emissions. By automating data exchanges and data validation between systems, the platform will lessen reliance on paper-based processes and further support the City's sustainability and climate action goals.

RATIONALE FOR RECOMMENDATION

The Informatica iPaaS solution provides a sustainable, scalable, and secure integration architecture that will enable the City to modernize operations, sunset obsolete processes, and enhance data-driven decision-making. Plante Moran brings extensive experience implementing Informatica for government agencies and will provide comprehensive support throughout implementation and post-deployment maintenance periods.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered developing integrations in-house or using existing application vendor interfaces like IBM Webmethods. However, these options were deemed inefficient and costly over time due to the requirement of deep technical expertise, maintenance complexity, and lack of scalability.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT: PLANTE MORAN FOR IMPLEMENTATION AND LICENSING OF INFORMATICA INTEGRATION PLATFORM AS A SERVICE (IPAAS)

WHEREAS, the City of Berkeley currently operates multiple enterprise systems that function independently but increasingly require the capability to exchange information in order to support cross-departmental business processes; and

WHEREAS, the lack of integration among these systems requires staff to manually transfer data between applications, a process that is time-consuming, prone to error, and may result in inconsistent or incomplete information across departments; and

WHEREAS, the City of Berkeley requires a secure and scalable data integration platform to improve system interoperability and operational efficiency; and

WHEREAS, the City released a Request for Proposal, RFP # 25-11704-C, and Plante Moran was selected as the top-ranked vendor to implement and manage the Informatica Integration Platform as a Service (iPaaS); and

WHEREAS, funding for this project is available in the Department of Information Technology's Fiscal Year 2026-2027 Cost Allocation Fund, and ongoing costs will be subject to Council approval of the Citywide Budget and Annual Appropriation Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or delegate is authorized to execute a contract with Plante Moran for professional services and licensing of the Informatica Integration Platform as a Service (iPaaS) in an amount not to exceed $700,000 for the period December 3, 2025 through December 31, 2027.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 32400019 Amendment: Berkeley Community Media for Public Access Television

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32400019 with Berkeley Community Media ("BCM") for Public, Educational, and Governmental ("PEG") access services for an additional $150,000 for a total not to exceed amount of $1,004,130.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of $150,000 is available in the Fiscal Year 2026 PEG Access Fund. Spending for hardware, software and services in future years is subject to Council approval of the proposed citywide budget and annual appropriations ordinances.

CURRENT SITUATION AND ITS EFFECTS

The additional $150,000 for this contract is solely for capital and infrastructure upgrades at BCM. The additional funds are covered by existing monies in the PEG Fund. PEG money is an essential tool for funding public access media services that provide a platform for community expression, civic engagement, and local government transparency. These funds, collected from cable providers as part of their franchise agreements (as stipulated in the Digital Infrastructure and Video Competition Act of 2006), ensure that community members have access to non-commercial media outlets for educational and informational programming. Without this funding, BCM would be unable to provide the necessary services and infrastructure for community members to create and distribute local content.

BACKGROUND

BCM has relied on PEG funding for many years to operate and maintain its studios, equipment, and training programs, serving as a vital resource for Berkeley community members. BCM provides the public with the tools and skills needed to produce their own television and web content, covering a wide range of topics from local politics and community events to arts and culture. This funding has historically enabled BCM to offer a public forum for diverse voices and perspectives that may not be featured on commercial media.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The use of digital media platforms and local broadcasting for community information reduces the need for physical materials and travel to distribute information, contributing to a more sustainable and environmentally friendly form of communication. This supports the City's environmental goals by lowering waste and reducing the carbon footprint associated with paper and physical document handling.

RATIONALE FOR RECOMMENDATION

PEG is an essential mechanism for strengthening our community through increasing and enhancing communication among our community members. By funding BCM, the City ensures that the community continues to have a dedicated and accessible platform for sharing information and fostering a sense of local identity and civic participation. The recommended funding level will allow BCM to sustain its current operations and continue to provide valuable media services to the public.

ALTERNATIVE ACTIONS CONSIDERED

There were no alternative actions considered, as the use of PEG funds is specifically designated for public access media services and BCM is the designated provider for these services in Berkeley.

CONTACT PERSON

Kevin Fong, Director, Information Technology, (510) 981-6500

Attachments:
1: Resolution

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

CONTRACT NO. 32400019 AMENDMENT: BERKELEY COMMUNITY MEDIA (“BCM”) FOR PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) ACCESS SERVICES

WHEREAS, the City of Berkeley is committed to fostering civic engagement, community expression, and transparency in government through public access media; and

WHEREAS, Berkeley Community Media (“BCM”) has served as the City’s designated Public, Educational, and Governmental (“PEG”) access provider for many years, offering a platform for local voices and content; and

WHEREAS, PEG funding, derived from cable television franchise fees, is specifically designated to support these vital public media services; and

WHEREAS, a contract amendment with BCM will ensure the continuity of their essential services, including providing studio and equipment access, media training, and broadcasting of community-produced content and public meetings; and

WHEREAS, BCM’s operations directly align with the City's goals of providing accessible information and empowering community members; and

WHEREAS, funding in the amount of $150,000 is available in the Fiscal Year 2026 PEG Access Fund, and spending for software and services in future years is subject to Council approval of the proposed citywide budget and annual appropriations ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or delegate is hereby authorized to amend Contract No. 32400019 with Berkeley Community Media for Public, Educational, and Governmental access services for an additional $150,000 for a total not to exceed amount of $1,004,130 to be funded by the PEG Access Fund.

Restricted

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin C. Fong, Director of Information Technology

Subject: Contract No. 32400104 Amendment: SmartWave for City Facility Managed Wi-Fi

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32400104 with Smartwave Technologies LLC, for managed Wi-Fi and related services increasing the amount by $280,000 for a total not-to-exceed amount of $900,000 from July 25, 2023 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional services in the amount of $280,000 will be available in the Department of Information Technology's Cost Allocation Fund (Fund 680), Measure FF Fund, YAP Parks Tax Fund (Fund 138) and Marina Fund (Fund 608). Planned spending in the future fiscal years (FY) are subject to Council approval of the proposed city-wide budget and Annual Appropriation Ordinances.

Fiscal Year	Project	Fund	Cost
FY 2026	Fire Headquarters Wi-Fi Expansion	Measure FF Fund	$71,000
FY 2026	YAP/MLK Youth Center Wi-Fi Expansion	Parks Tax (Fund 138)	$11,000
FY 2026	Marina Wi-Fi Expansion	Marina Fund (Fund 608)	$50,000
FY 2026	Wi-Fi Support and Maintenance	IT Cost Allocation Fund (Fund 680)	$65,000
FY 2027	Wi-Fi Support and Maintenance and future expansions	IT Cost Allocation Fund (Fund 680)	$83,000
	Total Project Cost through FY 2027		**$280,000**

CURRENT SITUATION AND ITS EFFECTS

The City's workforce continues to shift toward increased mobility and digital collaboration. Employees now depend on wireless connectivity to access enterprise applications,

communicate in real time, and deliver services to the community. As City operations increasingly utilize cloud-based platforms and mobile devices, reliable and high-performance Wi-Fi has become essential to maintaining operational efficiency and consistent service delivery.

To meet these growing demands, the City's Information Technology Department (IT) has identified the need to expand Wi-Fi coverage in existing facilities and extend it to new locations, including the new Fire Department Headquarters, Marina residents, and the Martin Luther King Youth Center. Additional funding will allow SmartWave Technologies to deploy new wireless access points (AP's), enhance performance in high-demand areas, and complete the initial phases of the Citywide Wi-Fi Project.

SmartWave has demonstrated strong performance and responsiveness, earning IT's confidence through consistent delivery, proactive support, and effective management of over 275 existing APs throughout City facilities. Their continued partnership ensures that the City can sustain and expand its network infrastructure while maintaining high service uptime standards.

An enterprise-quality Wi-Fi infrastructure aligns with the City's Strategic Plan Priority to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

In 2023, IT initiated a citywide effort to modernize Wi-Fi infrastructure across all municipal facilities. As part of this initiative, with Council approval via Resolution No. 70,994-N.S., IT entered into a managed services contract with SmartWave Technologies LLC, leveraging a competitively bid cooperative agreement from the City of Tucson, Arizona.

This partnership has enabled IT to deploy over 275 wireless AP's across numerous City facilities, significantly improving network reliability, mobility, and coverage for City staff and visitors. SmartWave provides turnkey services that include installation, management, and ongoing maintenance of Wi-Fi networks, which allows IT to ensure high service availability.

As City operations expand into new facilities, and existing departments adopt more mobile and cloud-based technologies, there is an ongoing need to expand Wi-Fi coverage to ensure consistent, secure, and enterprise-grade connectivity across all sites.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Wi-Fi networks provide a more environmentally sustainable alternative to fully wired Ethernet systems. Deployments require significantly less copper cabling and physical materials, reducing environmental impact and construction waste. Additionally, as Wi-Fi enables remote access and digital workflows, it supports operational efficiencies that reduce travel, energy use, and greenhouse gas emissions.

The flexibility of Wi-Fi also allows for easier office reconfigurations with less material waste and lower costs over the network's lifespan. Expanding wireless access across City facilities will further support community connectivity and digital inclusion goals.

RATIONALE FOR RECOMMENDATION

Maintaining a citywide Wi-Fi network requires dedicated resources for deployment, monitoring, and hardware replacement. With more than 275 active access points across

facilities, internal IT staff lack sufficient capacity to provide 24/7 monitoring and rapid repair response.

Engaging SmartWave Technologies LLC ensures that the City's Wi-Fi infrastructure remains reliable, scalable, and cost-effective. Under IT supervision and leadership, the vendor provides end-to-end management, from installation and maintenance to on-site support ("truck runs"), ensuring system uptime and minimizing disruptions to City operations.

The City continues to utilize a competitively bid cooperative contract from the City of Tucson, AZ (Contract #240021-01, awarded May 10, 2024), which has been adopted by several other regional jurisdictions, including Oakland, San Jose, Dublin, and Pleasanton. SmartWave's proven track record with these municipalities further reinforces the City's confidence in their capabilities.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered completing these installation services internally, but due to the high volume of existing work, staff do not currently have the capacity or the expertise to perform such a high volume of Wi-Fi installations and ongoing maintenance at all City locations.

CONTACT PERSON

Kevin C. Fong, Director of Information Technology, (510) 981-6541

Attachments:

1: Resolution

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

CONTRACT NO. 32400104 AMENDMENT: SMARTWAVE FOR CITY FACILITY MANAGED WI-FI

WHEREAS, the City continues to adopt a more mobile workforce, and the platforms the City Information Technology Department (IT) provides and supports are increasingly reliant on wireless technology; and

WHEREAS, via Resolution No. 70,994-N.S., City Council approved the City Manager to execute a contract with SmartWave Technologies LLC for City facility managed Wi-Fi; and

WHEREAS, The City of Tucson conducted a competitive Request for Proposal (RFP) process that solicited bids for a vendor to provide “Region-Wide Point to Point Wireless System for the Regional Transportation Data Network”; and

WHEREAS, The City of Tucson selected SmartWave Technologies LLC, which was awarded Contract #240021-01 and accepted on May 10, 2024 with one-year options to extend on an annual basis; and

WHEREAS, IT has been, and continues to use the competitively bid, cooperative contract #240021-01 from the City of Tucson, AZ for the same services; and

WHEREAS, to meet increasing demand, IT has identified the need for additional wireless access points (AP’s) to improve coverage in existing buildings and new sites due to various city department expansions including the Fire Departments new Headquarters, Marina and Martin Luther King Youth Center; and

WHEREAS, having an enterprise quality Wi-Fi infrastructure is consistent with the City’s Strategic Plan Priority to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; and

WHEREAS, the projected cost for Fiscal Year 2026 and 2027 is an additional $280,000 in total, which will be available in the IT Cost Allocation Fund (Fund 680), Measure FF Fund, YAP Parks Tax Fund (Fund 138) and Marina Fund (Fund 608) and planned spending in future years (FY) are subject to Council approval of the proposed city-wide budget and Annual Appropriation Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to amend Contract No. 32400104 with Smartwave Technologies LLC, for managed Wi-Fi increasing the amount by $280,000 for a total not-to-exceed amount of $900,000 from July 25, 2023 to June 30, 2027.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 31900184 Amendment: Alcor Solutions, Inc. for Professional Services for ServiceNow and Intranet

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900184 with Alcor Solutions, Inc. for professional services for ServiceNow and the City's Intranet increasing the amount by $155,000 for an amended total not to exceed amount of $990,564 from February 14, 2017 to June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of $155,000 for the requested support services is budgeted in the FY 2026 IT Cost Allocation Fund. Spending in future years for this contract is subject to City Council's approval of the proposed citywide budget and annual appropriation ordinances.

CURRENT SITUATION AND ITS EFFECTS

Alcor Solutions, Inc. provides critical support, maintenance, and enhancement services for the City's ServiceNow platform. Staff currently utilize ServiceNow's Information Technology Service Management (ITSM) and Information Technology Business Management (ITBM) tools. The ITSM suite includes helpdesk management, a service catalog, knowledge base, and a service portal for City staff. The ITBM tools provide project portfolio management for new ideas, demands, and projects, as well as application portfolio management for business applications.

This contract amendment will allow the City to continue its partnership with Alcor Solutions, Inc. to provide regular upgrades, enhancements, and bug support for the ServiceNow platform. In addition, the City is preparing to implement ServiceNow's software and hardware inventory management tools. These tools will strengthen the City's ability to track and manage technology assets across the organization.

This work directly supports the City of Berkeley's strategic goal to "provide state-of-the-art, well-maintained infrastructure, amenities, and facilities".

BACKGROUND

From 2001 to 2017, the Department of Information Technology (IT Department) relied on a home-grown software application to manage Help Desk service requests. While this system met basic needs, it lacked the scalability, flexibility, and advanced functionality required to support the City's growing technological demands. In 2015, the IT Department initiated a process to identify a modern replacement solution that could support both daily service and asset management needs, as well as the longer-term requirements of managing projects and resources.

In September 2016, the IT Department issued Request for Proposal (RFP) Specification Number 16-11072-C for an Information Technology Service Management and Asset Management solution. The City received three qualified vendor responses, and in May 2017 selected ServiceNow, a leading cloud-based platform, with Alcor Solutions, Inc. chosen to provide implementation services. By January 2018, the initial implementation of ServiceNow's IT Service Management (ITSM) module was completed, allowing the City to "go live" with a modernized service portal.

Since its launch, City staff have partnered with Alcor Solutions to expand ServiceNow's capabilities, adding features such as reweighted range voting (RRV) integration, automated ticket aging notifications, and confidential service request handling. Alcor has continued to support the City with major upgrades, bug fixes, and enhancements to ensure the platform remains reliable and secure.

In 2024, Alcor further assisted the City with the successful rollout of Microsoft Teams and SharePoint technologies. These tools have been essential in supporting collaboration in a hybrid work environment, enabling staff to share documents securely, manage projects more effectively, and maintain seamless communication across departments.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Alcor Solutions, Inc. conducts the majority of their support remotely. If Alcor must work onsite, they will be working exclusively over multiple days with the IT Department to minimize both travel costs and greenhouse gas emissions related to travel, per Climate Action Plan goals.

RATIONALE FOR RECOMMENDATION

Alcor Solutions, Inc. has extensive experience providing implementation and support services for ITSM solutions. Specifically, Alcor Solutions, Inc. is a Gold Services Partner to ServiceNow, Inc.

ALTERNATIVE ACTIONS CONSIDERED

City staff considered not engaging Alcor Solutions, Inc. for ongoing support of the ServiceNow platform. However, staff do not have the capacity or the specialized expertise required to successfully perform system upgrades, implement enhancements, or resolve

software issues within ServiceNow. Without this support, the reliability, functionality, and security of the platform could be compromised.

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

Attachments:
1: Resolution

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

CONTRACT NO. 31900184 AMENDMENT: ALCOR SOLUTIONS, INC. FOR PROFESSIONAL SERVICES FOR SERVICENOW AND INTRANET

WHEREAS, in 2001, the Department of Information Technology (IT Department) was using a “home-grown” software application to manage Help Desk service; and

WHEREAS, in September 2016, the IT Department issued Request for Proposal (RFP) Specification Number 16-11072-C for an Information Technology Service Management and Asset Management solution, and selected the ServiceNow tool, and Alcor Solutions, Inc. as the implementation partner; and

WHEREAS, City staff do not have the capacity or the specialized expertise required to perform system upgrades, implement enhancements, or resolve software issues within ServiceNow; and

WHEREAS, Alcor Solutions, Inc. has extensive experience providing implementation and support services for ITSM solutions, and is a Gold Services Partner to ServiceNow, Inc.; and

WHEREAS, funding in the amount of $155,000 for the requested support services is budgeted in the FY 2026 IT Cost Allocation Fund, and spending in future years for this contract is subject to City Council’s approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or delegate is authorized to execute an amendment to Contract No. 31900184 with Alcor Solutions, Inc. to provide professional services for ServiceNow and the City’s Intranet from February 14, 2017 to June 30, 2026 for an amount not-to-exceed $990,564.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Donation for the Thousand Oaks School Park Improvement Project in memory of Michael Seltzer

RECOMMENDATION
Adopt a Resolution accepting a cash donation of up to $80,000 for the Thousand Oaks School Park Improvement Project in memory of Michael Seltzer.

FISCAL IMPACTS OF RECOMMENDATION
This cash donation in the amount of up to $80,000 from the friends of Michael Seltzer will be deposited into the Parks Fund donation revenue budget code 138-52-545-000-0000-000-000-481110.

CURRENT SITUATION AND ITS EFFECTS
The friends of Michael Seltzer wish to provide a donation of up to $80,000 to fund the Thousand Oaks School Park Improvement Project. The City's Open Governance Ordinance (OGO) requires City Council approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166- N.S.) Without this donation, the project would not be possible.

BACKGROUND
Col. Michael "Mike" Seltzer, a Berkeley-reared Air Force fighter pilot and father of three children, died of lung cancer in 2023. Seltzer grew up attending Berkeley schools and graduated from UC Berkeley in 2002, where he enrolled in the Air Force ROTC program and earned a bachelor's degree in physical sciences. He later deployed to Iraq and Afghanistan, rose to become a colonel, and trained dozens of F-16 and F-35 pilots. Additional details about Michael Seltzer and the proposed project can be found in the Berkeleyside article at the following link: https://www.berkeleyside.org/2025/03/31/airplane-playground-air-force-pilot-michael-seltzer-burn-pits.

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

RATIONALE FOR RECOMMENDATION
This donation will cover the cost of the design and implementation of the Thousand Oaks School Park Improvement Project, without which this project would not be possible.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Scott Ferris, Director, Parks, Recreation, and Waterfront, 510-981-6711

Attachments:
1: Resolution

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

ACCEPTING A CASH DONATION OF UP TO $80,000 FOR THE THOUSAND OAKS SCHOOL PARK IMPROVEMENT PROJECT IN MEMORY OF MICHAEL SELTZER

WHEREAS, Col. Michael “Mike” Seltzer, a Berkeley-reared Air Force fighter pilot and father of three children, died of lung cancer in 2023; and

WHEREAS, Seltzer grew up attending Berkeley schools and graduated from UC Berkeley in 2002, where he enrolled in the Air Force ROTC program and earned a bachelor’s degree in physical sciences. He later deployed to Iraq and Afghanistan, rose to become a colonel, and trained dozens of F-16 and F-35 pilots. Additional details can be found in the Berkeleyside article at the following link: https://www.berkeleyside.org/2025/03/31/airplane-playground-air-force-pilot-michael-seltzer-burn-pits; and

WHEREAS, the friends of Michael Seltzer wish to provide a donation of up to $80,000 to fund the Thousand Oaks School Park Improvement Project; and

WHEREAS, in 2026, the City will implement the Thousand Oaks School Park Improvement Project that will include a community process; and

WHEREAS, without the donation from the friends of Michael Seltzer, this third phase of the project would not be possible; and

WHEREAS, the cash donation in the amount of up to $80,000 from the friends of Michael Seltzer will be deposited into the Parks Fund donation revenue budget code 138-52-545-000-0000-000-000-481110; and

WHEREAS, the City’s Open Governance Ordinance (OGO) requires City Council approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to accept a cash donation of up to $80,000 from the friends of Michael Seltzer for the Thousand Oaks School Park Improvement Project in his memory.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Contract: Bauman Landscape and Construction, Inc. for The Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project (Bid Specification No. 25-11736-C); and
2. Rejecting the bid protest of Azul Works, Inc., the second-lowest bidder; and
3. Accepting the bid of Bauman Landscape and Construction, Inc. as the lowest responsive and responsible bidder on the Project; and
4. 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 Bauman Landscape and Construction, Inc., for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project, in an amount not to exceed $6,515,433.35, which includes a contract base amount of $5,223,908.50 and additive bid No. 1 in the amount of $769,134.00 and an 8.7% contingency in the amount of $522,390.85 for unforeseen circumstances.

FISCAL IMPACTS OF RECOMMENDATION

Funding will be recommended for appropriation through the FY 2026 first amendment to the appropriations ordinance to carryover prior FY project funds in CIP Fund (Fund 501), Measure T1 Bond (Fund 511) and Parks Tax (Fund 138). Additional Parks Tax funds will be recommended for appropriation through the FY 2027 adopted budget Parks Tax capital baseline. No other funding is required, and no other projects will be delayed due to this expenditure.

CONTRACTOR (lowest bid)	$5,223,908.50
Additive Bid No.1	$769,134.00
8.7% Contingency	$522,390.85
Total construction cost	$6,515,433.35

CIP Fund (501)	$781,561.34
Measure T1 (511)	$566,584.47
Parks Tax (138)	$5,167,287.54
Total construction cost	$6,515,433.35

CURRENT SITUATION AND ITS EFFECTS

The Community Facility, Pickleball Courts and U8 Soccer Field project at Tom Bates Regional Sports Complex (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 August, 2025, and the bid opening was on September 30, 2025. Four (4) bids were received from a low bid of $5,223,908.50 to a high bid $6,445,930.00 for the base bid work (see Attachment 2: Bid Abstract).

On October 7, 2025 the City received a bid protest from Azul Works, Inc. The City forwarded the bid protest to Bauman Landscape & Construction, Inc. on October 7, 2025 for review and response. The general basis for the protest was that Bauman Landscape & Construction, Inc's bid was non-responsive because the bid is "irregular and incomplete" and "fails to provide critical information requested by bidding instructions and demonstrates a lack of understanding of the requirements of the project". Azul Works, Inc. provided three claims in their bid protest letter.

The City forwarded the bid protest letter to Bauman Landscape & Construction for review and response. Bauman Landscape & Construction, Inc. responded by demonstrating that their bids comply with bid requirements.

The City independently reviewed all bid materials, and the protest submitted by Azul Works, Inc. and concurred with the explanation provided by Bauman Landscaping & Construction, Inc. Based on this review, the City has determined that the lowest responsive and responsible bidder for this project is Bauman Landscaping and Construction.

Two similar mathematical irregularities were discovered in Bauman Landscape and Construction, Inc's (lowest bidder) and Azul Works, Inc's (second lowest bidder) bid proposals, where the sums of individual bid item prices were different than the total bid prices. The mathematical irregularity in Bauman Landscape and Construction, Inc's bid proposal was off by $72,686.50 ($5,151,222 as submitted vs. $5,223,908.50 as calculated). The mathematical irregularity in Azul Works, Inc's bid proposal was off by $52,101.80 ($6,151,191.16 as submitted vs. $6,203,292.96 as calculated). These similar irregularities were waived on both bid proposals, and the bid from Bauman Landscape and Construction, Inc. remained the lowest bid at $5,223,908.50.

The City has determined that Bauman Landscape and Construction, Inc. meets the California public construction code definition of lowest responsible and responsible bidder. References for Bauman Landscape and Construction, Inc. proved satisfactory. Staff therefore recommends the contract be awarded to Bauman Landscape and Construction, Inc.

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 February, 2026 and be completed by December, 2026.

BACKGROUND

The Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region. The master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed-to-date due to insufficient funding, and therefore the City currently provides portable toilets at the facility. In 2019, the City completed the conceptual plan for the new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond), using Measure T1 infrastructure bond funding. The Project also converts the vacant north field into a youth soccer field, with a plaza and stairway entrance, and pickleball courts.

ENVIRONMENTAL SUSTAINABILITY

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, and City of Berkeley Building Permit.

On March 25, 2025, by Council Resolution No. 71,707-N.S., the City adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Project.

The Mitigated Negative Declaration for the proposed project contains a comprehensive environmental assessment of the project. The assessment determined that the Project will have a less-than significant impact on the environment with the implementation of specific mitigation measures. The Mitigation, Monitoring and Reporting Plan includes detailed roles, responsibilities, and methods for implementing and documenting compliance with the mitigation measures.

RATIONALE FOR RECOMMENDATION

This project will add much-needed facilities at the Sports Complex, such as restrooms, a meeting facility, a storage room, pickleball courts, and a grass youth soccer field.

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.

CONTRACT: BAUMAN LANDSCAPE AND CONSTRUCTION, INC. FOR THE TOM BATES REGIONAL SPORTS COMPLEX COMMUNITY FACILITY, PICKLEBALL COURTS AND U8 SOCCER FIELD PROJECT

WHEREAS, the Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region; and

WHEREAS, the master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed to-date due to insufficient funding, and the City currently provides portable toilets at the facility; and

WHEREAS, in 2019, the City completed the conceptual plan for a new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond); and

WHEREAS, the project will also convert the vacant north field into a youth soccer field, with a plaza and stairway entrance, and pickleball courts, and

WHEREAS, on March 25, 2025, by Council Resolution No. 71,707-N.S., the City adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Project; 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 August, 2025, and the bid opening was on September 30, 2025. Four (4) bids were received from a low bid of $5,223,908.50 to a high bid $6,445,930.00 for the base bid work (see Attachment 2: Bid Abstract). The City has determined that Bauman Landscape and Construction, Inc. meets the California public construction code definition of lowest responsible and responsible bidder. References for Bauman Landscape and Construction, Inc. proved satisfactory; and

WHEREAS, funding will be recommended for appropriation through the FY 2026 first amendment to the appropriations ordinance to carryover prior FY project funds in CIP Fund (Fund 501), Measure T1 Bond (Fund 511) and Parks Tax (Fund 138). Additional Parks Tax funds will be recommended for appropriation through the FY 2027 adopted budget Parks Tax capital baseline. 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 Plans and Specification No. 25-11736-C for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley rejects the bid protest by Azul Works, Inc.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of the lowest responsive and responsible bidder, Bauman Landscape and Construction, Inc.

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 Bauman Landscape and Construction, Inc. for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project in an amount not to exceed $6,515,433.35, which includes a contract base amount of $5,223,908.50 and additive bid No. 1 in the amount of $769,134.00 and an 8.7% contingency in the amount of $522,390.85 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

Finance Department

General Services Division

City of Berkeley
Abstract of Bid Worksheet

FOR: Tom Bates Regional Sports Complex- Community Facility, Pickleball Courts and U8 Soccer Field

Spec. # 25-11736-C **Bid Date: 09/30/2025**

	Bidders	Base Bid	Addenda #1&2	Addenda. #3&4	Bid Bond (required w/ bid)		SC	LW	WF	EBC	OS	NF
1	Bauman Landscape & Construction	$5,151,222.00	X	X	X							
2	McGuire Hester	$6,445,930.00	X	X	X							
3	Azul Works, Inc.	$6,151,191.16	X	X	X							
4	EF Brett & Co.	$6,436,361.00	X	X	X							
5												
6												
7												
8												
9												
10												

Bid Recorder: Tanisha Gainer Tanisha Gainer Date 10/01/2025

Bid Opener: Roop Soorma RSoorma Date 10/01/2025

Project Manager: Jesus Espinoza Date 10/01/2025

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

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Office of the City Manager

CONSENT CALENDAR
December 2, 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: Grant Application: Environmental Enhancement and Mitigation (EEM) Tree Planting Proposal

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to $750,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The maximum grant award is $750,000 and the proposed project period is two years. The grant will cover costs to plant trees such as project planning and coordination up to 25% of the award, site preparation to create planting locations, materials, project-length labor, equipment rental, and contractor costs. The proposed cost match is $333,000 over two years and is made up of volunteer time as well as existing Forestry staff to administer the project and water trees that have been planted with grant funds. While local match is not required, the use of in-kind match will make the grant application more competitive. The grant funding cycle runs through March 1, 2030. Revenue from this grant will be deposited into the One-Time Grants Fund (Fund 336).

CURRENT SITUATION AND ITS EFFECTS

This program, as provided for by California Streets and Highways Code Section 164.56 (Article XIX, Section 1, of the State Constitution), authorizes the legislature to allocate up to $7 million each fiscal year from the Highway Users Tax Account (Motor Vehicle Revenues, Section 2100). EEM projects must contribute to the mitigation of the environmental effects of transportation facilities. The California Natural Resources Agency (CNRA) prescribes procedures and criteria to evaluate grant project proposals and submits a list of projects recommended for funding to the California Transportation Commission (CTC).

In April of 2025, the CNRA announced the current round of EEM grant funding. This application window for project proposals closed in July of 2025. After reviewing the

entire applicant pool from throughout the state during the summer of 2025, the CNRA selected the project proposals that met their selection requirements to make a field visit of their project. After the field visit, the State would invite the most competitive projects to submit additional documents to complete the grant application. The City provided a field visit on October 20th and was invited to submit a final application in November 2025. Final awards are expected early in 2026, with an estimated project start time in June of 2026.

BACKGROUND

The EEM grant program involves tree planting and other activities that mitigate the negative environmental effects of a local Related Transportation Facility (RTF). The I-80 Widening Project of 1994 has been designated as the RTF for this area and still requires mitigation of increased traffic. This project proposes to plant 1,000 new site-specific trees throughout streets and parks in West Berkeley primarily at the following locations: 1) West side of Aquatic Park; 2) San Pablo Park; 3) Berkeley Waterfront; 4) Cedar Rose Park; and 5) Berkeley neighborhoods west of Shattuck Ave.

The Parks, Recreation & Waterfront Department has received EEM grants to plant trees throughout Berkeley for over two decades. This project would allow the City to continue its current tree planting efforts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

One of the City's Climate Action Plan goals is to maintain the urban forest's present canopy coverage and to provide significant environmental benefits in the form of carbon dioxide absorption and oxygen production, as well as storm water retention and climate control. This project will use the natural systems of trees to achieve these goals. Trees also cool down temperatures, beautify neighborhoods, add habitat, and provide health benefits to residents and visitors.

RATIONALE FOR RECOMMENDATION

This grant will allow the City to expand the urban forest into historically underserved neighborhoods of West Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSONS

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Thomas Dodge, Senior Forestry Supervisor, 981-6687

Attachments:
1: Resolution

RESOLUTON NO: XXXXXXXX

APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM IN THE AMOUNT OF UP TO $750,000

WHEREAS, the Legislature and Governor of the State of California have enacted Section 164.56 of the California Streets and Highways Code, which is intended to provide grant funds to local, state, and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures and criteria, and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicant's governing board before submission of said application(s) to the State; and WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

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

1. Approves the filing of an application for the Berkeley Urban Tree Planting Project; and
2. Certifies that Applicant understands the assurances and certification in the application; and
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, and disabled access laws, and that prior to commencement of construction all applicable permits will have been obtained; and
6. Certifies that Applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7, Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED, that the City of Berkeley authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

BE IT FURTHER RESOLVED, that a record signature copy of said agreements and any amendments to be on file in the City of Berkeley's Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Grant Application: Ocean Protection Council SB1 funds for the University Ave Sea-Level Rise Adaptation Plan

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or his designee to submit a grant application to the Ocean Protection Council SB1 program for the University Ave Sea-Level Rise Adaptation Plan for up to $500,000; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

In December of 2025, the City will submit a grant proposal in the amount of $500,000 to develop a Sea-Level Rise Adaptation Plan for the shoreline area located south of University Ave just west of Frontage Road at the Berkeley Waterfront. While OPC does not require matching funds, leveraging additional funding sources is encouraged when feasible.

CURRENT SITUATION AND ITS EFFECTS

In 2021, Governor Newsom signed Senate Bill 1 (Atkins, 2021) into law. Senate Bill 1 (SB 1) directs the state to provide funding to local and regional governments to develop sea level rise (SLR) adaptation plans and implementation projects. In 2022, the California Air Resources Board (CARB) awarded $37.5 million to OPC to support the implementation of SB 1. As of June 2025, $14.14 million is available for funding SB 1 projects. The grant program accepts grant proposals on a quarterly basis in March, June, September, and December of each year. The next available deadline is December 19, 2025, when the City will submit a grant proposal in the amount of $500,000 to develop a Sea-Level Rise Adaptation Plan for the shoreline area located south of University Ave just west of Frontage Road at the Berkeley Waterfront.

BACKGROUND

In 2019, the City commissioned the Berkeley Marina Sea Level Rise AB 691 Assessment Study" as required by Assembly Bill 691.[1] The Study identified three locations in the Berkeley Waterfront that are most susceptible to intermittent inundation in the future due to Sea Level Rise from the time horizon of mid to end of century: (1) the Virginia Street Extension at Marina Boulevard; (2) the South shore of University Avenue between Frontage Road and Marina Blvd; and (3) the north-east side of the Berkeley Inner Harbor. In 2025, the City received funding from the California Coastal Conservancy to address the Virginia Street location, and the Inner Harbor location is within the leased boundary of the Doubletree Hotel and will require additional analysis before a project can be designed. As a result, the University Ave location will be the subject of this grant proposal.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will develop a Sea Level Rise Adaptation Plan for the south shore of University Ave between Frontage Road and Marina Blvd at the Berkeley Waterfront. The plan will produce feasible alternative solutions that will protect University Ave and the Bay Trail at that location from the impacts of Sea-level Rise as well as develop nature-based solutions.

RATIONALE FOR RECOMMENDATION

The project will help the City advance the following long-term strategic goals: (1) Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment; (4) Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; and (6) Create a resilient, safe, connected, and prepared City.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:
1: Resolution

[1] https://berkeleyca.gov/sites/default/files/documents/2019-8-30%20Draft%20Sea%20Level%20Rise%20Assessment%20Study_0.pdf

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

GRANT APPLICATION – OCEAN PROTECTION COUNCIL SB1 FUNDS FOR THE UNIVERSITY AVE SEA-LEVEL RISE ADAPTATION PLAN AT THE BERKELEY WATERFRONT

WHEREAS, in 2021, Governor Newsom signed Senate Bill 1 (Atkins, 2021) into law. Senate Bill 1 (SB 1) directs the state to provide funding to local and regional governments to develop sea level rise (SLR) adaptation plans and implementation projects; and

WHEREAS, in 2022, the California Air Resources Board (CARB) awarded $37.5 million to OPC to support the implementation of SB 1. As of June 2025, $14.14 million is available for funding SB 1 projects; and

WHEREAS, the grant program accepts grant proposals on a quarterly basis in March, June, September, and December of each year. The next available deadline is December 19, 2025, when the City will submit a grant proposal in the amount of $500,000 to develop a Sea-Level Rise Adaptation Plan for the shoreline area located south of University Ave just west of Frontage Road at the Berkeley Waterfront; and

WHEREAS, while OPC does not require matching funds, leveraging additional funding sources is encouraged when feasible.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his designee is authorized to submit a grant application to the Ocean Protection Council SB1 program for up to $500,000 to develop a Sea-Level Rise Adaptation Plan for the shoreline area at University Ave; accept the grant; execute all necessary agreements, contracts, and documents required to secure and administer said funds; and the City Council authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Grant Application: the CA Economic Development Department's Employment Training and Pathways Program Funding for Additional YouthWorks Participants

RECOMMENDATION

Adopt a Resolution designating the City Manager or his designee as the authorized signatory to submit a grant application to the CA Employment Training and Pathways Program for up to $600,000; accept the grant; execute all necessary agreements, contracts, and documents required to secure and administer said funds; and the City Council authorizes the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant.

FINANCIAL IMPLICATIONS

The City will submit a grant proposal in the amount of up to $600,000 to cover the hourly salary, program materials, and training costs for up to 20 participants per year for two years. In addition, the 20% local match required by the grant will be provided in the form of existing FTE staff costs that administer the program.

CURRENT SITUATION AND ITS EFFECTS

On October 29, 2025, the CA Employment Development Department, on behalf of the CA Labor and Workforce Development Agency, announced the availability of up to $16.3 million in the Workforce Innovation and Opportunity Act Governor's discretionary funds for the Employment and Training Pathways Program (ETPP) grant. The ETPP FY 26-27 grant will support the development and implementation of projects that accelerate pathways to employment for populations facing significant employment barriers into high-demand occupations for good-quality jobs.

The City's Parks, Recreation, and Waterfront Department (YouthWorks Division) will submit a grant application in December of 2025 for up to $600,000 to operate a program to hire up to 20 participants per year for two years that will connect young adults that are not in school or jobs, or are English language learners with meaningful job training and paid transitional employment opportunities. Participants will be placed at partner agencies, including, but not limited to Inter-City Services, Waterside Workshops,

International Refugee Rescue, the Alameda County Youth Board, and Insight / Hope Meals Program. The grant application requires a resolution designating the signatory authority for the grant agreement documents.

BACKGROUND

The City's Parks, Recreation, and Waterfront Department provides programming activities for a wide range of youth, young adults, and families in the areas of academic tutoring, pre-school readiness programs for 0-5 youth and their and families, and recreation of all types. Part-time paid internships through YouthWorks offer Berkeley residents valuable work experience, training, professional development and career growth opportunities. YouthWorks aligns with the City of Berkeley's commitment to racial equity, recognizing systemic barriers and working to expand access to education, employment, and self-sufficiency.

During the school year of 2024-2025, the YouthWorks Division ran a successful program that involved three cohorts of paid interns from Berkeley High School, Berkeley Technical Academy, and Berkeley City College. Interns engaged in a wide range of staff-led workshops that focused on health education and workforce development. Interns worked at health-based community organizations and focused on peer-to-peer mentoring as well as community outreach efforts. Each year, the PRW Department seeks to build on the success of the program and expand the YouthWorks program offerings to reach a larger number of local youth.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts associated with the contents of this report.

RATIONALE FOR RECOMMENDATION

This program will help expand the City's YouthWorks program to provide paid work internships for up to 20 young adults each year for two years in Berkeley who face barriers to employment. The proposed program will support young adults who are not in school or jobs, or are English language learners with meaningful job training and paid transitional employment opportunities. This program will help the City work on two long-term City of Berkeley Strategic Goals: 3. Champion and demonstrate social and racial equity, and 9. Attract and retain a talented and diverse City government workforce.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703
Rafael Rangell, YouthWorks Manager, PRW, 847-0984.

Attachments
1: Resolution

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

GRANT APPLICATION – CA EMPLOYMENT TRAINING AND PATHWAYS PROGRAM FOR ADDITIONAL YOUTHWORKS PARTICIPANTS

WHEREAS, on October 29, 2025, the CA Employment Development Department, on behalf of the CA Labor and Workforce Development Agency, announced the availability of up to $16.3 million in the Workforce Innovation and Opportunity Act Governor's discretionary funds for the Employment and Training Pathways Program (ETPP) grant; and

WHEREAS, the grant guidelines require the Applicant to designate signatory authority to sign grant documents on behalf of the applicant; and

WHEREAS, the City will submit an application for up to $600,000 to cover the hourly salary, program materials, and training costs for up to 20 participants each year for two years; and

WHEREAS, the required 20% local match for the grant will be provided in the form of existing FTE staff costs that administer the program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his designee is designated as the authorized signatory to submit a grant application to the Employment Training and Pathways Program for up to $600,000; accept the grant; execute all necessary agreements, contracts, and documents required to secure and administer said funds; and the City Council authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Contract: Passport Labs Incorporated for Parking Citation and Permit Management System (CPMS)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Passport Labs Inc. for a Parking Citation and Permit Management System for a three-year contract for a total of $1.7 million dollars with an option to extend the contract for two years for a maximum length of five years.

FISCAL IMPACTS OF RECOMMENDATION

The annual fiscal impact to the General Fund will be approximately $550,000 to support this contract and will be allocated in the Police Department budget expenditure code 011-71-703-812-0000-000-421-612990. This contract is associated with a contra revenue account that absorbs the citation processing, permit, and collection fees to support the contract. The projected fees to be absorbed by the contra revenue account over the 3-year contract is estimated at $7.6 million dollars. These fees fluctuate depending on the number of citations and permits that are issued, payments received, and delinquent citations being sought.

CURRENT SITUATION AND ITS EFFECTS

The City's current agreement with Passport Labs, Inc. was extended until August 4, 2027, to allow for the award of the new contract for the citation and permit management system. The City released a Request for Proposals ("RFP") for a new citation and permit management system in anticipation of the expiration of its current contract. The new system is expected to enhance service delivery, improve compliance, and support the City's broader goals for curbside management and customer service.

BACKGROUND

In August 2024, the City hired a parking consulting firm to prepare an RFP for a parking citation and permit management system, including citation issuance devices. RFP No. 25-11708-C was posted on the City's Bid & Proposal Opportunities website on Tuesday, February 11, 2025, along with other required documentation including a Technical Compliance Matrix, Proposer Pricing Workbook, and a copy of the City's Sample

Agreement. The City received four responses to the RFP and based upon the evaluation criterion, the evaluation committee recommended awarding a contract with Passport Labs, Incorporated. Upon Council approval, staff will begin working with Passport on implementation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Parking Citation and Permit system from Passport Labs, Inc. allows customers to purchase permits and make payments online, which may result in reduced greenhouse gas emissions from customers and residents. The CPMS allows for digital permits and electronic records, which may result in the reduction of paper and other resources. This internet-based platform is utilized by the Finance, Police, Public Works, Information Technology departments and the City Manager's Office.

RATIONALE FOR RECOMMENDATION

Without this contract, the City of Berkeley would not be able to continue the issuance, processing, and collection of parking violations occurring within the City of Berkeley. This would include the revenue generated for the City of Berkeley by various facets of the parking program.

This contract also assists in support of Council directives to implement parking and enforcement programs in support of the expanded Citywide Residential Preferential Parking (RPP) Program, football and special event parking, and citation payment programs.

Passport's Citation and Permit Management system will continue to provide the City of Berkeley with mobile handheld ticket issuance, online citation and permit payments, digital permitting, end-to-end citation processing and collections, and the industry's most data-driven backend management software.

ALTERNATIVE ACTIONS CONSIDERED

Taking no action would end the existing contract and thus end the City of Berkeley's ability to support the Parking Management Program and capture the revenue generated to support parking operations, including staff costs reliant upon this revenue stream.

CONTACT PERSON

Jennifer Louis, Chief of Police, 981-5700

Attachment:
1. Resolution

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

CONTRACT: PASSPORT LABS, INC. FOR A CITATION AND PERMIT MANAGEMENT SYSTEM

WHEREAS, the City of Berkeley issued a Request for Proposal for a Citation and Permit Management System; and

WHEREAS, the City of Berkeley received four proposals and consistent with the Request for Proposal selection criterion, the selection committee selected Passport Labs, Inc. as the vendor with the best value for the City of Berkeley; and

WHEREAS, funding for this contract in an annual amount of $550,000 is required from the General Fund to be deposited in the Police Department's Budget, under budget code 011-71-703-812-0000-000-421-612990; and

WHEREAS, this contract is associated with a contra revenue account that absorbs the citation processing, permit and collection fees to support this contract which is expected to result in $7.6 million dollars of expenses that will be charged against the revenue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is authorized to execute a contract and any necessary amendments with Passport Labs, Incorporated for a three-year initial term with an option for two additional years at a total of $1.7 million dollars for the three-year initial term.

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Housing Advisory Commission

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Sarah Bell, Vice Chairperson, Housing Advisory Commission

Subject: Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans

RECOMMENDATION

Adopt a Resolution approving the following actions for Housing Trust Fund (HTF) loans and direct staff to examine the HTF administrative guidelines:

1. Extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of $916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of $1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of $150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

SUMMARY

The Housing Advisory Commission recommends modifying three Housing Trust Fund loans by reducing interest rates to 0-3%, extending terms to 55 years, and forgiving

$2.8 million in accrued interest to prevent the loss of 57 affordable housing units. The modifications align unsustainable 1990s-era loan terms with current guidelines, establishing a framework for managing similar situations as approximately half of the HTF portfolio's loans come due in the next 2-5 years.

FISCAL IMPACTS OF RECOMMENDATION

Longer loan repayment terms, reduced interest rates, and forgiven interest for each of these loans, as summarized in the following table:

Property	Original Principal	Interest Accrued	Original Interest Rate	Original Loan Maturation Date	Updated Principal	Updated Interest Accrued	Revised Interest Rate	Revised Loan Maturation Date
Hearst Street Apartments	$916,000	$1,638,601	6% simple interest	August 30, 2024	$916,000 (same)	0	3% simple interest	August 30, 2029
Lorin Station	$1,229,742 across three separate loans	$1,020,064	6% simple interest	Various dates**	$1,230,117 (combined)	0	0% simple interest	May 7, 2079
Addison Court Housing Cooperative	$150,000	$216,657	6% simple interest	October 31, 2026	$150,000 (same)	0	3% simple interest	November 1, 2080

Note that these loans are repaid via residual receipts for cashflow-constrained affordable housing providers, so the actual amount that each property will ultimately repay the city is likely to be unaffected by the forgiveness of accrued interest.

Staff time would be required to update guidance on interest rates and accrued interest for HTF loans.

CURRENT SITUATION AND ITS EFFECTS.

Three Housing Trust Fund properties face financial distress due to unsustainable loan terms from the 1990s-2000s. Two loans are past due, and all three properties cannot support 6% interest rates with their constrained cash flow.

Problem: Without modifications, these properties risk insolvency, threatening 57 affordable housing units serving extremely low to low-income households.

Solution: Modify loan terms to align with current HTF Guidelines (3% interest, 55-year terms) and consolidate Lorin Station's three loans at 0% interest consistent with original Council intent.

Effects: Modifications will prevent displacement, preserve affordable housing stock, and establish a framework for similar situations as more HTF loans mature.

At its September 4, 2025, meeting, the Housing Advisory Commission (HAC) approved the Loan Modification Requests for Housing Trust Fund Projects with the following vote:

Action: M/S/C (Potter/ Simon-Weisberg) to recommend City Council to:

1. Extend Resources for Community Development's existing HTF loan for Hearst Street Apartments for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of $916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for Lorin Station into a new loan in the amount of $1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance Addison Court Housing Cooperative's existing HTF loan into a new loan with a 55-year term and 3% simple interest. The principal amount of $150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

Vote: Ayes: Bell, Haycox, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Scott.

BACKGROUND

The City's HTF program has provided loans for affordable housing development since the 1990s. Older HTF loans from the late 1990s and early 2000s have 30-year terms and 6% interest rates, reflecting the high prime rates (8.25%-9.0%) of that era. Current HTF Guidelines establish 55-year terms and 3% interest rates for new loans.

The City's HTF portfolio currently consists of 60 projects with about 1700 affordable housing units. Approximately half of these properties have loans coming due in the next

2-5 years, creating portfolio management challenges as many older loan structures are no longer sustainable under current economic conditions.

Three HTF projects requested loan modifications:

- Hearst Street Apartments: The 1994 loan of $916,000, payable via residual receipts, at 6% interest matured August 30, 2024, with total debt of $2.55M that RCD cannot repay.
- Lorin Station: Three City loans ($177k in 1989, $322k in 1991, and $730k in 2021) were originally intended as grants but converted to loans to meet tax credit requirements. Accrued interest now exceeds $1M. Payable via residual receipts.
- Addison Court Housing Cooperative: The 1996 loan of $200k (reduced to $150k in 1998), payable via residual receipts, at 6% interest matures October 31, 2026, with limited cash flow for repayment.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The recommendations primarily clarify and extend existing HTF policies by:

- Aligning older loan terms with current HTF Guidelines that establish 3% interest rates and 55-year terms for new loans
- Maintaining the core HTF program structure while updating outdated terms from loans executed in the 1990s-2000s when prime rates were 8.25%-9.0%
- Preserving affordability requirements and regulatory agreements that continue the City's investment in long-term affordable housing

The existing loan structure is unsustainable for all three properties, with two loans already past due and all three properties operating with constrained cash flow that cannot support the original 6% interest rates and shorter terms. Without modifications:

- Hearst Street Apartments faces a $2.55M debt (principal plus interest) that cannot be repaid
- Lorin Station has over $1M in accrued interest that renders the project financially unviable
- Addison Court Housing Cooperative cannot meet loan obligations while maintaining necessary reserves

The proposed modifications bring these older loans into alignment with contemporary standards, ensuring equitable treatment across the HTF portfolio.

Property-Specific Justifications:

Hearst Street Apartments
- Extends existing policy with 5-year extension and 3% rate reduction
- Property serves households at deeper affordability than required, with 27 of 31 households below 40% AMI
- RCD will use extension period to improve rental revenue procedures and evaluate capital improvement needs

Lorin Station
- Clarifies original intent by consolidating loans consistent with the original Council intent to provide initial funding as a forgivable loan or grant to facilitate development
- Property exceeds affordability requirements with 9 of 10 units occupied by households below 40% AMI, including 6 households below 25% AMI
- 0% interest rate reflects the fact that grants were converted to loans only to meet tax credit program requirements

Addison Court Housing Cooperative
- Extends existing policy with 55-year term and 3% rate consistent with current guidelines
- ACHC has been consistent with making annual payments and submitted a comprehensive business plan for capital improvements

All modifications maintain:
- Residual receipts payment structures ensuring payments only when properties generate surplus cash
- Regulatory agreements preserving long-term affordability
- City's ability to recover funds if properties are sold or refinanced

Portfolio Management Benefits: Approximately half of HTF properties have loans coming due in the next 2-5 years. These modifications establish precedent for systematic portfolio management that balances financial sustainability with affordability preservation, enabling the City to proactively address similar situations across its 60-project, 1700-unit HTF portfolio.

ALTERNATIVE ACTIONS CONSIDERED

One alternative that the commission considered was not to forgive the accrued interest but to let it stand, repayable but not accruing additional interest. No advantage was seen to retaining the accrued interest on these loans, given that it was unlikely to be paid back within the loan term, and no other purpose was seen for leaving the accrued interest outstanding.

CITY MANAGER

See companion report.

CONTACT PERSON
Snow Zhu, Commission Secretary, HHCS, (510) 981-7774
Mike Uberti, Senior Community Development Project Coordinator, HHCS, (510) 981-5114
Lourdes Chang, Senior Community Development Project Coordinator, HHCS, (510) 981-5263

Attachments:
1: Resolution

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

APPROVING LOAN MODIFICATIONS FOR THREE EXISTING HOUSING TRUST FUND PROJECTS: HEARST STREET APARTMENTS, LORIN STATION, AND ADDISON COURT HOUSING COOPERATIVE

WHEREAS, City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, City Council adopted guidelines (HTF Guidelines) as revised on January 19, 2021, and authorized the HTF program in accordance with the Guidelines; and

WHEREAS, the City's older HTF loans, primarily executed between the late 1990s and early 2000s, typically have 30-year terms and 6% simple interest rates, while the current HTF Guidelines establish 55-year terms and 3% simple interest rate, and allow for City Manager approval of any deviations from those standard terms; and

WHEREAS, the owners of three existing HTF projects—Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative—requested modifications to the terms of their City loans in order to preserve long-term affordability and financial viability; and

WHEREAS, Hearst Street Apartments, a 32-unit multifamily development located at 1133–39 Hearst Street and owned by Resources for Community Development (RCD), has reached loan maturity, with $916,000 in principal and approximately $1.6M in accrued interest as of the writing of this report; and

WHEREAS, staff supports extending the Hearst Street Apartments loan term by five (5) years to August 30, 2029, and reducing the interest rate to 3% simple interest, consistent with current HTF Guidelines, to allow RCD time to improve project cash flow and plan for future capital improvements; and

WHEREAS, Lorin Station, a 14-unit mixed-use affordable housing development located at 3253–3269 Adeline Street and owned by South Berkeley Neighborhood Development Corporation (SBNDC), received three City HTF loans in 1989, 1991, and 2021 totaling approximately $1.23 million; and

WHEREAS, the 1989 and 1991 loans have reached or are approaching maturity, and SBNDC lacks sufficient cash flow to repay them; staff recommends combining the three loans into a single residual receipts loan of $1,230,117 with 0% simple interest and a new term of 55 years, coterminous with the 2021 Emergency Rehabilitation Loan; and

WHEREAS, Addison Court Housing Cooperative (ACHC), a 10-unit resident-managed cooperative located at 1135–1139 Addison Street, assumed a $150,000 HTF loan in 1996 that accrues 6% simple interest and matures on October 31, 2026; and

WHEREAS, ACHC has requested, and staff supports, refinancing the existing loan with a new 55-year term and a reduced 3% simple interest rate to ensure continued financial stability and the ability to complete planned capital improvements; and

WHEREAS, the Housing Advisory Commission, at its September 4, 2025, meeting, voted unanimously to recommend approval of the three loan modification requests, and forgiveness of accrued interest for each loan as of the effective date of the new and/or amended loan; and

WHEREAS, the Housing Advisory Commission recommends updating the HTF Guidelines to allow for accrued interest forgiveness in all HTF loan modifications; and

WHEREAS, approval of these loan modifications will further the City's goals of maintaining and preserving affordable housing stock, supporting community-based ownership, and preventing displacement of lower-income Berkeley residents.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby approves the modification of three existing HTF loans as follows:

1. Hearst Street Apartments – Authorize the City Manager or designee to extend the existing HTF loan for five (5) years to August 30, 2029, and reduce the interest rate for the remaining term to 3% simple interest.
2. Lorin Station – Authorize the City Manager or designee to combine the South Berkeley Neighborhood Development Corporation's three HTF loans into one new residual receipts loan in the amount of $1,230,117, with 0% simple interest and a 55-year term coterminous with the 2021 Emergency Rehabilitation Loan.
3. Addison Court Housing Cooperative – Authorize the City Manager or designee to refinance the existing HTF loan into a new 55-year loan term at 3% simple interest.

BE IT FURTHER RESOLVED that the amount of interest accrued as of the effective date of the new loans will be forgiven by the City of Berkeley for each loan and only the principal from the original loans will be included as part of the not-to-exceed amount for the new loans.

BE IT FURTHER RESOLVED that the City Manager or designee will review and make recommendations on the Housing Trust Fund Guidelines terms for interest rates and accrued interest.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to execute all original or amended documents, promissory notes, regulatory agreements, or other instruments necessary to effectuate these loan modifications.

26b

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Companion Report: Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans

RECOMMENDATION

Adopt a Resolution approving the following actions to modify three existing Housing Trust Fund (HTF) loans by:

1. Authorizing the City Manager or designee to extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reducing the interest rate for the remaining term to 3% simple interest. The principal amount of $916,000 will remain the same.
2. Authorizing the City Manager or designee to combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of $1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Authorizing the City Manager or designee to refinance the existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of $150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorizing the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions, including amendments to existing loan agreements.
5. Referral to staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

SUMMARY

The owners of three HTF projects requested modification to the terms of their existing HTF loans: Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative (Addison Court). All three owners requested to extend their loan terms,

which either expired or are set to expire in the next year. No additional HTF funds have been requested. Staff support extending the loan terms and reducing the interest rate to 0% for Lorin Station, and 3% for Hearst Street and Addison Court consistent with the current HTF Guidelines. Extending the terms ensures continued affordability of 56 housing units for lower income households. At this time, staff respectfully do not support forgiveness of accrued interest for these three HTF projects as recommended by the Housing Advisory Commission (HAC). The City's investment of public funds in these projects needs to be protected, as repayments into the HTF will support the creation or preservation of more affordable housing units. Without accruing interest, the City's investment loses value over time. More research is required before staff can make a recommendation related to forgiving accrued interest that balances stewardship of public funds with the financial needs of City-funded affordable projects. Staff will review current loan modification criteria and assess the impact of forgiving accrued interest on the projects and on the City.

FISCAL IMPACTS OF RECOMMENDATION

In extending the three HTF loans, the City is forgoing full repayment in the short term, collectively estimated at $5.17M ($2.296M in principal plus $2.875M in accrued interest), to ensure continued affordability. By refinancing the existing loans, the City will be able to extend its affordability requirements without adding new funding. The borrowers will continue to repay the City through residual receipts, when the projects have positive cash flow.

CURRENT SITUATION AND ITS EFFECTS

Owners of three HTF projects requested modification to the terms of their HTF loans for the following projects: Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative (Addison Court). The Lorin Station loan and Hearst Street Apartments loan reached their loan maturity dates, and their respective loan repayments are past due. Addison Court's loan is due in October 2026.

Staff support extension of the loan term for Hearst Street Apartments by 5 years, giving RCD the opportunity to establish a plan for improving project cash flow and developing a plan to address capital improvements. The regulatory agreement recorded against the property will be in effect until 2055 and will continue to restrict the 32 multifamily units at an affordable level.

Staff also support extension of the loan terms for Lorin Station and Addison Court, and extension of the affordability period by 55 years; thus, ensuring long-term affordability for 14 units at Lorin Station and 10 cooperative units at Addison Court. In addition, staff supports reducing the interest rates for all three projects to provide relief from the higher 6% interest rate applied to the loans back in early 2000s when the interest rate ranged between 8-9%. No additional HTF funds were requested.

On September 4, 2025, the Housing Advisory Commission (HAC) supported the loan modification requests for these HTF projects with the following vote:

Action: M/S/C (Potter/Simon-Weisberg) to recommend City Council to:

1. Extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of $916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of $1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of $150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

Vote: Ayes: Bell, Haycox, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Scott.

- The HAC agreed with staff recommendations as stated in #1 through 4 above and added recommendations #5, to forgive the accrued interest to date for all three loans, and #6, to direct staff to examine the HTF Guidelines and update the standards for interest rates and accrued interest for future loans. While staff respect the commission's recommendations and share their desire to support the City's non-profit housing providers, staff respectfully do not agree with the recommendation to forgive accrued interest for these loans at this time. The City's investment of public funds in these projects needs to be protected, as repayments into the HTF will support the creation or preservation of more affordable housing units. Without accruing interest, the City's investment loses value over time. More research is required before staff can make a recommendation related to forgiving accrued interest that balances stewardship of public funds with the financial needs of City-funded affordable projects.
- Staff agree further examination of the City's loan modification standards is warranted, specifically regarding interest rates and forgiveness of accrued

interest. However, staff don't recommend providing a blanket approval of forgiveness of the accrued interest on these three loans and future loan modification requests until staff is able to complete a review of the loan modification standards, including what criteria should be considered if forgiveness of accrued interest is requested by a project sponsor. Retaining the ability for the City to recoup HTF loans with accrued interest remains a priority because the proceeds from repayment of these loans would go back to the HTF to support new affordable housing projects or rehab of existing projects.

BACKGROUND

The City of Berkeley's HTF program provides loans to housing developers for the acquisition, development, and preservation of affordable housing in Berkeley. The older HTF loans, primarily those executed between the late 1990s and early 2000s, have 30-year terms and a 6% interest rate (prime rates were over 8.25% at that time). Recent HTF loans typically have 55-year terms and a 3% interest rate, per current HTF Guidelines. Under the current guidelines, the City Manager or designee can approve different interest rates, if required to support project feasibility. To date, the City's HTF rental housing portfolio consists of 60 projects with about 1700 affordable housing units serving extremely low to low-income households. Approximately half of these properties have loans coming due in the next 2-5 years.

When evaluating loan modification requests, staff consider multiple factors including:

- Financial necessity and the owner's ability to continue operating the project as affordable housing
- Long-term stewardship of City's investment in the project, ensuring housing affordability, and physical and financial viability of the property throughout the term of the City's loan and regulatory agreement; and
- Impact on owner's repayment of the City loan.

The following three HTF projects requested loan modifications:

- **Hearst Street Apartments** is a 32-unit multifamily affordable housing development located at 1133-39 Hearst Avenue and owned by Resources for Community Development (RCD). The Development Loan Agreement (DLA) requires 27 of the units at Hearst Street Apartments to be occupied by households whose incomes are at or below 60% Area Median Income (AMI).
    - In 1994, the City loaned RCD a total of $916,800 in HTF funds for the acquisition and rehabilitation of Hearst Street Apartments. The loan has a 30-year term and a 55-year regulatory agreement, as was standard for HTF loans at that time. The principal balance and interest accrued at 6% simple interest per year was due and payable on August 30, 2024. The regulatory agreement recorded against the property will be in effect until 2055 and will continue to restrict the units at an affordable level.

- RCD was unable to pay off the City's loan when the term ended in August 2024. The total amount due is $2.55M, including $916,000 in principal and $1,638,601 in accrued interest.
- RCD requested the loan term be extended by 5 years to August 30, 2029, to give them an opportunity to consider strategies for improving rental revenue and to explore other funding sources to support deferred maintenance and capital improvements at the property.
- Staff supports extension of the loan term by 5 years, and to reduce the interest rate from 6% to 3% simple interest to be consistent with current HTF Guidelines.

The City and RCD will revisit the loan terms at the end of the five-year extension period. At that time, it is anticipated RCD will have a plan to address the property's ongoing operations and a financing strategy to fund future capital improvement needs.

- **Lorin Station** is a mixed-use affordable housing development located at 3253–3269 Adeline Street with 14 residential units and approximately 4,500 square feet of ground-floor commercial space. It is owned by South Berkeley Neighborhood Development Corporation (SBNDC) The 1991 Development Loan Agreement requires 10 of the units at Lorin Station to be occupied by households whose incomes are at or below 50% of AMI.
  - SBNDC received three HTF loans for the development and maintenance of the property (a development loan of $177,000 in 1989, and $322,000 in 1991; and an emergency rehabilitation loan of $730,742 in 2021).
  - The 1989 and 1991 loans were initially awarded as grants to SBNDC; they were converted to loans for the purpose of applying for tax credit financing.
  - The 6% simple interest incurred on the 1989 and 1991 loans collectively amount to $1,020,064 ($377,211 and $642,853 respectively). The 1991 loan came due in December 2021, and the 1989 loan is due in October 2029. SBNDC did not have the financial resources to repay the 1991 loan in December 2001, which amounted to $964,853 in principal and accrued interest to date. SBNDC requested the loans be converted back to grants.
  - Recognizing the original intent of Council was to provide the funds as a grant to help facilitate the development of Lorin Station, and at the same time in an effort to be consistent with current HTF Guidelines and practice, staff recommends refinancing the three City loans into a single loan in the amount of $1,230,117 with an interest rate of 0% simple interest to be coterminous with the terms of the 2021 Emergency Rehabilitation Loan. SBNDC would repay the loan through residual receipts and only when surplus cash is available.

SBNDC is working on strategies to increase rental income and improve cash flow at Lorin Station, including the possibility of securing project-based rental assistance.

- Addison Court is located at 1135-1139 Addison Street with ten units. It is owned by the Addison Court Housing Cooperative (ACHC) and is self-managed by the cooperative's resident members. Since the project's inception in 1998, the property has provided a valued source of resident-managed affordable housing. The project provides affordable housing to very low- and low-income residents. According to the regulatory agreement, four units are restricted at 50% AMI, four units at 60% AMI, and two units at 80% AMI. The most recent annual compliance report shows the majority of ACHC households have incomes below 60% AMI.
    - In 1996, the City provided a $200,000 HTF loan for the acquisition and rehabilitation of Addison Court.
    - Per the terms of the Development Loan Agreement, the City approved forgiveness of $50,000 of the loan resulting in a new principal amount of $150,000 and transferred ownership of the improvements to ACHC in 1998.
    - The 6% simple interest loan accrued $216,657 in interest to date. The loan matures in October 31, 2026.

ACHC requested a loan modification to: Reduce the interest rate from 6% to 0% or reduce it to 3% if 0% interest is not feasible; forgive the accrued interest to date; and extend the loan maturity by 55 years.

To remain consistent with current HTF Guidelines and practice, staff supports ACHC's proposal to extend the loan maturity date by 55 years and to reduce the interest rate from 6% to 3%. Staff does not support forgiveness of accrued interest until staff has completed a review of the HTF Guidelines related to interest rate standards and criteria for forgiveness of accrued interest. Payment on the City's loan is based on residual receipts where ACHC would make payments if there is project cash flow. ACHC is seeking a loan modification in advance of the loan maturity date to enhance the project's financial stability, improve housing quality and achieve long-term stability through a structured business plan that will help ACHC reduce the property's debt and plan for major capital improvements needed in the next 20 years.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability effects directly associated with the recommendations in this report.

RATIONALE FOR RECOMMENDATION

Staff support extending the loan terms and reducing the interest rates for Hearst Street Apartments, Lorin Station and Addison Court Housing Cooperative. All three projects are occupied, and all three serve households at lower incomes than is required in the

City's regulatory agreements. The proposed recommendations support the projects' continued operation as affordable housing. While staff do not currently recommend forgiving the accrued interest, staff will review the HTF Guidelines and internal policies around loan modifications, to assess the impacts of forgiving accrued interest to future HTF projects and to the City.

ALTERNATIVE ACTIONS CONSIDERED

None of the project owners are in a position to repay their HTF loans, and requiring repayment could result in a loss of affordability and displacement of existing, lower income residents. Staff considered HAC's recommendation to forgive the accrued interest on these and future loan modification requests but respectfully do not support this recommendation until staff completes a review of the loan modification standards, including what criteria should be considered if forgiveness of accrued interest is requested by a project sponsor.

CONTACT PERSON

Lourdes Chang, Senior Community Development Project Coordinator, HHCS,
(510) 981-5263

Attachments:
1: Resolution

RESOLUTION NO. ##,###–N.S.

APPROVING LOAN MODIFICATIONS FOR THREE EXISTING HOUSING TRUST FUND PROJECTS: HEARST STREET APARTMENTS, LORIN STATION, AND ADDISON COURT HOUSING COOPERATIVE

WHEREAS, City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of affordable housing to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, City Council adopted guidelines (HTF Guidelines) as revised on January 19, 2021, and authorized the HTF program in accordance with the Guidelines; and

WHEREAS, the City's older HTF loans, primarily executed between the late 1990s and early 2000s, typically have 30-year terms and 6% simple interest rates, while the current HTF Guidelines establish 55-year terms and 3% simple interest rate, and allow for City Manager or designee approval of any deviations from those standard terms; and

WHEREAS, the owners of three existing HTF projects—Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative—requested modifications to the terms of their City loans in order to preserve long-term affordability and financial viability; and

WHEREAS, Hearst Street Apartments, a 32-unit multifamily development located at 1133–39 Hearst Avenue and owned by Resources for Community Development (RCD), has reached loan maturity, with $916,000 in principal and approximately $1.6M in accrued interest as of the writing of this report; and

WHEREAS, staff supports extending the Hearst Street Apartments loan term by five (5) years to August 30, 2029, and reducing the interest rate to 3% simple interest, consistent with current HTF Guidelines, to allow RCD time to improve project cash flow and plan for future capital improvements; and

WHEREAS, Lorin Station, a 14-unit mixed-use affordable housing development located at 3253–3269 Adeline Street and owned by South Berkeley Neighborhood Development Corporation (SBNDC), received three City HTF loans in 1989, 1991, and 2021 totaling approximately $1.23 million; and

WHEREAS, the 1989 and 1991 loans have reached or are approaching maturity, and SBNDC lacks sufficient cash flow to repay them; staff recommends combining the three loans into a single residual receipts loan of $1,230,117 with 0% simple interest and a new term of 55 years, coterminous with the 2021 Emergency Rehabilitation Loan; and

WHEREAS, Addison Court Housing Cooperative (ACHC), a 10-unit resident-managed cooperative located at 1135–1139 Addison Street, assumed a $150,000 HTF loan in 1996 that accrues 6% simple interest and matures on October 31, 2026; and

WHEREAS, ACHC has requested, and staff supports, refinancing the existing loan with a new 55-year term and a reduced 3% simple interest rate to ensure continued financial stability and the ability to complete planned capital improvements; and

WHEREAS, the Housing Advisory Commission, at its September 4, 2025, meeting, voted unanimously to recommend approval of the three loan modification requests, while also recommending forgiveness of accrued interest and an update to the HTF Guidelines and administrative policies to allow for accrued interest forgiveness in all HTF loan modifications; and

WHEREAS, while staff supports the loan extensions and interest rate reductions consistent with HTF policy, staff respectfully does not recommend forgiveness of accrued interest at this time, pending further review of standards for interest forgiveness under the HTF Guidelines; and

WHEREAS, approval of these loan modifications will further the City's goals of maintaining and preserving affordable housing stock, supporting community-based ownership, and preventing displacement of lower-income Berkeley residents.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby approves the modification of three existing Housing Trust Fund (HTF) loans as follows:

1) Hearst Street Apartments – Authorize the City Manager or their designee to extend the existing HTF loan for five (5) years to August 30, 2029, and reduce the interest rate for the remaining term to 3% simple interest.

2) Lorin Station – Authorize the City Manager or their designee to combine the South Berkeley Neighborhood Development Corporation's three HTF loans into one new loan in the amount of $1,230,117 plus accrued interest, with 0% simple interest and a 55-year term coterminous with the 2021 Emergency Rehabilitation Loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.

3) Addison Court Housing Cooperative – Authorize the City Manager or their designee to refinance the existing HTF loan in the amount of $150,000 plus accrued interest, into a new 55-year loan term at 3% simple interest. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.

BE IT FURTHER RESOLVED that the new loans for Lorin Station and Addison Court Housing Cooperative will have not-to-exceed amounts that include the principal of their original loans, plus the amount of interest accrued as of the effective date of the new loans.

BE IT FURTHER RESOLVED that City Council hereby refers to staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to execute all original or amended documents, promissory notes, regulatory agreements, or other instruments necessary to effectuate these loan modifications.

27a

Housing Advisory Commission
Civic Arts Commission

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission and Civic Arts Commission

Submitted by: Leah Simon Weisberg, Chairperson, Housing Advisory Commission
Cameron Woo, Chairperson, Civic Arts Commission

Subject: Affordable Housing for Artists Report

RECOMMENDATION

Approve the "Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists" report and direct the City Manager to evaluate and implement the report recommendations as appropriate.

FISCAL IMPACTS OF RECOMMENDATION

The report makes seven recommendations for increasing funding, construction, and access to affordable housing for low-income artists and creative workers. Some of these recommendations have no fiscal impact, such as those dealing with zoning policies, and others, such as placing an affordable housing bond measure on the 2028 ballot, have a positive fiscal impact. For every one dollar of local funds raised through a bond measure, about four dollars can be generated from other sources to preserve existing, and build new, affordable housing.

One recommendation, to consider including low-income artists and cultural workers as a category of eligible participants in a Guaranteed Basic Income (GBI) pilot project, requires the City Council to retain the previously budgeted funds ($50,000), when it re-considers the item in fall, 2025.

Several strategies require an allocation of staff time to implement AB 812, which allows a set-aside of below-market-rate (BMR) units, develop a standardized process for designating local cultural districts and applying for State cultural district designation (which in turn could open grant funding opportunities, etc.), and work with arts organizations to provide technical assistance.

CURRENT SITUATION AND ITS EFFECTS

The Housing Advisory Commission (HAC) and the Civic Arts Commission approved recommending that the report be submitted to the City Council for its approval at their respective July 2025 meetings. The report is included as Attachment 1.

Berkeley's artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to high housing costs. Without accessible housing and workspace options, Berkeley risks losing the complete arts sector that defines much of the city's local economy, character, and appeal.

In July 2023, members of the Civic Arts Commission made a presentation to the HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community. The joint subcommittee met regularly over the past two years to prepare the attached report to address the critical need for affordable housing for artists and cultural workers in Berkeley. The report was approved by both commissions at their respective July 2025 meetings:

Civic Arts Commission

Action: M/S/C (Blecher/Pineda) to approve final report with recommendations to Council on affordable housing for artists from the Joint Subcommittee of the Housing Advisory Commission and the Civic Arts Commission.

Vote: Ayes: Bachrach, Blecher, Bullwinkel, Montgomery, Pineda, Woo. Noes: None. Abstain: None. Absent: Scott.

Housing Advisory Commission

Action: M/S/C (Potter/ Haycox) to approve the recommendations in the report "Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists" and recommend transmittal to the City Council for its review and approval.

Vote: Ayes: Bell, Haycox, Potter, and Shere. Noes: None. Abstain: None. Absent: Micael, Scott, Simon-Weisberg, and Twu.

The report has seven recommendations which support the long-term sustainability of the arts and culture sector by expanding affordable housing opportunities for low-income artists:

1. Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate (BRM) units within cultural arts districts to be set aside for low-income artists.
2. Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the *San Pablo Specific Plan* and the *Corridors Zoning Update: North Shattuck, College and Solano Ave*.
3. Place an affordable housing bond measure on the 2028 ballot.

4. Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.
5. Implement the short- and medium-term strategies recommended in the *Berkeley Social Housing Study - Draft - May 2025.*
6. Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.
7. Preserve the funding for a Guaranteed Basic Income (GBI) pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

These seven recommendations include practical and necessary strategies, policies, and programs to undertake if the city is to truly address the affordable housing needs of low-income artists and cultural workers. The city has undertaken several studies and surveys in the past to better understand the needs of its cultural workforce, and affordable housing is consistently identified as the number one challenge facing these workers. Therefore, it is imperative that the city move the needle on this issue by implementing the report's recommendations. As part of approving the report, it is recommended that the City Council direct the City Manager to evaluate and implement the report's recommendations as appropriate.

BACKGROUND

In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update (PDF). The Update developed and recommended citywide goals, policy improvements, and actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal #1 is to increase access to affordable housing and affordable spaces for artists and arts organizations.

In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley (PDF) by Creative Equity Research Partners. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of $69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

The City's Housing Element also recognizes the need for affordable housing for artists. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of

Berkeley, underpinning the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement.

Taken together, these reports and the lived experiences of Civic Arts Commissioners and their colleagues and fellow working artists, spurred the Civic Arts Commission to reach out to HAC with a proposal to work together, via a joint subcommittee, on a series of recommendations to create more affordable housing for artists for City Council consideration.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the recommendations contained in the report will have positive sustainability and climate impacts. The zoning policy recommendations will promote mixed-use development close to transit and bike routes, will open development opportunities in less densely developed areas of the city, and will set-aside some BMR units for low-income artists. Increased revenue for the Housing Trust Fund will ensure the city can continue to work towards its Regional Housing Needs Allocation (RHNA) goals. Providing housing for all income groups and economic sectors promotes a sustainable Berkeley.

RATIONALE FOR RECOMMENDATION

The affordable housing crisis, in Berkeley, throughout the Bay Area, and increasingly, throughout the nation, is a well-studied and well-documented reality. The repercussions for local communities are widespread and deep, from pricing young people and seniors out of the area, displacing long-time residents and increasing homelessness to creating super-commuters who spend more than three hours a day in their cars because they cannot afford to live where they work, and negatively impacting the diversity and creativity of communities. Affordable housing development is necessary to mitigate the impact of the ongoing affordable housing crisis. It serves as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley's identity and economy.

Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding such projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions were considered.

CITY MANAGER
See Companion Report.

CONTACT PERSON
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Jennifer Lovvorn, Civic Arts Commission Secretary, (510) 981-7533
Mike Uberti, Senior Community Development Project Coordinator, HHCS, (510) 981-5114

Attachment:
1: “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists”

Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists

A Report by the Housing Advisory Commission and the Civic Arts Commission

July 2025









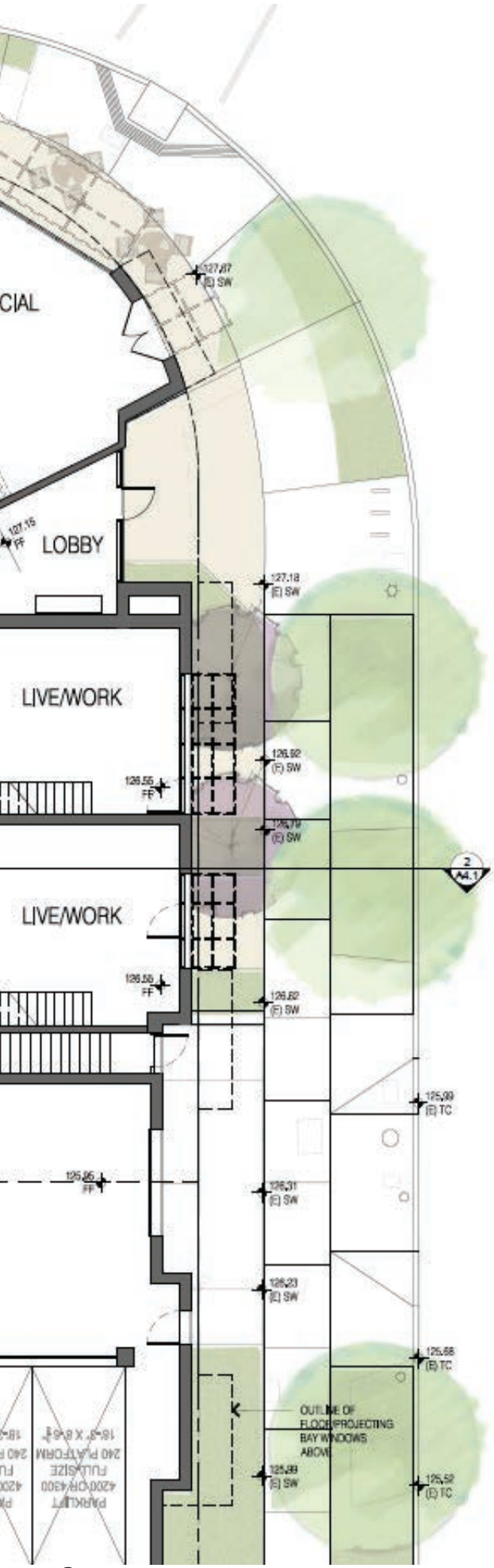


In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update (Update). The Update is a framework for supporting the arts. A key Update recommendation is to increase access to affordable housing and affordable spaces for artists and arts organizations. In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

The 2022 survey on affordable housing for artists concluded that without affirmatve strageties and policies, artists will continue to be priced out of Berkeley.

Acting on the survey report's findings, in July 2023, members of the Civic Arts Commission made a presentation to the Housing Advisory Commission (HAC) regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community.

The joint subcommittee met regularly over the past two years to prepare the following goals and recommendations to address the critical need for affordable housing for artists and cultural workers in Berkeley. This report was presented to the HAC and Civic Arts Commission at their respective July 2025 meetings with a recommendation that the report be forwarded to the Berkeley City Council for its consideration and approval.



Overview of Policy Recommendations

1 Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate units within cultural arts districts to be set aside for low-income artists.

2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.

3 Place an affordable housing bond measure on the 2028 ballot.

4 Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.

5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study Draft – May 2025.

6 Adopt a standardized process for designating local cultural districts and apply for State cultural district designation.

7 Preserve the funding for a Guaranteed Basic Income pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

A proposed development on San Pablo Ave. (left) suggests live/work spaces on the first floor in place of traditional retail space.

Making the Case for Artist Housing in Berkeley

In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update. The Update is a framework for supporting the arts. It developed and recommended citywide goals, policy improvements, and actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal number one is to increase access to affordable housing and affordable spaces for artists and arts organizations. Several of the policy recommendations are updated and included in this report.

In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. One hundred and sixty-three (163) local artists were surveyed and represented a cross-section of Berkeley's most vulnerable populations. The survey found that high housing costs were placing the community's thriving cultural sector at increasing risk of displacement. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

Acting on the report's findings, in July 2023, members of the Civic Arts Commission made a presentation HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. The Civic Arts Commission's key concern was that the affordable housing crisis was adversely impacting the artist community in Berkeley by pricing practicing artists out of the city, and negatively impacting the local economy and community vibrancy and creativity. Given the unique role that artists play in a community's character and prosperity, HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow Berkeley's artist community.

> "Goal number one is to increase access to affordable housing and affordable spaces..."

Current Housing Funding Landscape

This report comes at a unique and challenging moment when traditional funding sources for affordable housing face unprecedented constraints. Affordable housing developments serve as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley's identity and economy. Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding affordable housing projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are several actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

Artists as Economic Contributors and Vulnerable Workers

Artistic professions are highly valued but poorly compensated. Artists represent a significant yet vulnerable segment of our workforce. As a labor sector, artists are among the lowest-income workers, placing them within already marginalized communities that struggle with housing affordability. Despite this economic vulnerability, artists drive substantial economic activity, representing 7% of California's economy—or 15% when including television and film industries. This economic contribution makes artists vital to the prosperity of California and the city of Berkeley.

According to the 2022 Creative Equity Research Partners survey, of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of $69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. These trends also intersect with the racial wealth gap: among respondents who identified as non-White, 72% reported low household incomes, compared to 55% among those who identified as White or Caucasian.

Berkeley's artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to housing costs. Without accessible housing and workspace options, Berkeley risks losing its arts sector that defines much of the city's local economy, character and appeal.

The definition of "artist" for the context of this report, approved by the Civic Arts Commission, May 25, 2022, is as follows:

An individual (or team member of an arts group) who is regularly engaged in the arts on a professional basis. These include but are not limited to those who practice:

Fine Arts such as painting, sculpture, mixed media works, photography, papermaking, printmaking, filmmaking or videography, or interdisciplinary art practice.

Performing Arts such as dance, dance theatre, acting, directing, set design, or members of theatre troupes.

Musical Arts such as musicians, composers, singers, choir members, band members, or ensemble members.

Literary Arts such as writers of prose, poetry, or plays.

Social Practice Arts including interdisciplinary modes of creative production with methods of public engagement.

Craft Artisans who create works such as fine woodworking, ceramics, glass blowing, stained glass, textiles, jewelry, metal works, fashion, blacksmithing, basketry, etc.

Artists who have culturally specific creative practices (folk arts, traditional arts, tradition bearers)

Self-taught and "outsider" artists

The terms "artist", "cultural worker", and "creative workforce" are used interchangeably throughout this report.



EMBRACING BERKELEY'S COMMITMENT TO THE ARTS: Laying the Groundwork for Artists Housing

Current efforts by organizations like Vital Arts, which is conducting a regional artist census and providing emergency displacement prevention grants, and Artist Space Trust, which provides low-income housing for artists and trains artists to access existing affordable housing, highlight the two-pronged nature of this crisis.

The City's Housing Element recognizes this need. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of Berkeley. This policy underpins the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Further, the Housing Element includes programs like Program 27, focused on Priority Development Areas (PDAs), including the San Pablo Specific Plan, and other initiatives that call for rezoning to enable higher-density housing, especially near transit and services.

The Corridors Zoning Update is one of the primary tools to carry out the Housing Element's vision. It will focus specifically on North Shattuck, College Avenue, and Solano Avenue—commercial corridors with potential for added housing. The goal is to update zoning codes to allow more housing (including affordable units), promote mixed-use development, and ensure compliance with state laws on housing capacity.

Both planning efforts emphasize equity and access. Berkeley has long valued its creative spirit. Now is the time to protect it. The dual imperative is clear: create more affordable housing and ensure artists can remain in their communities.

Goal: To support the long-term sustainability of the arts and culture sector by expanding access to affordable housing and workspaces for artists and arts organizations—through targeted policies, funding mechanisms, and land use strategies.

HAC and the Civic Arts Commission share the following recommendations:

1 **Adopt an ordinance implementing AB 812,** which allows up to 10% of Below Market Rate units within cultural arts districts to be set aside for low-income artists.

In 2023, the State Legislature adopted AB 812 (Chapter 747). The bill provides that cities with inclusionary zoning programs can set aside up to 10% of Below Market Rate (BMR) units for lower-income artists. The units reserved must be located within, or within one-half mile, of a State-designated, or wholly within a locally designated, cultural district. The city has two locally designated cultural arts districts: The Black Arts and Culture District in South Berkeley and the Arts District Overlay in downtown Berkeley. Community members and stakeholders are exploring a possible third local arts district in West Berkeley.

To provide a BMR unit set-aside for artists within local cultural districts, the city must adopt an ordinance implementing the state law. A draft ordinance has been prepared for Planning Commission and City Council consideration and is attached as Appendix A. [The Civic Arts Commission and HAC previously approved a recommendation referring the draft ordinance implementing AB 812 to the Planning Commission.]

Adopting an ordinance implementing AB 812 is an immediate action that can lead a concerted effort to retain the city's creative workers, especially low-income artists and artists of color.

2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in areas already identified in the City's Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.

Planning staff are currently working with the community on the San Pablo Specific Plan and have recently initiated the Corridors Zoning Update: North Shattuck, College and Solano Avenue. Both planning initiatives focus on key commercial corridors with the goal of developing land use and economic revitalization initiatives that will encourage and support diverse housing, commercial activities, and public amenities. The Plans also provide critical opportunities for developing land use standards and policies that encourage and incentivize live-work spaces for artists, spaces for non-profit arts organizations, and affordable housing for low-income cultural workers. In addition, flexible outdoor and indoor spaces for exhibitions and performances should be encouraged along these commercial corridors. The exhibition and performance spaces should be accessible and affordable to ensure their usability by artists.

a. San Pablo Specific Plan

The San Pablo Specific Plan is investigating land use and zoning standards that promote access to housing, equity, safer streets, sustainability, and an economically vibrant commercial corridor.

The December 4, 2024 presentation to the Planning Commission provides an outline of the major goals derived from the community assessment. The identified goals, if translated into land use standards and policies, will go a long way to promoting affordable and diverse housing and encourage flexible spaces for arts and culture organizations and activities. The expansion of allowable ground floor uses to permit residential, with an emphasis on live-work spaces, is critical to animating the corridor and promoting economic vibrancy. Allowing pop-up uses by right and sponsoring public-private events are key avenues for supporting the arts and local artists. All of these strategies should be adopted in the final Plan.

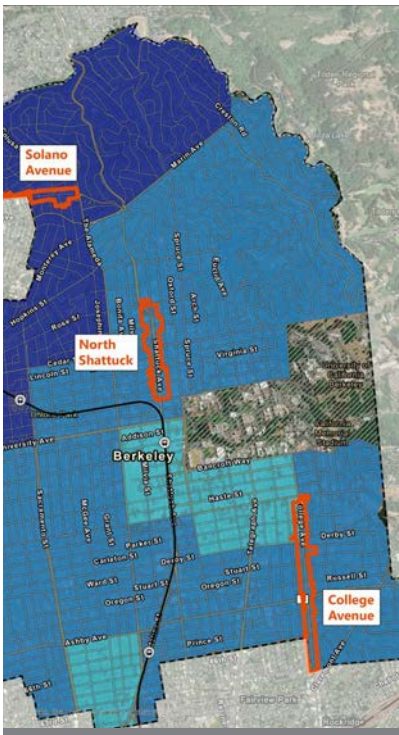
Specific recommendations include:

- In exchange for increased density, require provision of ground floor, below-market-rate office or exhibition space for non-profit arts organizations or provision of ground floor affordable artist live-work space.
- All live-work projects should have a set-aside for below-market units specifically for artists.
- If corridor improvements are permitted in exchange for increased density, they should include outdoor areas suitable for exhibitions and performances. It is essential that "corridor improvements" include hard and soft funding as "hard" spaces are only as good as the programming that happens within them. Funds for ongoing activities, landscaping, amenities, etc. must be provided.
- Permitted ground floor uses must be expanded to have an economically vibrant and successful San Pablo Avenue. Residential uses must be allowed, with a focus on live-work housing. Offices should also be permitted with a focus on arts and cultural (and other) non-profit space. Day care facilities are critical to economic development and should be a permitted ground floor use.

b. Corridors Zoning Update: North Shattuck, College and Solano Ave.

The Corridors Zoning Update is a city of Berkeley initiative focused on revising zoning regulations along three key commercial corridors: North Shattuck Avenue, College Avenue, and Solano Avenue. These areas have been designated as priority commercial and transit corridors in the city's 2023–2031 Housing Element, aiming to increase housing capacity and promote equitable development.

The Corridors Zoning Update is focused on land use and zoning standards that enhance housing capacity and address development barriers to advance fair housing and augment housing capacity, with a focus on equity and inclusion. The re-zoning effort launched earlier this year, and it is estimated to be completed at the end of 2026. The initial community meeting was held on May 1, 2025. The PowerPoint presentation from the meeting can be found here.



The city of Berkeley has identified sites for housing opportunities.

This initiative, which is just beginning, is an opportunity for affordable housing and arts organizations and advocates to be engaged to:

- Ensure that live-work spaces are permitted as part of the re-zoning; and
- Permit ground floor spaces in new residential developments, both market rate and affordable, to be used, by right, as flexible spaces that can accommodate offices and performance, exhibition and classroom facilities.

Affordable housing should be prioritized and incentivized:

- City-owned properties within the three corridors should be studied for feasibility for conversion into affordable housing sites; and
- A set-aside of affordable units for low-income artists should be included (see report recommendation #1 regarding adopting an ordinance implementing AB 812.)

3 Place an affordable housing bond measure on the 2028 ballot.

In 2018, the voters approved Measure O, with 77.5% of voters voting yes. Measure O provides $135 million of funding from bond revenue to pay for affordable housing projects. Since approval of Measure O, over 750 units of affordable housing have been built or are under construction and hundreds of units have been approved for funding and are in the development pipeline. The city completed two of the planned four issuances of the Measure O bond, with the third issuance anticipated in 2025.

The City does not have an annual Notice of Funding Availability (NOFA) process to allocate Measure O funds, but instead issues NOFAs when sufficient funding is available to support one or more projects. There are no immediate plans for a NOFA for the estimated $1.8M in remaining Measure O funds. Staff anticipates that remaining Measure O funds could be used to support pipeline projects that need additional subsidy, or may be used to support a new project, in conjunction with other local housing funds.

While there are major affordable housing projects in the development pipeline, including the North Berkeley and Ashby BART stations, Measure O funds have been expended, encumbered, or reserved for identified projects. Therefore, there are no significant local funds that can be used for new affordable housing projects. Local funding is a critical component of affordable housing development as $1 of local funding can leverage up to $5-$7 of additional funding.



Local matching funds make projects more competitive when applying for state and federal funding, and are essential for securing Low Income Housing Tax Credit funding, a key affordable housing mechanism. Without a new local source of affordable housing funding, the forward progress in addressing the city's affordable housing crisis will be stalled and the gains in reducing the number of unhoused people and providing stable housing for low-income families and individuals will be reversed. Therefore, it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot.

A 2028 bond measure can ensure funding for:

- Workforce housing, including housing for artists;
- Redeveloping the West Berkeley Senior Center site on 6th Street;
- A Social Housing pilot project(s); and
- Initiatives identified in the San Pablo Specific Plan and Corridors Zoning Update.

> "... it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot."

4 **Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites,** for an affordable housing project (new- build or existing properties) for low-income artists, provide technical assistance, pre-development funding or other resources as necessary to kick-start such a project.

The city is fortunate to be part of a vibrant affordable housing and arts ecosystem. While the development of housing projects can take years, in the short term, it is also important for the city to work to support and retain its diverse workforce and residents.

City Housing and Economic Development staff could seek to work in close partnership with arts organizations, including Artist Space Trust who is already providing technical assistance programming to educate their members, and the larger arts community, on accessing existing affordable housing, navigating the Section 8 wait list, monitoring various housing advocacy and provider websites, learning about community land trust housing, and more.



Several housing developments exist which aim at housing artists —from a proposed project on Market Street in San Francisco, CA (upper left) to the majestic Warren Building / the Artspace Uptown Artist Lofts (left) in M°ichigan City, IN and Westbeth Artists Housing in New York City, NY (lower left).

Longer-term, and working in partnership, these same arts organizations are a vital asset to the city in the development of an artist-centered affordable housing project. The project would incorporate best practices gathered from across the sector to create affordable housing for low-income arts workers. It could include live-work units and studio spaces, define finance and ownership structures, and importantly, continue to deliver vital technical assistance programs, aimed at informing and engaging the most vulnerable within our arts community. All the lessons learned, and expertise gained, could then inform other artist-centered housing projects and zoning programs and policies, with the goal of preserving and growing the arts as an impactful economic sector and retaining and expanding the artist community in Berkeley.

Specific activities might include:

- Explore the feasibility of a NOFA for an artist-specific affordable housing project to be funded in part with Housing Trust Fund monies.
- If sufficient funds are not available for a NOFA, develop a pilot project to provide technical assistance and pre-development funding to support an affordable housing project for artists to be awarded through a Request for Proposals (RFP) process.
- Hold a workshop for arts organizations about how to access affordable housing with information about Section 8, the Inclusionary Housing program, the Housing Preference Policy, non-profit housing development organizations, and housing advocacy groups like East Bay Housing Organization (EBHO). The workshop could also include information about Fair Housing and the Rent Stabilization Program.

5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study - Draft - May 2025.

The Draft Berkeley Social Housing Study advances a vision of housing as a universal right and outlines how Berkeley can integrate social housing principles into local policy. It highlights the city's acute housing challenges – widespread rent burdens, homelessness, displacement of residents, and a persistent shortfall in affordable housing—indicating that current efforts are falling short of the need.

Drawing on international models (like Vienna and Denmark) and a U.S. example (Montgomery County, MD), the study finds that social housing can be effectively delivered by public and/or nonprofit entities if backed by sustained funding, and that when such housing constitutes a large share of the total stock, it dramatically improves overall affordability. Key findings emphasize the need for: 1) long-term public investment, 2) strict cost controls to keep development costs down, and 3) strong tenant participation in housing management to ensure success.

The study's financial analysis (comparing a mixed-income, cross-subsidy approach to a deeply affordable model) found that acquiring and rehabilitating existing buildings is more cost-effective per unit than new construction and can create affordable homeownership opportunities; however, delivering new social housing at scale will require either including some market-rate units to cross-subsidize lower rents or securing much larger public subsidies—in all cases, substantial outside funding is needed to reach the lowest-income households.

In the near term (1–3 years), the study recommends launching pilot projects to demonstrate social housing principles – for example, a mixed-income development and an acquisition-rehab project converting rentals to affordable homes. It also suggests bolstering existing programs by: 1) expanding the Small Sites Program (with sustainable funding) to preserve at-risk buildings, 2) encouraging cost-saving construction methods (like modular design), and 3) leveraging public land for affordable housing developments.

Over the medium term (4–10 years), the study calls for a 10-Year Affordable Housing Strategic Plan to set clear social housing goals (including targets for income mix and what proportion of Berkeley's housing stock should be social) and to clarify the City's future role in housing (whether to remain a funder or become a direct housing provider). The plan would also identify sites for future projects, institute formal cost controls on development (such as limits on unit size, per-unit cost, and developer fees), and explore new public financing tools like infrastructure financing districts to support social housing. Finally, the study urges efforts to "decommodify" housing by preserving affordable units long-term and establishing robust tenant governance structures (such as participatory budgeting and rent transparency) to ensure housing is treated as a public good.

"… the study urges efforts to "decommodify" housing by preserving affordable units long-term and establishing robust tenant governance structures … to ensure housing is treated as a public good."

6 Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.

The City of Berkeley currently has two locally designated cultural districts. However, they are implemented differently:

1. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012, as part of the Downtown Area Plan, and has specific boundaries outlined in the Downtown Mixed-Use District.
2. The Black Arts & Culture District was designated by the City Council on February 13, 2024, by Resolution No. 71,212–N.S. The Black Arts & Cultural District is not designated with its own unique boundaries, but rather by reference to the Adeline Corridor Specific Plan, which allows and "strongly encourage[s]" arts and entertainment uses in ground floor spaces.

In December 2024, the City Council referred to the City Manager and Civic Arts Commission the task of establishing common standards for locally designated cultural districts, with the recommendation that the city should consider a standard process for cultural district designation such that the above and future designations can qualify under AB 812 as a "similar locally designated cultural district."

The referral also directs city staff to consider seeking state-level cultural district designation once local standards are in place. With the adoption of AB 189 (2015), the state of California launched the California Cultural District program as a pilot in 2017, with 14 state-designated cultural districts certified by the California Arts Council. In June 2025, the Council launched a second round of the California Cultural Districts program to select another 10 state-designated cultural districts.

Adopting common standards for locally designated cultural district will leverage the power of the AB 812 implementing ordinance by expanding the universe of available BMR set-aside units for lower-income artists, as these set-aside units can be located with 1/2 mile of a state-designated cultural district.

7 Preserve the funding for a Guaranteed Basic Income pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project. The feasibility of including low-income artists and cultural workers as eligible participants in a Guaranteed Basic Income (GBI) pilot project should be explored in recognition of their economic vulnerability and contribution to Berkeley's cultural and economic vitality.

As part of its Reimagining Public Safety initiative, the City Council budgeted $50,000 to hire a consultant to develop a GBI pilot project. According to staff, this project has not moved forward and the designated funding will be examined among competing priorities for the city budget in the fall. When the GBI pilot project is re-evaluated in the fall, HAC and the Civic Arts Commission recommend that the funding be retained for this initiative.



Artists share the same challenges as other economically precarious workers with irregular incomes. Participation in a GBI program could help stabilize housing and access to work spaces, thereby retaining an important sector of the local economy. A study of Oakland's recently concluded GBI pilot program showed that the GBI pilot program resulted in more modest employment and modest improvements in housing outcomes, including less likelihood of becoming homeless, compared to the control group. Moving forward with a GBI pilot project is essential given all the on-going and anticipated cuts to federal and state social safety net programs and services. Strategies to meet the needs of lower income workers must be explored and implemented as resources shrink and the need grows. Developing and refining best practices is an important part of this effort if we are to support and sustain the arts and the working artists who make up the arts workforce.

> “Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community.”

Conclusion

Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community. Its original Arts and Culture Plan was approved over 20 years ago. During this time, the city has weathered the Great Recession of 2008; multiple housing cycles and downturns resulting, at various times, in increases in its unhoused residents; a growing affordable housing crisis; a pandemic; and most recently, an unprecedented attack on the social safety net and funding for the arts and humanities by the federal government.

At the same time, the city has worked hard to address these challenges, with citizens voting for several measures to fund programs to reduce homelessness and build affordable housing. During the pandemic, the city provided emergency funding to non-profit arts organizations and tenants to prevent displacement. The city has undertaken several planning initiatives to incentivize more equitable development and pave the way for more affordable housing opportunities. These efforts must be built upon to realize the goal of supporting the long-term sustainability of the arts and culture sector. Adopting this report’s recommendations will go a long way to achieving that effort.

APPENDIX A

ORDINANCE NO. _____

Implementation of AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists up to 10% of those Required Affordable Housing Units Consistent with the City of Berkeley's Affordable Housing Preference Policy

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

Section 1. That Berkeley Municipal Code Chapter 23.328 is amended to read as follows:

Section 23.328.010

Findings and Purpose.

Section 23.328.010 is amended to add the following:

H. AB 812 (Chapter 747) authorizes a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

I. The City of Berkeley has two locally designated cultural districts. The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S. 2. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.

J. According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of $69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian.

K. In 2023, the City Council approved the City of Berkeley's 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population including Policy H- 8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, artists, and other residents who work in the City of Berkeley.

L. In 2023, the City Council approved an Affordable Housing Preference Policy for individuals who have previously been displaced from Berkeley and desire to return. Implementation of the AB 812 affordable housing set-aside for low-income artists shall be consistent with the Affordable Housing Preference Policy as it may be amended from time to time.

Section 23.328.020

Definitions

Section 23.328.020 is amended to add the following:

"Affordable housing" for the purposes of implementing AB 812 (Chapter 747) means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

"Artist" for the purposes of this Chapter means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

APPENDIX A … continued

Section 23.328.030 Affordable Housing Regulations

Section 23.328.030 Affordable Housing Regulations is amended to add the following:

A. Requirement to Construct Affordable Units.

A. 10. Pursuant to AB 812 (Chapter 747), up to 10% of the required Affordable Units shall be reserved for Artists, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district. The percentage of Affordable Units set aside for Artists and consistency with the City's Affordable Housing Preference Policy shall be determined by the City Manager or their designee who may promulgate additional rules and regulations consistent with the requirements of AB 812 (Chapter 747).

Section 2. The City Council intends that this Ordinance be construed as an amendment to the City's existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project.

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.

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

Ayes: Nos:

Absent:

Credits / Art and Photographs

Cover: (From left to right) Berkeley Art Museum-Pacific Film Archives; Sawtooth Building Artist Studios; La Pena Building Mural, Berkeley, photos by Daniella Thompson; Maudelle Miller Shirek Community (housing development) image provided by MWA Architects; the Campanille, image courtesy of U.C. Berkeley; The Ashby Stage: Home of the Shotgun Players, photo by Daniella Thompson.

Page 2: 2902 Adeline Street Site Plan (detail) by Trachtenberg Architects

Page 5: Photograph by Pexels/Cottonbro

Page 8: The City of Berkeley/North Shattuck, College, Solano Corridors Plan

Page 9: "Vote" photograph by Pexels/Sora Shimazaki (top); 1687 Market Street, rendering by Mark Cavagnero Associates (bottom inset), Warren Building image provided by Artspace, Westbeth Artists Housing photograph by Graham Dickie/*The New York Times* (bottom inset).

Page 12: Photograph by Pexels/Pixabay

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27b

Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Companion Report: Affordable Housing for Artists Report

RECOMMENDATION

Receive the Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists report. Should the Council wish to move forward with any of the report's policy recommendations, refer them to the budget process for evaluation of resource needs, feasibility, and prioritization through the Reweighted Range Voting (RRV) process.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts associated with receiving the report. Should the City Council wish to pursue any of the report's recommendations, each item would require additional staff analysis to determine fiscal implications, staffing resources, and potential funding sources prior to implementation.

This report provides a preliminary analysis of the recommendations.

CURRENT SITUATION AND ITS EFFECTS

The Housing Advisory Commission and the Civic Arts Commission jointly developed the "Keeping Creativity Local" report, which identifies seven strategies to improve access to affordable housing for low-income artists and cultural workers.

Staff appreciates the commissions' collaborative effort and focus on housing's key role in supporting arts and culture. This sector is important to Berkeley's diversity and character.

While several of these strategies align with existing City efforts to expand affordable housing opportunities and access, they would also require new policy development, funding commitments, and/or legislative action.

Staff recommends that the Council refer specific items for further evaluation through the City's established prioritization and budget processes. This will ensure appropriate coordination with ongoing housing, zoning, and economic development initiatives.

Staff identified the following recommendations for Council to consider for each recommendation below.

1. **Adopt an ordinance implementing AB 812 to allow up to 10% of Below Market Rate (BMR) units within cultural arts districts to be set aside for low-income artists.**

   Refer to the budget process and City Manager for analysis. Implementation would require review by the City Attorney and Planning Department to assess consistency with existing inclusionary housing and fair housing laws.

2. **Integrate policies to incentivize affordable housing and affordable commercial space for artists in the San Pablo Specific Plan and Corridors Zoning Update.**

   Refer to the budget process and City Manager for analysis. Staff time from Planning and HHCS would be required to research potential policies and integrate them into the planning process for the zoning and specific plan updates.

   The San Pablo Specific Plan and Corridors Zoning Update are scheduled for Council consideration in *Spring 2026.*

3. **Place an affordable housing bond measure on the 2028 ballot.**

   Refer to the budget process and City Manager for analysis. Council would need to formally adopt an action to place an initiative for voter consideration on the November 2028 ballot.

4. **Partner with regional arts and housing organizations to identify sites for artist housing and provide technical assistance or predevelopment funding.**

   The City does not currently practice land banking, which is the practice of buying land as an investment and holding it for future use without specific plans for its development. Consider designating a priority or preference for artists as part of any future Housing Trust Fund Request for Proposals. There are no planned Request for Proposals at this time.

5. **Implement strategies from the Berkeley Social Housing Study.**

   Staff presented the social housing study to Council at a work session on September 30, 2025. Council may refer any recommendations from the Social Housing study to the budget referral process.

6. **Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.**

   On December 3, 2024, City Council referred to the City Manager and the Civic Arts Commission to: “Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans.”

   The Civic Arts Commission has included in its FY 2026 Work Plan to develop common standards for locally designated cultural districts and has begun discussing the topic with the goal of sending policy recommendations to Council by the end of the fiscal year.

   In partnership with community stakeholders, the Civic Arts Program submitted an application to the California Arts Council for state designation of the Black Arts & Culture District in August 2025. The selection process is highly competitive and will only result in the designation of ten new cultural districts throughout the State of California.

7. **Preserve funding for a Guaranteed Basic Income pilot project and explore inclusion of low-income artists and cultural workers.**

   The $50,000 previously budgeted to explore a Universal Basic Income/Reentry (Guaranteed Basic Income) pilot remains unencumbered and is on the City’s FY 2026 carryforward list for review in Fall 2025. If carryforward is approved, staff will complete a short feasibility and scope analysis. The analysis would include consideration of adding low-income artists and cultural workers as an eligibility category.

BACKGROUND

In 2023, the Civic Arts Commission sought collaboration with the Housing Advisory Commission to address the issue of housing affordability for artists. In July 2023, the two commissions formed a joint subcommittee to develop affordable housing strategies for artists and cultural workers, recognizing their unique role in community character and prosperity. Over two years, the subcommittee studied ways to address the critical need for artist housing culminating in a final report.

The Housing Advisory Commission and the Civic Arts Commission approved recommending that the report be submitted to the City Council for its approval at their respective July 2025 meetings. The report is included as Attachment 1.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

The environmental sustainability and climate impacts of any recommendation will be considered if Council chooses to advance them for further study.

RATIONALE FOR RECOMMENDATION

Staff supports the report's intent and acknowledges the importance of preserving the city's creative workforce. The staff recommendation for council to receive the report and refer selected items for advancement to the citywide Budget and RRV process, provides a procedural framework for Council consideration and advancement of these selected items within the City's established planning, fiscal, and prioritization processes.

This approach allows the City to balance support for the arts and housing with other competing housing and community development priorities in a fiscally sound manner.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose to adopt and refer specific recommendations from the "Keeping Creativity Local" report at this time. However, immediate implementation of the recommendations would require staff capacity assessment, dedicated fiscal support, and coordination with some ongoing initiatives and reprioritization of others. Some recommendations may require additional substantial dedicated budget allocations to move forward.

CONTACT PERSON

Mike Uberti, Senior Community Development Project Coordinator, HHCS, (510) 981-5114
Snow Zhu, Housing Advisory Commission Secretary, (510) 981-7774
Jennifer Lovvorn, Civic Arts Commission Secretary, 510-981-7533

ADENA ISHII
MAYOR OF BERKELEY

28

CONSENT CALENDAR
December 2, 2025

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Igor Tregub (Co-sponsor), Councilmember Brent Blackaby (Co-sponsor)

Subject: Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

1. Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, $500 from Councilmember Blackaby, and $250 from Councilmember Igor Tregub to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

Founded over a hundred years ago, in 1912, the Berkeley Holiday Fund, embodies the "the Berkeley Spirit" by providing aid to residents in Berkeley during the holiday season. Sending grants to almost 1,200 recipients in the past year, totalling over $140,000, which is completely donation based and volunteer staffed.

From the outset the Berkeley Holiday Fund has traditionally been supported by the Berkeley Mayor and members of the Berkeley City Council. With the Berkeley Mayor often serving as the Honorary Chair and for more than thirty years the Mayor's office has provided a small grant to support the mailing of cash cards to the people referred by the Holiday Fund.

FINANCIAL IMPLICATIONS

No General Fund impact; $500 is available from Mayor Ishii and Councilmember Brent Blackaby's Office Budget discretionary accounts. $250 is available from Councilmember Igor Tregub's Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Adena Ishii
510-981-7100

Attachments: 1: Resolution for Council Expenditures

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

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

WHEREAS, Mayor Adena Ishii has funds in her office discretionary account; and

WHEREAS, a California non-profit tax-exempt corporation, the Berkeley Holiday Fund, seeks funds in the amount of $500 to provide the following service of offering aid to residents in need in Berkeley during the holiday season; and

WHEREAS, the Berkeley Holiday Fund, founded in 1912, is completely donation-based & volunteer-staffed; and

WHEREAS, the Berkeley Holiday Fund embodies the “the Berkeley Spirit” by providing aid to residents in Berkeley during the holiday season; and

WHEREAS, historically the Berkeley City Council has generously supported and contributed small grants to the Berkeley Holiday Fund.

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 per office shall be granted to the Berkeley Holiday Fund to fund the following service of offering aid to residents in need in Berkeley during the holiday season.

Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Rashi Kesarwani (Author) and Mayor Adena Ishii (Co-Sponsor) and Councilmembers Shoshana O'Keefe and Cecilia Lunaparra (Co-Sponsors)

Subject: Urban Compassion Project: Relinquishment of Council Office Budget Funds to General Fund for Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember including a $1,000 donation from Councilmembers Kesarwani and O'Keefe, $1,000 from Mayor Ishii, and $800 from Councilmember Lunaparra to the Urban Compassion Project[1] with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budget of Councilmembers Kesarwani, O'Keefe, and Lunaparra and Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

The Urban Compassion Project is a non-profit entity that supports communities in need by providing mutual aid, linking homeless individuals to critical services and clearing illegally dumped waste and debris on impacted streets as a volunteer service. These efforts are provided to cities and communities at no cost. The money relinquished from Council Office budgets will be a donation to recognize the value of this organization's work and support its mission with the hopes of fostering a continued partnership with the City of Berkeley. On November 8, 2025 the Urban Compassion Project hosted a cleanup event at Eighth and Harrison Street, which cleared 24,000 pounds of debris with the help of 60 volunteers as well as homeless individuals.

[1] The Urban Compassion Project (UCP) supports vulnerable communities in need by clearing illegally dumped waste, providing mutual aid and clearing tons of dumped trash from city streets. See: https://urbancompassionproject.org/

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E-Mail: rkesarwani@cityofberkeley.info

Despite significant City effort to provide services, shelter, motel rooms, and save RV parking, the Harrison Corridor has continued to experience the detrimental impacts of homelessness for a number of years. As is often the case, homeless encampments become sites for illegal dumping and a build-up of trash and debris due to a lack of sanitation resources. Despite the City's attempts to address the public health and safety concerns associated with the build-up of illegally dumped materials and debris, it does not have the capacity to devote enough resources to effectively manage the persistent conditions on Harrison Street. This problem has grown to such an extent that two-way traffic on Harrison Street is compromised. In addition to the health and safety impacts to those living on the street, this has significantly affected the businesses, non-profit organizations and artists along the Harrison Corridor and surrounding areas. Supporting the work of the Urban Compassion Project will help strengthen a partnership with this organization that could assist with improving other areas throughout the City in the future.

FISCAL IMPACTS

No General Fund impact. $1,000 is available from the budget discretionary accounts of Councilmember Kesarwani, O'Keefe, and Mayor Ishii and $800 from Councilmember Lunaparra's office budget discretionary account.

ENVIRONMENTAL IMPACTS

Clearing Harrison and surrounding streets of trash and debris alleviates detrimental health and safety impacts on encampment residents, businesses, and non-profit employees and prevents unsafe run-off from entering Codornices Creek during the rainy season.

CONTACT PERSON
Councilmember Rashi Kesarwani, District 1 (510) 981-7110

ATTACHMENT
1) Resolution

RESOLUTION NO. ##,###-N.S.
URBAN COMPASSION PROJECT HARRISON CORRIDOR CLEANUP

WHEREAS, The Urban Compassion Project is a local nonprofit entity that tackles the intertwined issues of homelessness, public health, and environmental degradation; and

WHEREAS, The Urban Compassion Project operates using a multifaceted approach that cleans and beautifies neighborhoods while fostering community cohesion and supporting individuals in their journey towards stability; and

WHEREAS, The Urban Compassion Project has been sponsoring weekly cleanups in Oakland and other cities engaging thousands of volunteers over time, both housed and unhoused, while removing over 2,400 tons of trash; and

WHEREAS, The Urban Compassion Project has already engaged with the unhoused residents living along the Harrison Street corridor who are eager to have assistance with cleaning the area; and

WHEREAS, The Urban Compassion Project has already cleaned the Harrison Street corridor on November 8, 2025 bringing 60 volunteer participants to assist in removing 24,000 pounds of trash and debris; and

WHEREAS, the City of Berkeley would like to support and continue partnering with this organization; and

WHEREAS, the provision of their services has fulfilled the municipal public purpose of providing outreach to very low-income vulnerable residents while simultaneously improving the public health and safety of the Harrison Street corridor.

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 Budgets up to $1,000 per office shall be granted to the Urban Compassion Project to cover the costs associated with the Harrison Street Cleanup event.

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E-Mail: rkesarwani@cityofberkeley.info

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

30

CONSENT CALENDAR
December 2nd, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Tregub (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)

Subject: Resolution for Unionization Efforts by Employees of Ècole Bilingue

RECOMMENDATION
Adopt a Resolution in support of Ècole Bilingue de Berkeley administrative, support, and enrichment staff unionization effort.

FISCAL IMPACTS OF RECOMMENDATION
None.

BACKGROUND
Ècole Bilingue de Berkeley (EB) is a private PK-8th grade French immersion school on Heinz Avenue in Berkeley. In 2014, the faculty joined AFT/CFT, Local 6563. In 2015 they negotiated their first contract which improved working conditions and retention and provided for collaborative decision-making and job security.

Some ten years later, on October 21st, 2025, a super majority of administrative, support, and enrichment staff from EB requested voluntary recognition for a new bargaining unit in AFT/CFT Local 6563. Within 24 hours the school administration denied the request. Administration told staff they must proceed through the National Labor Relations Board.

As of November 6th, 2025, the federal government is still shut down. Because of this, the National Labor Relations Board has suspended processing representation petitions and conducting elections. This leaves the workers lacking a clear way ahead.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
None.

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

Attachments:
1: Resolution

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

RESOLUTION SUPPORTING UNIONIZATION OF ECOLE BILINGUE DE BERKELEY STAFF

WHEREAS, a supermajority of staff at Ècole Bilingue in Berkeley requested voluntary recognition for a new bargaining unit on October 21st, 2025; and

WHEREAS, the administration at Ècole Bilingue de Berkeley refused to voluntarily recognize the staff union within 24 hours of the request, and instead instructed staff they would only proceed through the National Labor Relations Board; and

WHEREAS, the federal government has been shut down since October 1, leaving no viable option for staff to file a petition for a union election; and

WHEREAS, union representation has been consistently shown in empirical studies to improve working conditions; access to healthcare and sick pay; and wage parity for women, Black and Latinx workers, and other disadvantaged groups; and

WHEREAS, the NLRB reports that union representation petitions increased by 27% in Fiscal Year 2024, representing continued strength in the labor movement in the United States; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Ècole Bilingue de Berkeley administration is hereby urged to voluntarily recognize the union representation request by its administrative, support, and enrichment staff seeking to unionize under the Bay Area Federation of Teachers, Local 6563 as soon as possible and begin bargaining a fair and just collective bargaining agreement

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Creations Berkeley – Black Joy Club Kwanzaa Toy Drive and Celebration on December 11, 2025 – Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support the Black Joy Club's Kwanzaa Toy Drive and Celebration at Sylvia Mendez Elementary School on Wednesday, December 11, 2025. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

BACKGROUND:

On December 11, 2025, the Black Joy Club at Sylvia Mendez Elementary School, facilitated by Creations Berkeley, will host a Kwanzaa Celebration and Toy Drive inspired by the Kwanzaa principle of *Ujima*, Collective Work and Responsibility. The event will take place from 5:45 PM to 7:00 PM at Sylvia Mendez Elementary School, located at 2840 Ellsworth Street, room 107. The event underscores the program's commitment to empowering youth through meaningful community engagement.

The Black Joy Club provides a space to celebrate culture, build community, and develop leadership through creativity and service. Guided by Creations Berkeley, students decided to put the principle of *Ujima* into action by organizing a toy drive to bring joy to families in need during the holiday season.

At the celebration, students will present the collected gifts to the public as a gesture of unity and shared community care. The gifts will be distributed to local families in need, continuing the spirit of collective responsibility.

The Kwanzaa Celebration will include food, music, dance, and cultural sharing, emphasizing the values of unity, creativity, and cultural pride. The event showcases the leadership of Berkeley's youth and their ability to engage in meaningful civic service.

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Creations Berkeley Media & Performing Arts, Inc., a Berkeley-based nonprofit organization, empowers historically underrepresented youth through accessible media literacy and performing arts education. Its programs, including *Lights, Camera, Action!* and *Creations Dance Group*, merge creative expression with leadership development, preparing young people for future opportunities in higher education and the creative economy.

The collaboration between Creations Berkeley and Sylvia Mendez Elementary School highlights the City's commitment to youth empowerment, cultural celebration, and community engagement.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

There is no General Fund impact; $250 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett	bbartlett@cityofberkeley.info
James Chang	jchang@cityofberkeley.info
Lara Zangana	(510) 981-7130

ATTACHMENTS:

1. Draft Resolution
2. Black Joy Presents Kwanza Celebration Toy Drive Flyers

Attachment 1:

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO CREATIONS BERKELEY IN SUPPORT OF THE BLACK JOY CLUB KWANZAA TOY DRIVE AND CELEBRATION

WHEREAS, Councilmember Ben Bartlett has funds in his office expenditure account, and

WHEREAS, Creations Berkeley Media and Performing Arts, Inc, a non-profit organization, will receive funds for $250 from Councilmember Ben Bartlett's office expenditure account; and

WHEREAS, Creations Berkeley Media & Performing Arts, Inc., a nonprofit organization dedicated to empowering historically underrepresented youth through accessible media literacy and performing arts education, facilitates the Black Joy Club at Sylvia Mendez Elementary School; and

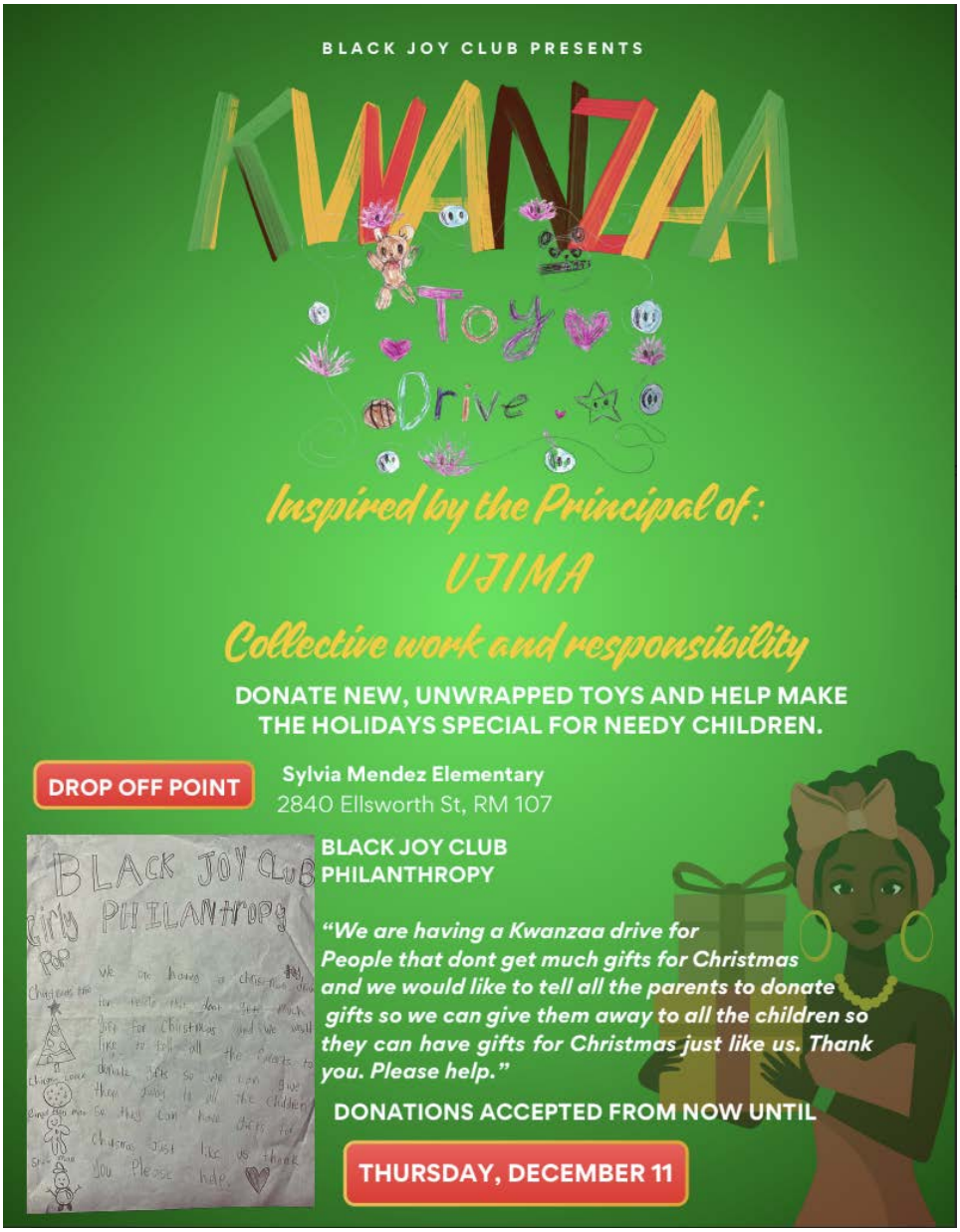
WHEREAS, the Black Joy Club has launched a Kwanzaa Toy Drive and Celebration inspired by the Kwanzaa principle of *Ujima*-Collective Work and Responsibility, to bring joy and support to local families in need during the holiday season; and

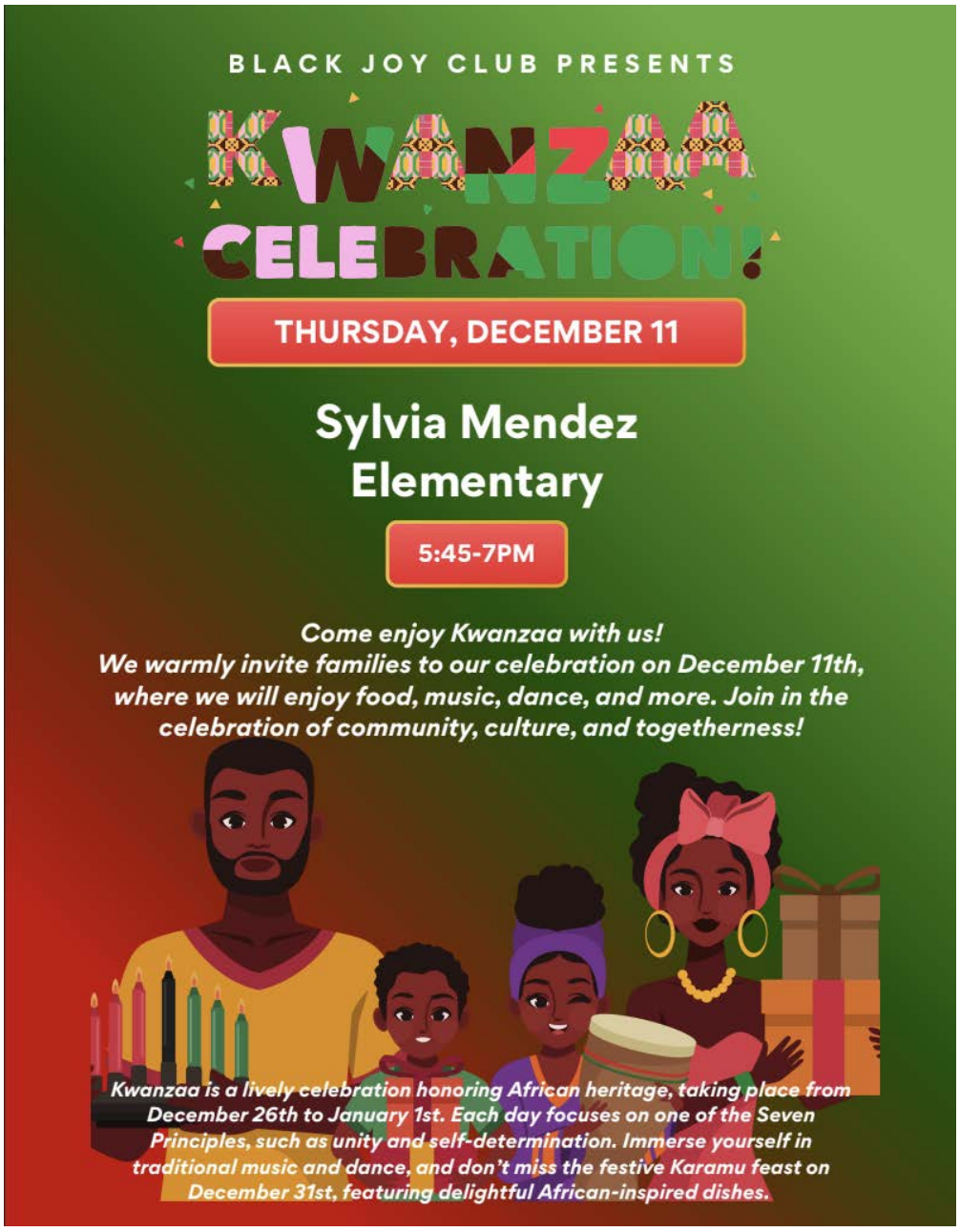
WHEREAS, this youth-led initiative connects students, community members, and civic leadership in an act of shared service, fostering cultural pride and civic engagement; and

WHEREAS, the provisions of such services fulfill the municipal public purpose of promoting youth empowerment, community well-being, and cultural education in the City of Berkeley;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets up to $250 shall be granted to Creations Berkeley Media & Performing Arts, Inc. in support of the Black Joy Club Kwanzaa Toy Drive and Celebration on December 11, 2025.

Attachment 2:




BLACK JOY CLUB PRESENTS
KWANZAA
CELEBRATION!
THURSDAY, DECEMBER 11
Sylvia Mendez
Elementary
5:45-7PM
Come enjoy Kwanzaa with us!
We warmly invite families to our celebration on December 11th, where we will enjoy food, music, dance, and more. Join in the celebration of community, culture, and togetherness!
Kwanzaa is a lively celebration honoring African heritage, taking place from December 26th to January 1st. Each day focuses on one of the Seven Principles, such as unity and self-determination. Immerse yourself in traditional music and dance, and don't miss the festive Karamu feast on December 31st, featuring delightful African-inspired dishes.

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Berkeley City Councilmember
Igor Tregub, District 4
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
itregub@berkeleyca.gov

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub

Subject: Budget Referral: FY26 AAO1 Downtown Berkeley Revitalization Projects

RECOMMENDATION

Refer the (1) Addison Catenary Lighting Project, (2) Oxford for All proposal, and (3) Harold Way Placemaking Project schematic design to the Fiscal Year 2026 (FY26) Annual Appropriations Ordinance #1 (AAO1), AAO2, or biennial budget process adoption, as appropriate, to be funded through the Street and Open Space Improvement Plan (SOSIP) and/or Long-Range Development Plan (LRDP) Funds.

These projects are high-impact investments in Downtown Berkeley's ongoing revitalization. By transforming these key downtown spaces into safe, visually captivating, walkable destinations, these projects will encourage more residents, students, and visitors to explore local shops, restaurants, and cultural venues. These projects will highlight Berkeley's creative and transit-oriented character, inviting people to visit, linger, take photos, and share their experiences. As pedestrian and bike traffic increases, existing businesses will be encouraged to extend hours, host outdoor events, and new businesses will be encouraged to occupy vacant storefronts creating a positive cycle of growth and reinvestment that benefits the entire community.

Through public-private collaboration and thoughtful designs, these initiatives will transform Downtown Berkeley with a spirit of creativity, inclusivity, urban vibrancy, and transit safety-- a place where people want to gather, spend time, and contribute to the city's economic life.

FISCAL IMPACTS OF RECOMMENDATION

The estimated costs for the three projects as proposed are as follows, in order of priority:

1. $150,000 – Addison Street Catenary Lighting Project
2. $2,500,000 – Oxford for All - design, engineering, and construction
3. $250,000 – Harold Way Placemaking Project

Funds are available in both the SOSIP and LRDP funding streams to support all three requests. No use of General Funds is being proposed.

In addition, some staff time will be needed to administer funding from SOSIP and/or LRDP funds.

(1) Addison Catenary Lighting Project

BACKGROUND

Addison Street is the heart of Berkeley's Arts District and home to the majority of Berkeley's arts institutions including the Berkeley Repertory Theatre, The Freight, and the California Jazz Conservatory, where many performances start and end in the dusk or complete darkness, especially in the fall and winter months.

Despite being a cultural and economic anchor, frequently visited by many, its streetscape lacks lighting, visual character, and design features that encourage extended evening activity.

Throughout the City we see examples of well and creatively lit streets, like "Lights on Fourth"[1] Street making it a warm, festive and welcoming destination where businesses are able to extend shopping and dining hours well into the evening attracting hundreds of visitors.

The opportunity exists to replicate this kind of creative lighting in Downtown Berkeley. The Downtown Berkeley Association (DBA) made this project one of their priorities and are leading a group of volunteer arts district community leaders and architects to work on this project *pro bono*.

Proposed Elements Include:

- **Bistro Lighting Installations[2]**

[1] https://www.berkeleyside.org/2023/11/09/around-berkeley-fourth-street-holiday-lights-san-francisco-symphony
[2] Downtown Berkeley Addison Lights 2024 PDF (see attached)

- Seven sets of three light strands arranged perpendicular to the street
- Five feet between strands and 50 feet between sets
- Mounted approximately 20 feet high, to avoid a full canopy effect, maintaining an open streetscape

• **Tree Lighting Enhancements**[3]
- Trees at the Addison and Shattuck and Addison and Milvia corners
- LED lighting to enhance ambiance and safety
- Seasonal flexibility for artistic variation and cultural celebration

CURRENT SITUATION AND ITS EFFECTS

Despite frequent performances and events, the Addison Arts corridor lacks the visual cohesion and bright ambiance expected of Berkeley's Arts District, leading to low pedestrian activity during evening hours. The Addison Street Lighting and Ambiance Project can bring similar vitality to Downtown, showcasing the Berkeley Arts District as a place where people gather to experience culture, community, and creativity.

RATIONALE FOR RECOMMENDATION

- **Lighting and Public Safety**[4]
  Well-illuminated streetscapes support both real and perceived safety. Improved visibility allows pedestrians to better navigate the environment and assess traffic, while also reducing opportunities for disorder. When people feel safe, they are more likely to walk, stay longer, and participate in evening activities, which increases community presence and helps maintain a sense of shared stewardship in public space.

- **Cultural Identity and Place-Making**
  Addison Street is the center of Berkeley's Arts District, where cultural institutions, performances, and community gatherings define the character of downtown. Thoughtful lighting can emphasize this identity by creating a welcoming and recognizable atmosphere. The project incorporates flexible design elements that can reflect seasonal and cultural moments and strengthen a shared sense of pride and belonging.

- **Economic Vitality and Evening Activation**
  Cultural venues draw significant foot traffic, particularly in the evening. Lighting that supports comfort, visibility, and ambiance encourages visitors to spend more time in the district before and after events, benefiting nearby restaurants, cafes, and local shops. Increased evening presence supports

[3] Downtown Berkeley Addison Lights 2024 PDF (see attached)
[4] Welsh and Ferrington, "Effects of Improved Street Lighting on Crime" https://www.ojp.gov/ncjrs/virtual-library/abstracts/effects-improved-street-lighting-crime

small businesses, encourages extended hours, and contributes to a more vibrant and inviting downtown.

- **Pedestrian Experience and Accessibility**[5]
  Lighting is a core component of pedestrian-friendly design. National research shows that most severe pedestrian collisions occur in dark conditions. Enhancing lighting along Addison Street will improve visibility for both pedestrians and drivers, making it easier and safer for people to move through the corridor, especially during fall and winter months when many performances occur at dusk or after nightfall.

ENVIRONMENTAL SUSTAINABILITY

Enhanced pedestrian lighting increases both safety and comfort, making it easier for people to navigate Downtown in the evening without relying on automobiles. The project's focus on durable, energy-efficient LED lighting ensures long-term sustainability with minimal maintenance and low energy consumption.

Additionally, the lighting design will complement Vision Zero[6] initiatives by improving visibility for all users, including cyclists and pedestrians, while strengthening the sense of place that supports a thriving, mixed-use urban core. The project's proximity to BART, AC Transit, and major bicycle routes amplifies its impact, fostering a more connected and environmentally responsible Downtown that aligns with the City's broader Climate Action Plan[7] and equity-focused sustainability framework.

(2) Oxford For All[8]

BACKGROUND

This item intends to reaffirm the Oxford for All Referral approved by the City Council on June 3, 2025. The $400,000 was originally referred to the June budget process (FY26 Mid-Biennial Update) for a quick-build. Per City Manager the full amount for the project completion, which is approximately $2,500,000, should be re-referred to non-General Fund funding sources (e.g., LRDP, SOSIP), as available and applicable to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.

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[5] https://www.nhtsa.gov/book/countermeasures-that-work/pedestrian-safety
[6] https://berkeleyca.gov/your-government/our-work/adopted-plans/vision-zero-action-plan
[7] https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan
[8] https://berkeleyca.gov/sites/default/files/documents/2025-06-03%20Item%2024%20Referral%20Oxford%20for%20All.pdf

Improving safety on Oxford Street and Fulton Street is especially important at this moment. In the next decade, many significant developments are planned along the Oxford corridor that could dramatically affect transportation, development, urban design, housing, potentially land values/affordability and more. The University of California is planning to redevelop and expand University Hall at Oxford and University and is planning a student housing project at Fulton and Bancroft that will contain an estimated 1625 beds.[9] Anchor House, between University and Hearst on Oxford has already come online with 772 new beds for transfer students.[10] Additionally, a 17-story, 283-unit private mixed use development called The Hub will be built at the intersection of Oxford Street and Center Street.[11] Nearby on Hearst Avenue, the entirely new College of Data and Society Gateway building is currently under construction.[12] Beyond these projects, many substantial projects are planned on adjacent streets. These new developments will spur new transportation demand for safe bicycle and pedestrian infrastructure.

RATIONALE FOR RECOMMENDATION

This referral builds on prior work and recognizes the urgent need to address traffic safety on Oxford Street with proven infrastructural solutions. Full build-out of Oxford for All will result in cost savings in the long run.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

[9] https://capitalstrategies.berkeley.edu/Bancroft-Fulton
[10] https://studenthousingbusiness.com/uc-berkeley-completes-772-bed-residence-hall-for-transfer-students/
[11] https://berkeleyca.gov/sites/default/files/2022-04/4-The-HUB-Applicant-Statement-01-20-22-2128-Oxford.pdf
[12] https://capitalstrategies.berkeley.edu/gateway

(3) Harold Way Placemaking Project

BACKGROUND

In 2022, the DBA, in partnership with Berkeley Design Advocates (BDA), designed the Harold Way Placemaking Project Schematic Design. The DBA and BDA received input from neighbors, nearby property owners, City staff, and Councilmembers in the development of this concept.

The Harold Way Placemaking Project has long been envisioned as a key opportunity site for Downtown Berkeley, anchored between the Berkeley Public Library and YMCA. Historic buildings such as Dharma College and the Mangalam Center provide additional architectural and cultural character to this cityscape. The area presents a transformative opportunity to create a vibrant pedestrian-oriented open space.

In the past, Harold Way was the site for several community events including the Dia De Los Muertos celebration, Harold Way Pumpkin Patch, Asian Cultural Festival, Lunar New Year Celebration, and Berkeley Bliss Silent Disco.

CURRENT SITUATION AND ITS EFFECTS

Downtown Berkeley is rapidly evolving as a mixed-use, pedestrian-friendly district with a growing residential population and increased public activity. Harold Way exists between the bustling BART Plaza and the quieter institutional and residential spaces. The one-block street is nestled between the Berkeley Public Library Central Branch and the Downtown Berkeley YMCA, and just around the corner from Berkeley High School.

Creating an attractive, safe, and flexible open space here aligns directly with the community's goals for enhanced placemaking, pedestrian safety, and sustainability. Being just one block long, Harold Way is not a major throughway for vehicular traffic, making this an ideal place for creating a pedestrian hub with inviting features such as trees, seating areas, and a public restroom.

RATIONALE FOR RECOMMENDATION

The Harold Way Placemaking Project fulfills several primary objectives of the Streets and Open Space Improvement Plan (SOSIP):[13]

[13] Downtown-Streets-and-Open-Space-Improvement-Plan.pdf

- **Placemaking:** Create an attractive, memorable public environment that reinforces Downtown Berkeley as a destination.
- **Public Life:** Encourage social, cultural, and business activity in the heart of the city.
- **Health & Comfort:** Provide safe, attractive, and comfortable spaces for pedestrians and cyclists.
- **Access:** Enhance multimodal connectivity and universal accessibility.
- **Sustainability:** Support Berkeley's climate and resilience goals by promoting walkability and green design.

This schematic design phase is a critical next step toward delivering a shovel-ready project, positioning the City for future state, federal, and private grant opportunities to fund construction.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

According to the Climate Action Plan and Resilience Update,[14] the transportation sector accounts for 46% of the City of Berkeley greenhouse gas emissions. Every effort to make communities safe and inviting for pedestrians contributes to the reduction of Vehicle Miles Traveled and, therefore, aids in decarbonization and overtime amounts to tangible sustainability impacts.

CONTACT PERSON

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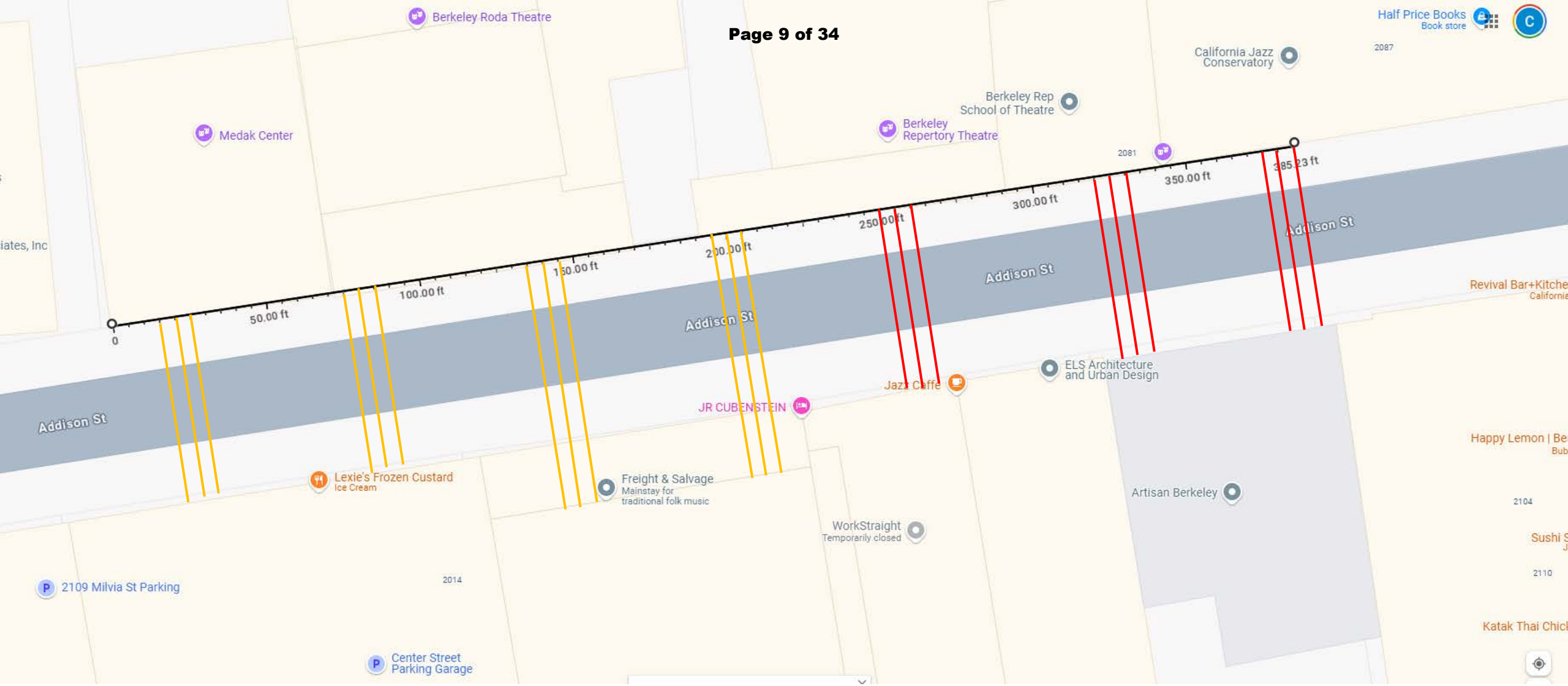
Amy Johnson, Legislative Aide, Council District 4
amjohnson@berkeleyca.gov

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

[14] Climate Action Plan and Resilience Update: https://berkeleyca.gov/sites/default/files/documents/2022-11-29%20Item%2016%20Climate%20Action%20Plan.pdf

Attachments:

1. Downtown Berkeley Addison Lights 2024
2. Harold Way Placemaking Project Workshop Report & Initial Options 7/04/2022



Bistros perpendicular to street:

- 7 sets of 3 strands:
  - Phase 1 in yellow
  - Phase 2 in red
- 5’ between strands
- Approx 50’ between sets
- 20’ high

HAROLD WAY PLACEMAKING PROJECT

WORKSHOP REPORT
04/25/2022 DRAFT

contents

introduction	3	
historical context	4	background
urban context	3	
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introduction

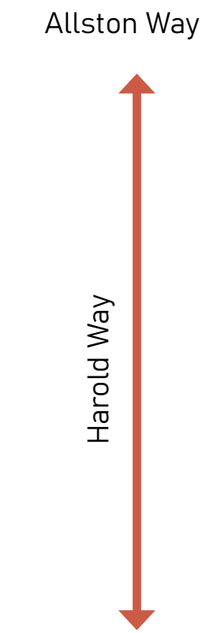
Harold Way is just one block long connecting Kittredge Street and Allston Way in Downtown Berkeley. It is centrally located to a number of Downtown Berkeley's star attractions such as the City Library, YMCA, Civic Center, the offices, shops and restaurants on Shattuck Avenue, Berkeley High School, Downtown Berkeley Bart Station, and the Downtown Bart Plaza. Demonstrated through temporary closures to vehicular traffic, Harold Way can be pedestrianized presenting a **valuable new public space opportunity in the downtown.**

Beyond its worn asphalt and narrow sidewalks, Harold Way can be reimagined as a rich and exciting public open space destination for gathering, festivals, recreation, or simply a safe place to enjoy a conversation with friends and family.

The Harold Way Place-Making Project was initiated to brainstorm with the community, what kind of place Harold Way could become.



Little need for vehicular traffic opens an opportunity to convert the entire street for pedestrian uses.





background

historical context

Historically, Harold Way's primary purpose was to provide service access for commercial uses fronting Shattuck Avenue and Allston Way. These commercial tenants included the Former J.F. Hinks department store, Shattuck Hotel, as well as many small shops and restaurants. Harold Way also provided access to a service garage for the Post Office on the western half of the block.

Today the former J.F. Hinks Department Store was been repurposed as Landmark's Shattuck Cinemas, and Dharma College now owns all three properties on the west side of the street. Proposals for two new housing projects have been made recently for the site of the Post Office service garage, and the former J.F. Hinks department store.

The redevelopment of these two sites is indicitive of a larger national trend where downtowns are diversifying land uses to create more residenitial opportunities in the downtown core convenient to shopping and transit.



Downtown Berkeley prior to the extension of Kittredge Street and the creaton of Harold Way.

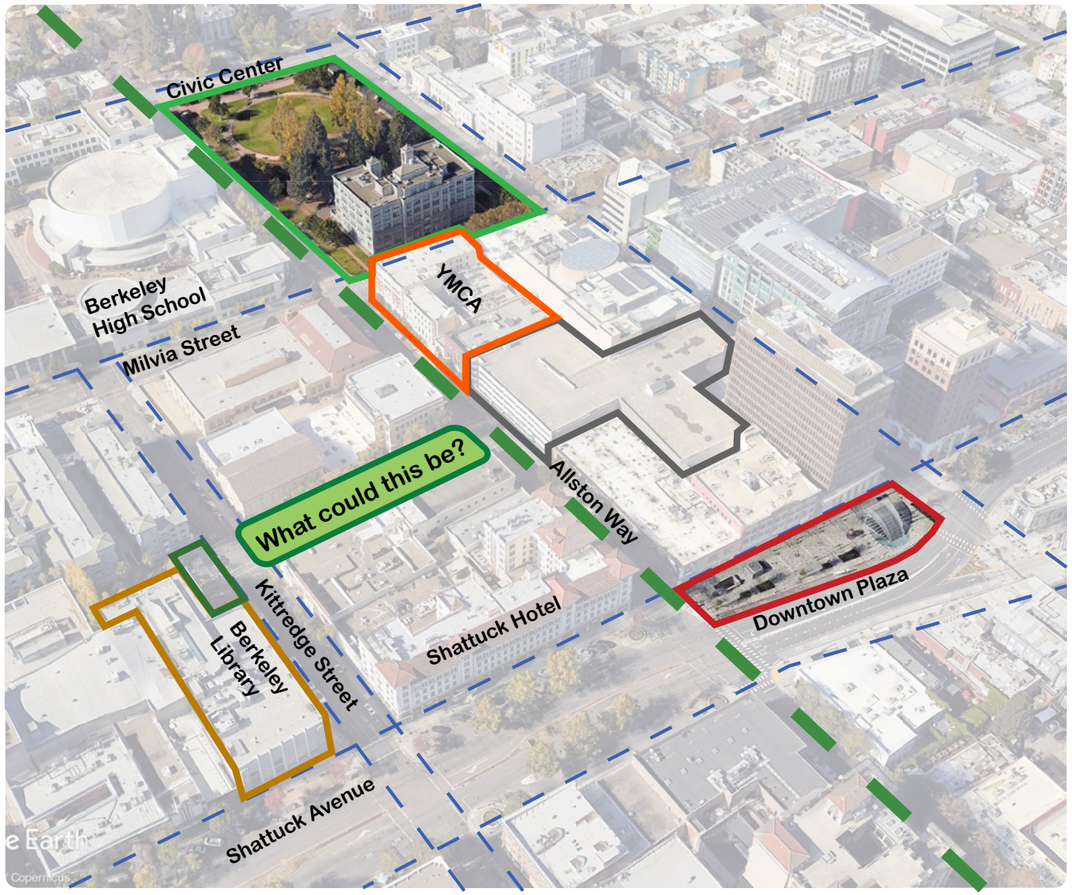


Dharma College is now located in the former Armstrong Business School Building



urban context

Downtown Berkeley has a rich variety of public open spaces including Civic Center, Downtown Plaza, the Addison Arts district, Shattuck Avenue, and the nearby West Circle at UC Berkeley. Distinctly missing however are public spaces not fronting major streets with significant traffic. In contrast, Harold Way is distinctly quiet, and halfway between the downtown retail corridor and Civic Center. There is an opportunity to create a new kind of public open space in Berkeley, perhaps quieter, calming, and more locally oriented to downtown residents.



Little need for vehicular traffic opens an opportunity to convert the entire street for pedestrian uses.



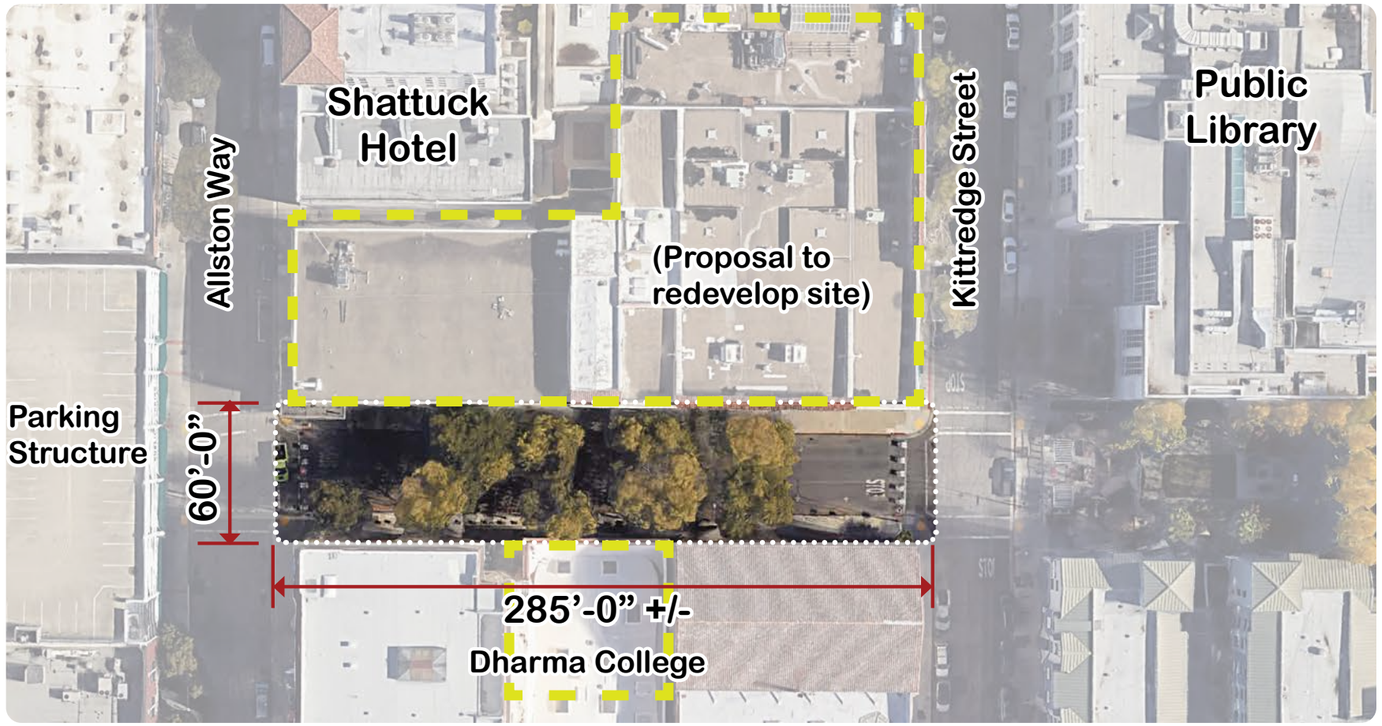
What kind of destination does downtown need?

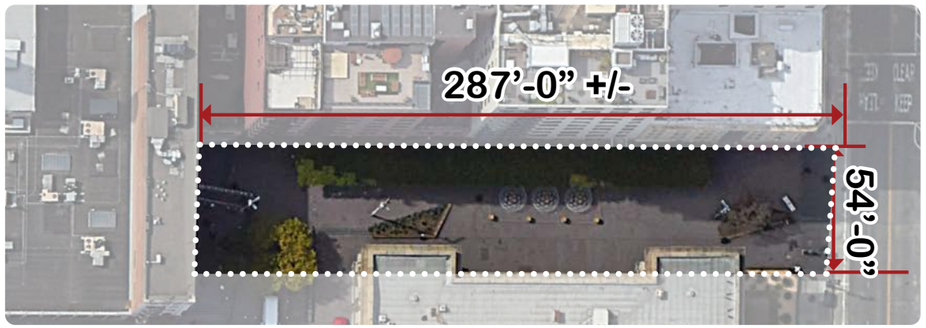
How can it relate and support other attractions? Civic Center, Library, Downtown Plaza?

What amenities are missing downtown?



how big is Harold Way?





A comparable pedestrianized street is the popular Mint Plaza in downtown San Francisco, providing a useful pedestrian connectivity as well a place for events and gathering.



What elements make a plaza more comfortable to spend time?

How flexible should the space be?

What kind of activities might be ideal for a space of this size and proportion?

How are challenges such as homelessness addressed?



opportunities

With the increasing desire amongst many communities to reconsider how streets are designed and who they serve, new examples of creative place-making are emerging in more and more urban areas. Below are a number of examples demonstrating ideas that span a spectrum from minimal to extensive interventions in the design of the streets and useable public open space. In all four cases the design of the street creates a memorable sense of place and enhances the quality of life for workers, tourists, and residents alike.



Arbour Blocks in Seattle, Washington is a richly designed street prioritizing the pedestrian.

credit: Lara Swimmer

credit: Bill Singleton Flickr



Bradley Ave. Plaza and Green Alley, LA

credit: BUILD SF



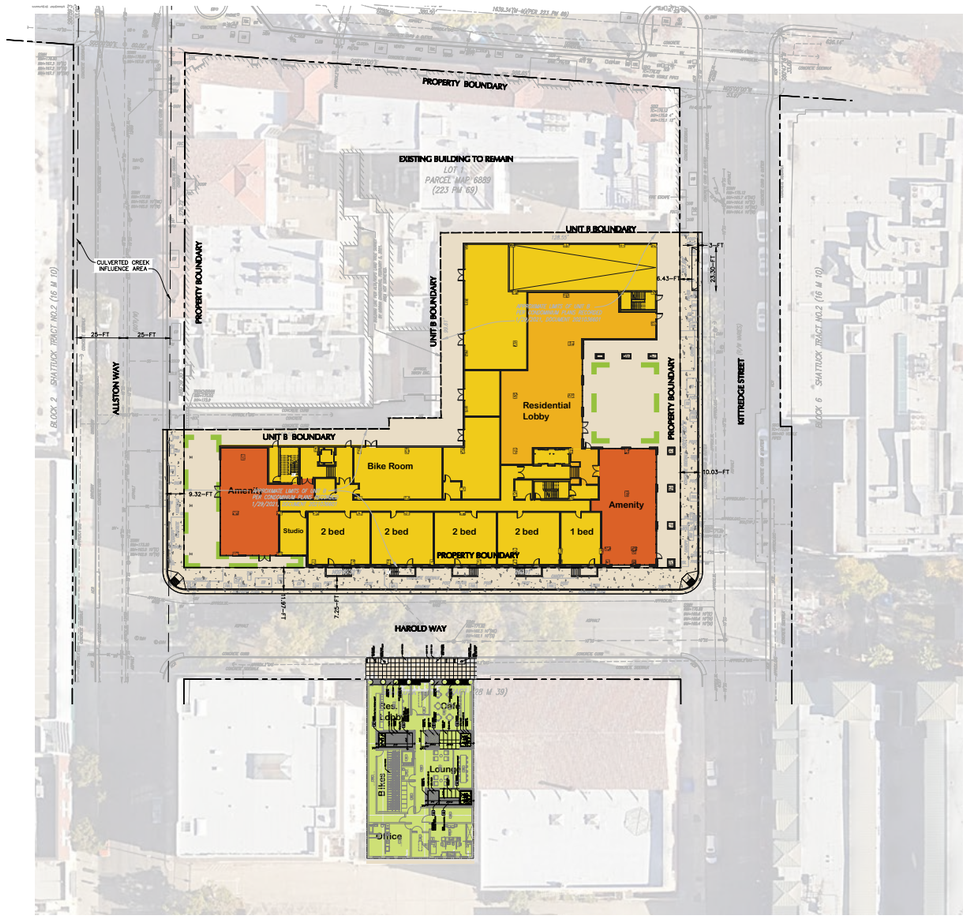
Linden Alley, San Francisco



Bell Street, Seattle

in planning

Two projects that are currently in Planning with the City of Berkeley are 2065 Kittredge Street and 2210 Harold Way. 2065 Kittredge Street is proposed to replace the former department store / Landmark Shattuck Cinemas with 188 residential units, and 3,600 sf of retail space on the ground floor. 2210 Harold Way is proposing 36 apartments over a ground level lobby and small cafe.



Arbour Blocks in Seattle, Washington is a richly designed street prioritizing the pedestrian.



2065 Kittredge Street: Corner of Allston Way and Harold Way



2210 Harold Way

ideas



conversations

Quote from Mayor







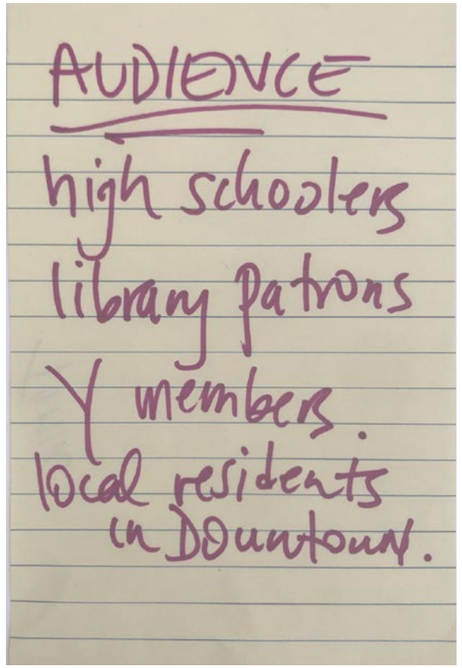


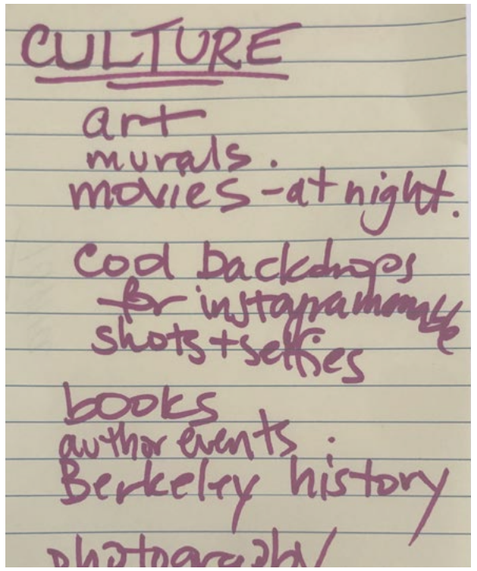


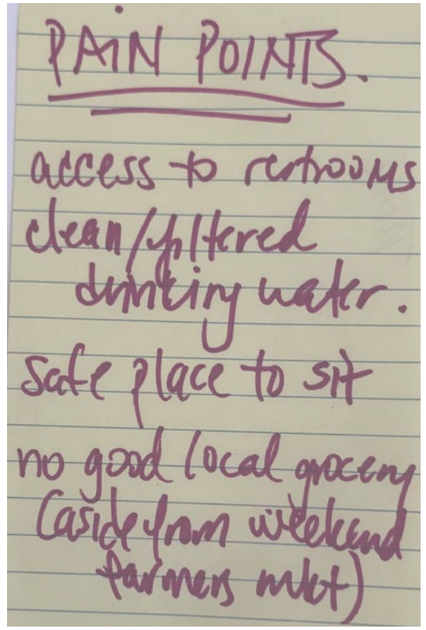


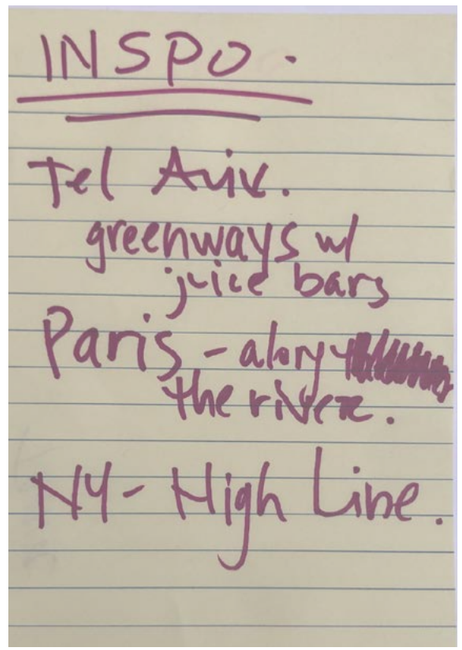
conversations

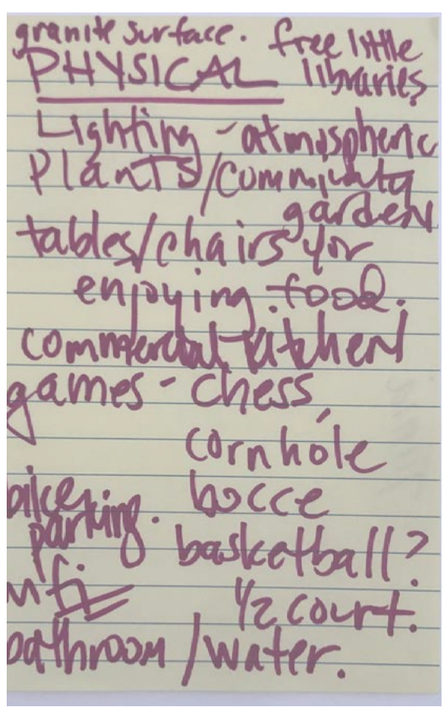
Ideas captured during the charette expressed great imagination and excitement for how a new public space in Berkeley could showcase the community's appreciation and wealth of culture, arts, food, and diversity.

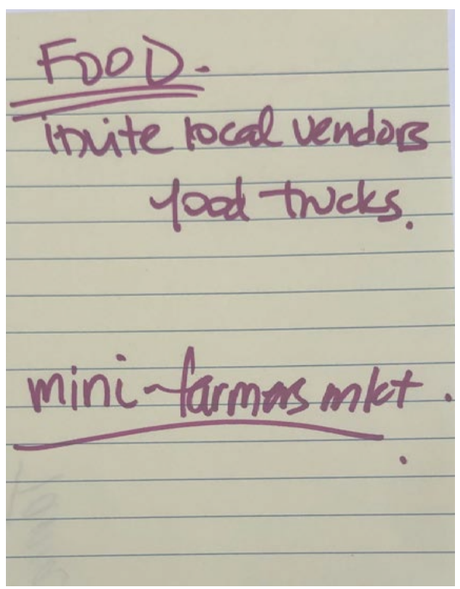


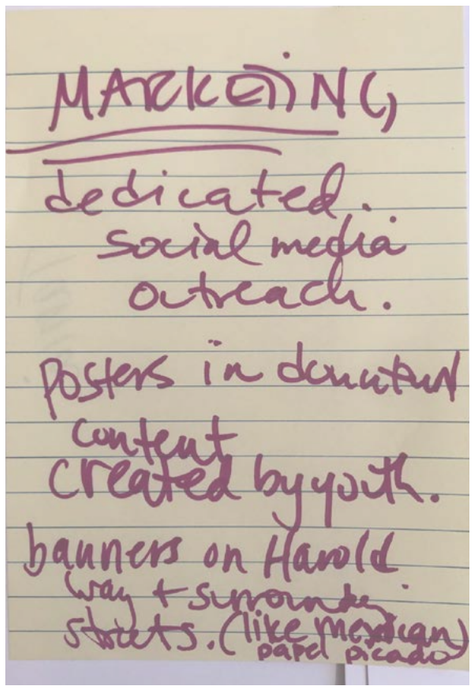


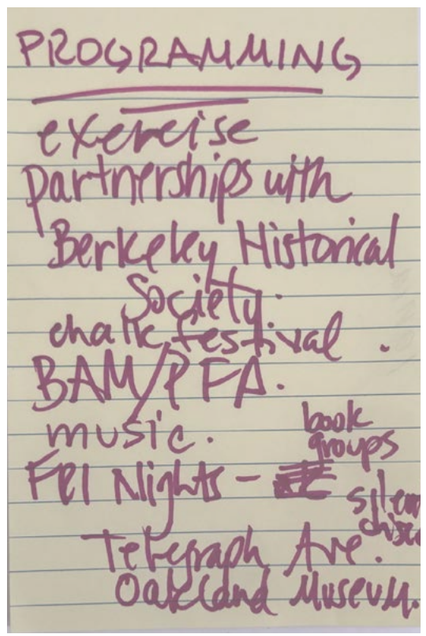


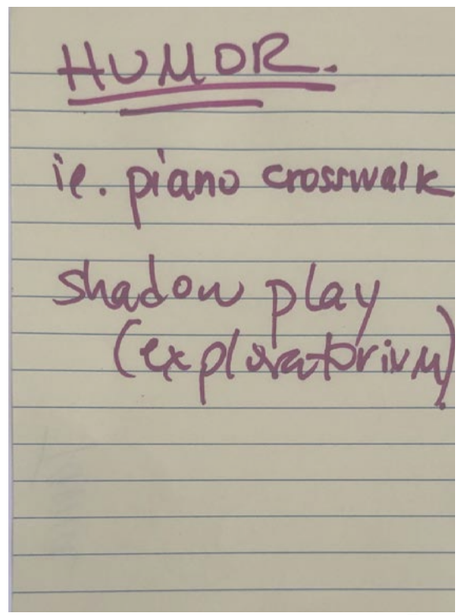












conversations

The Berkeley community has a deep and generous talent pool ready to offer world class thinking on design, social, cultural, and economic issues facing a re-imagined Harold Way.

Following a short presentation, participants developed sketches, discussed issues, precedents and shared their thoughts.











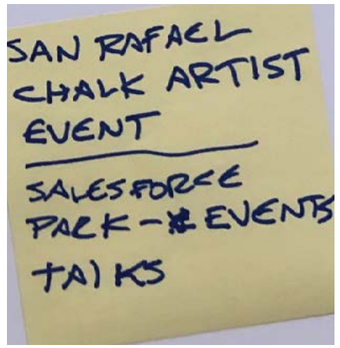


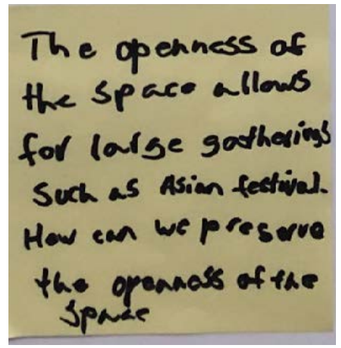


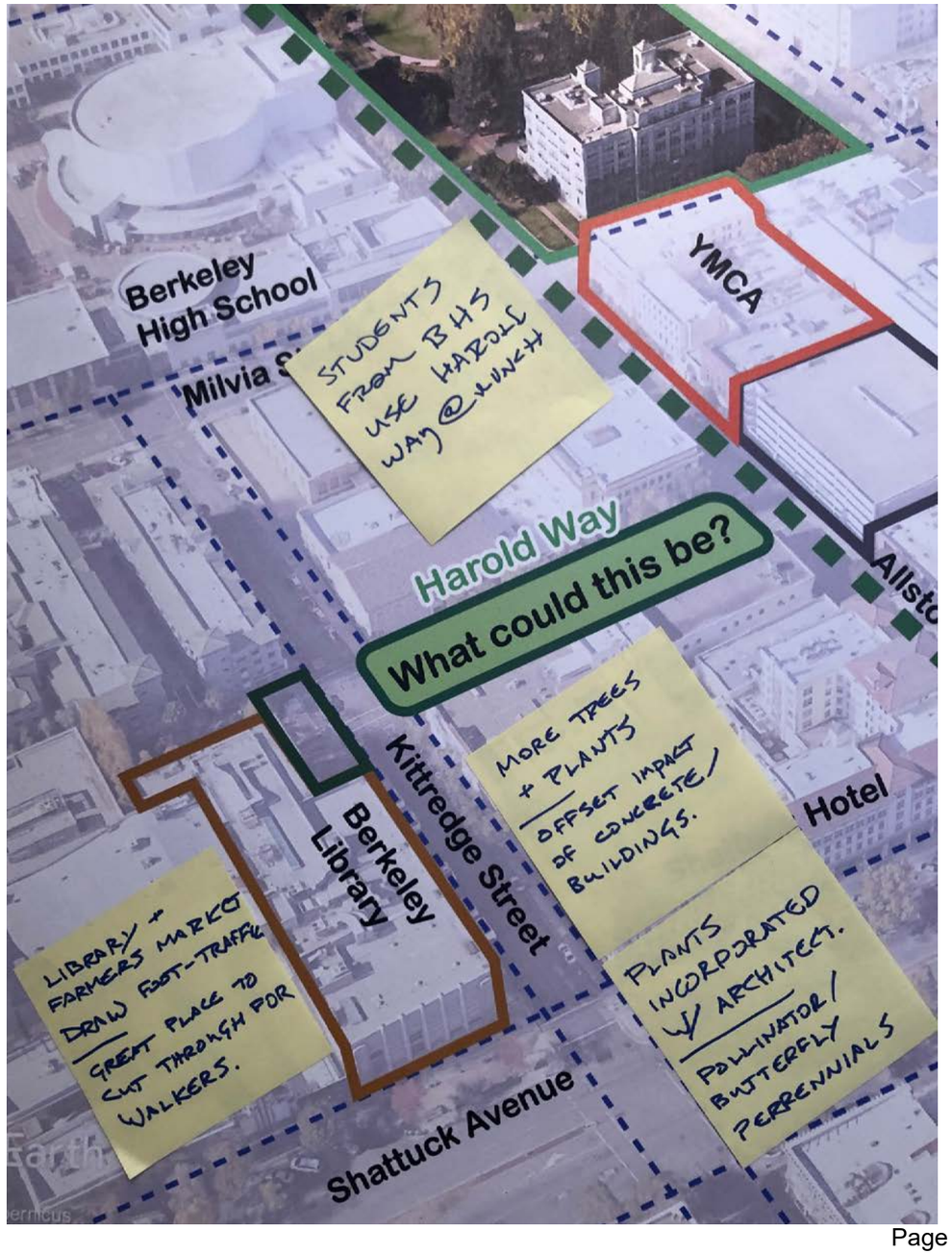
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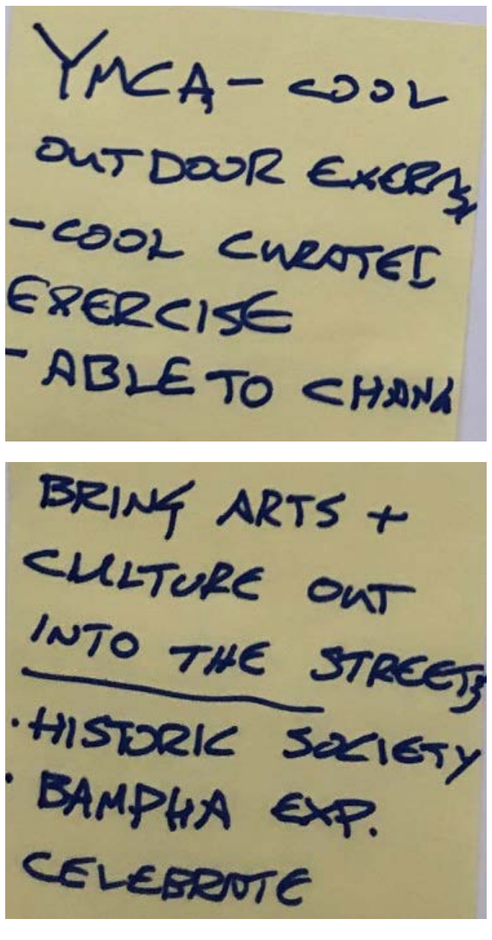
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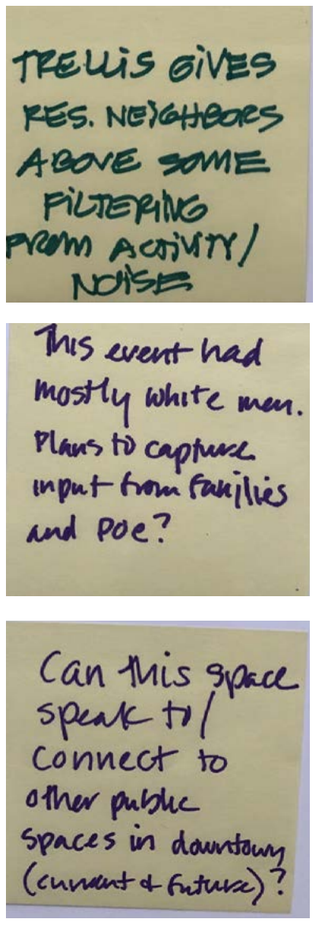
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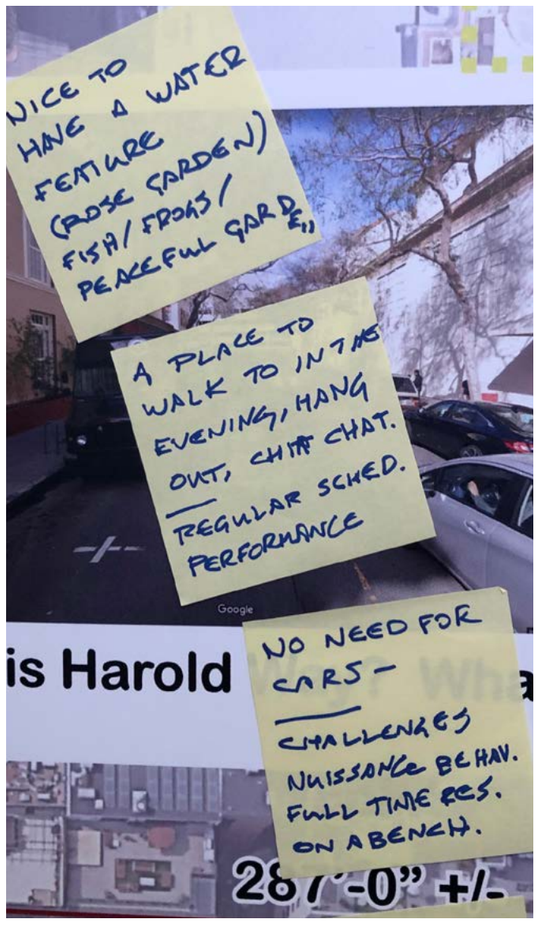






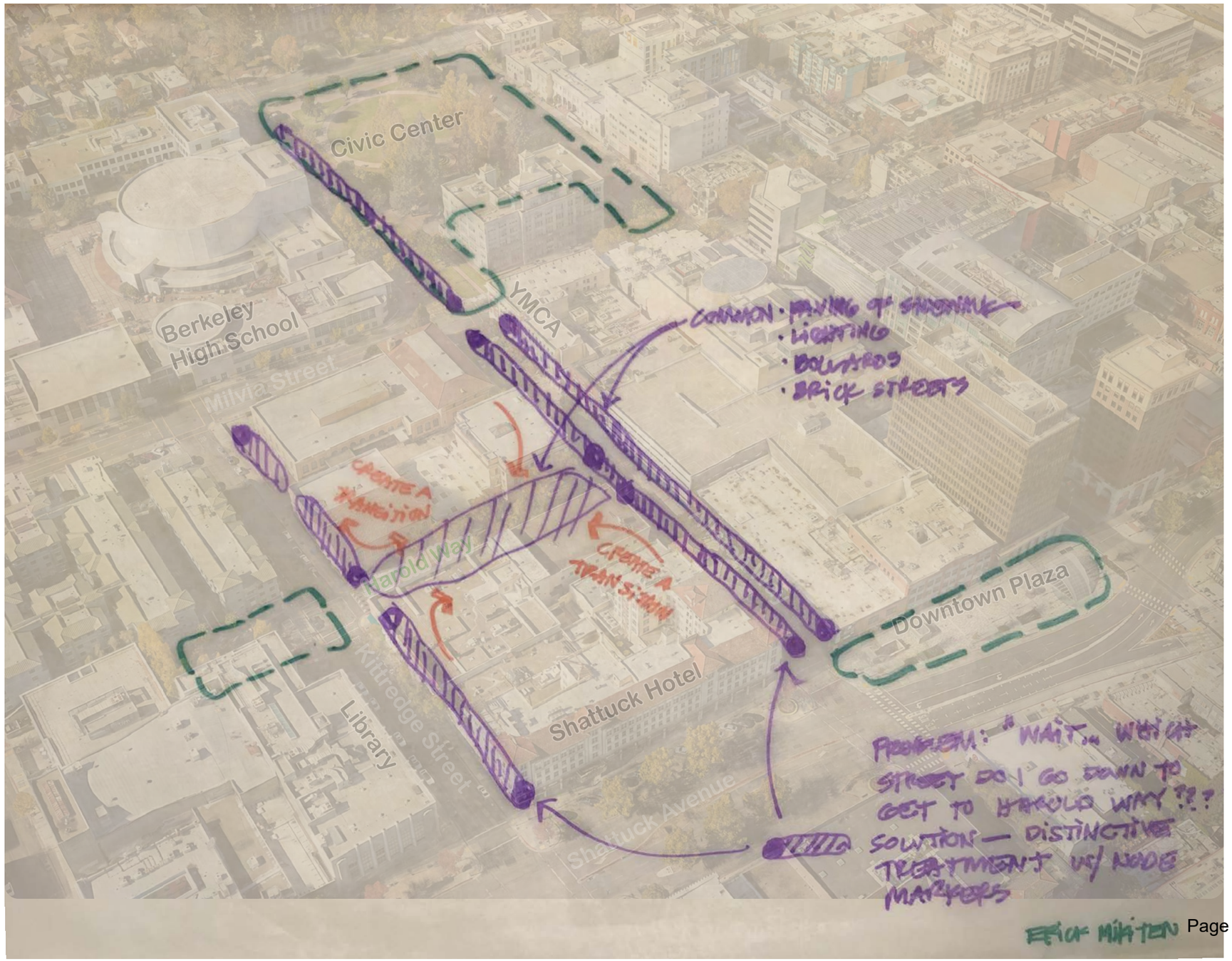






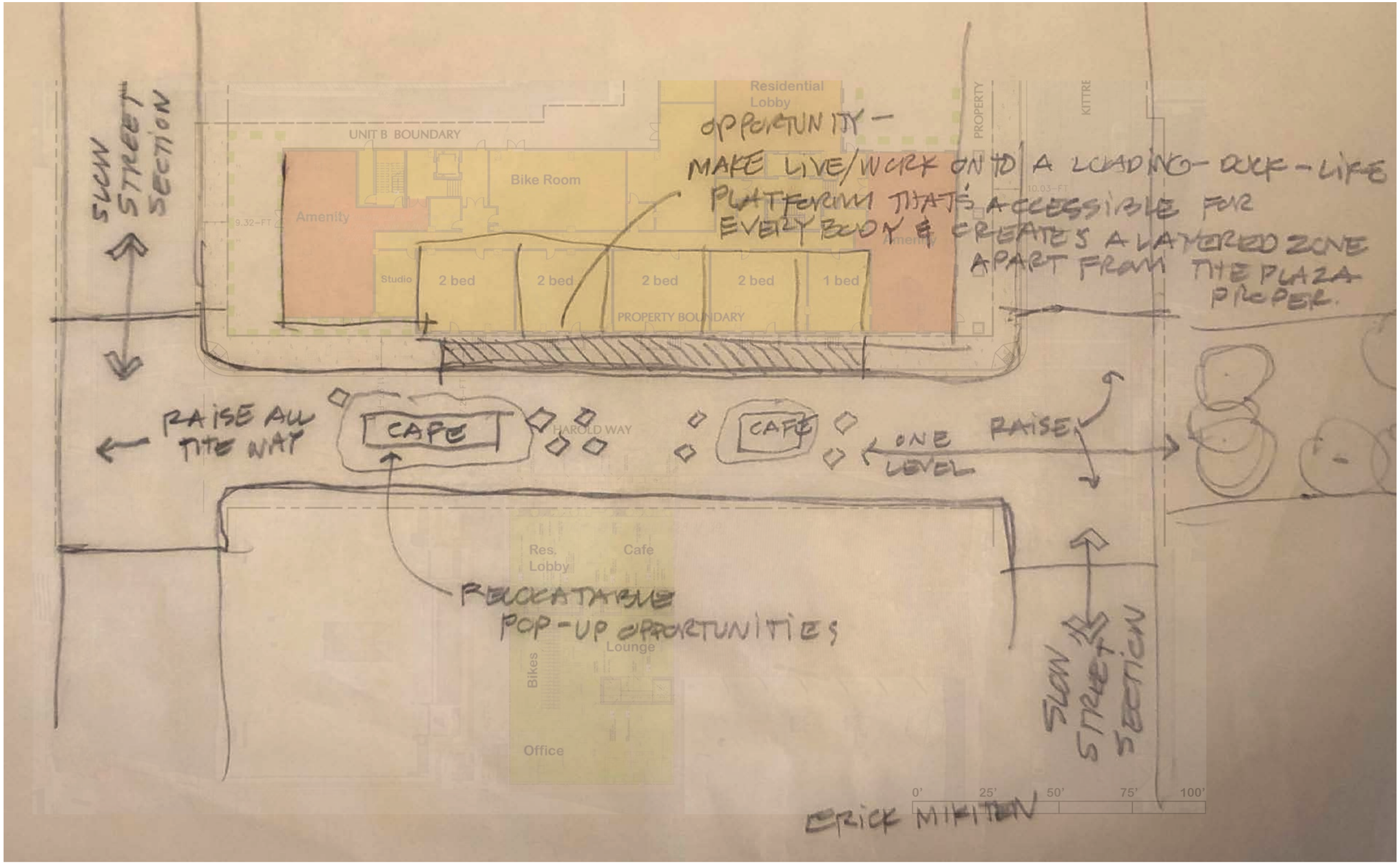
sketch concepts

Bullet Points



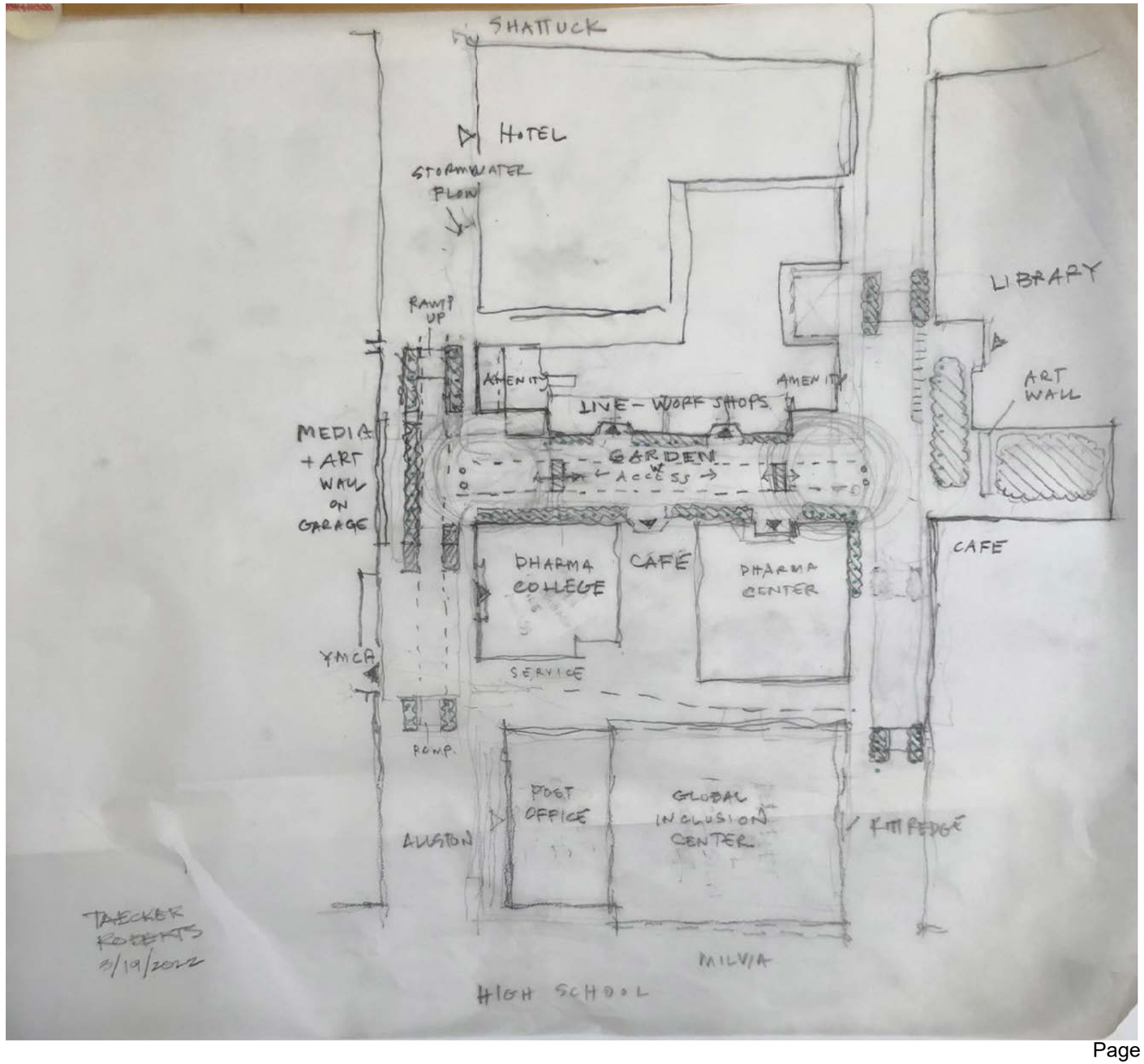
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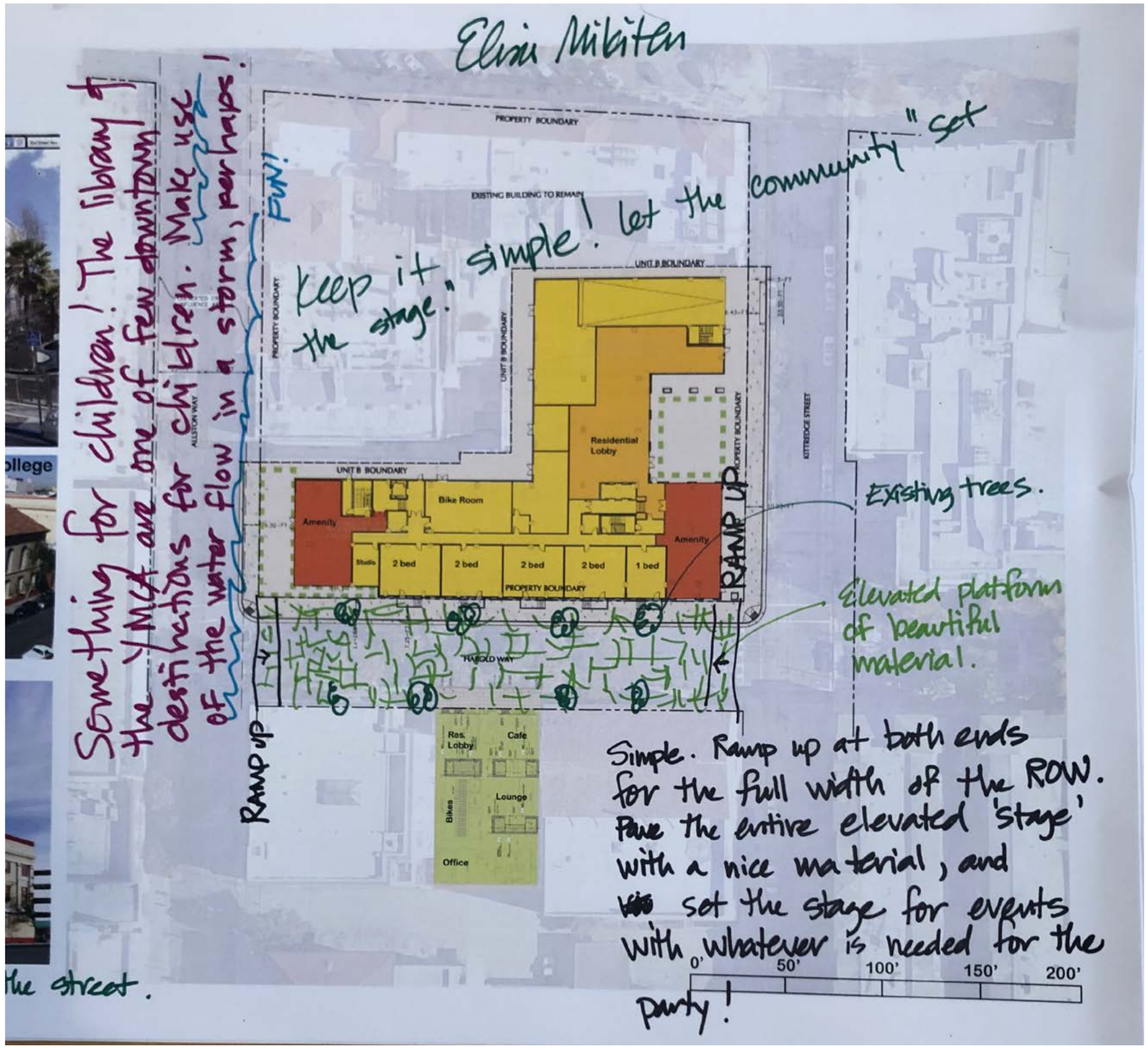
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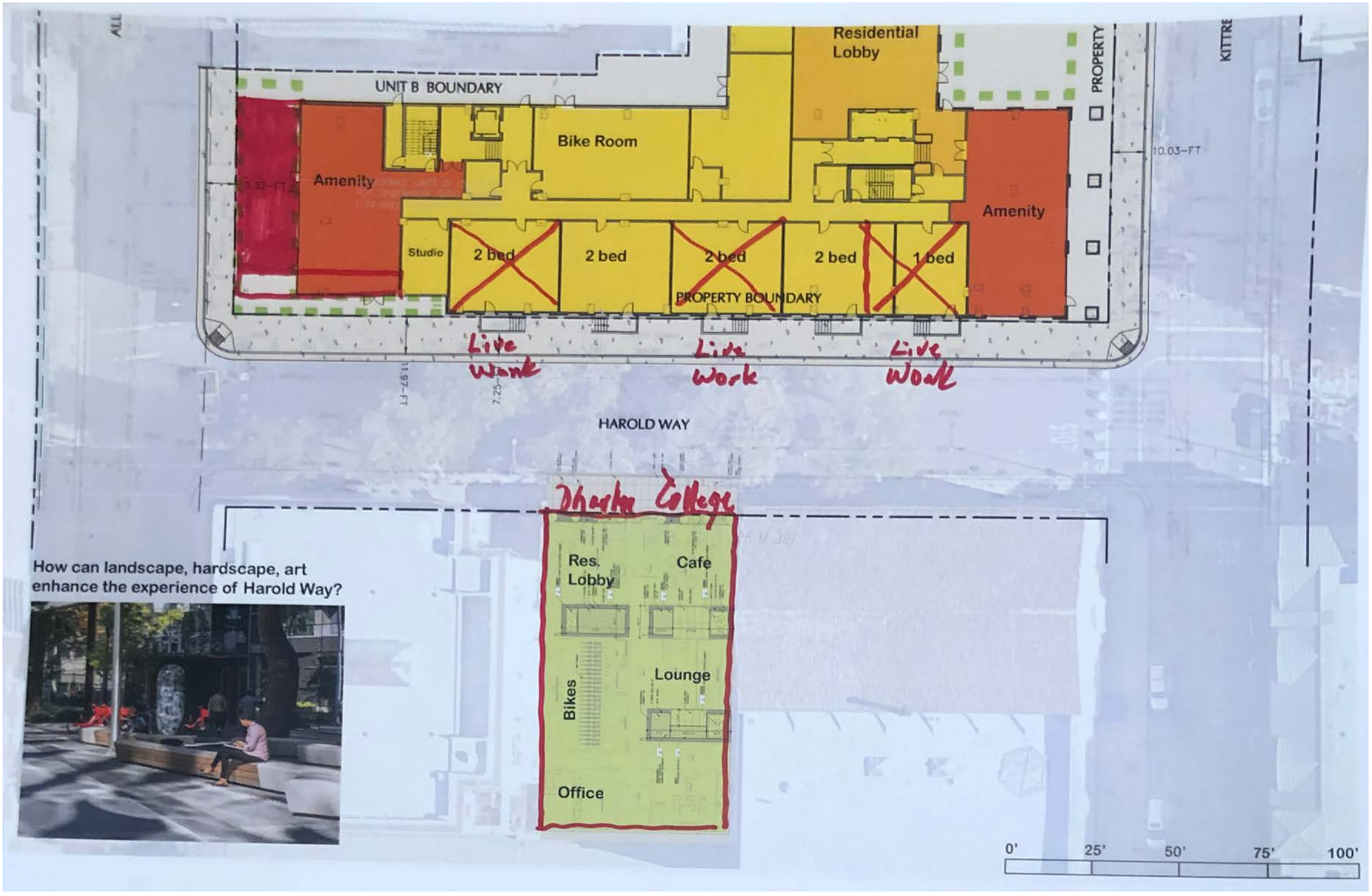
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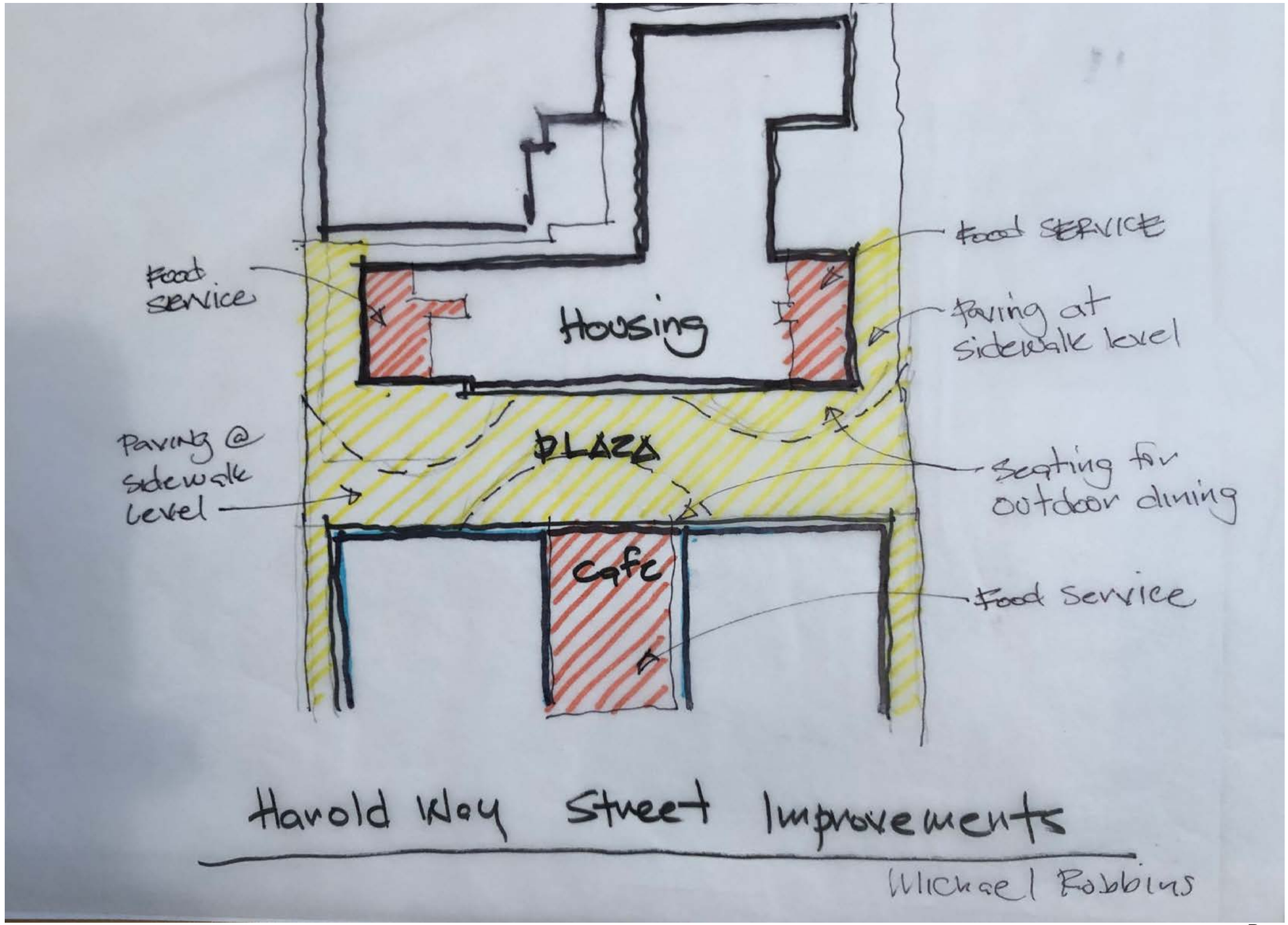
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Bullet Points



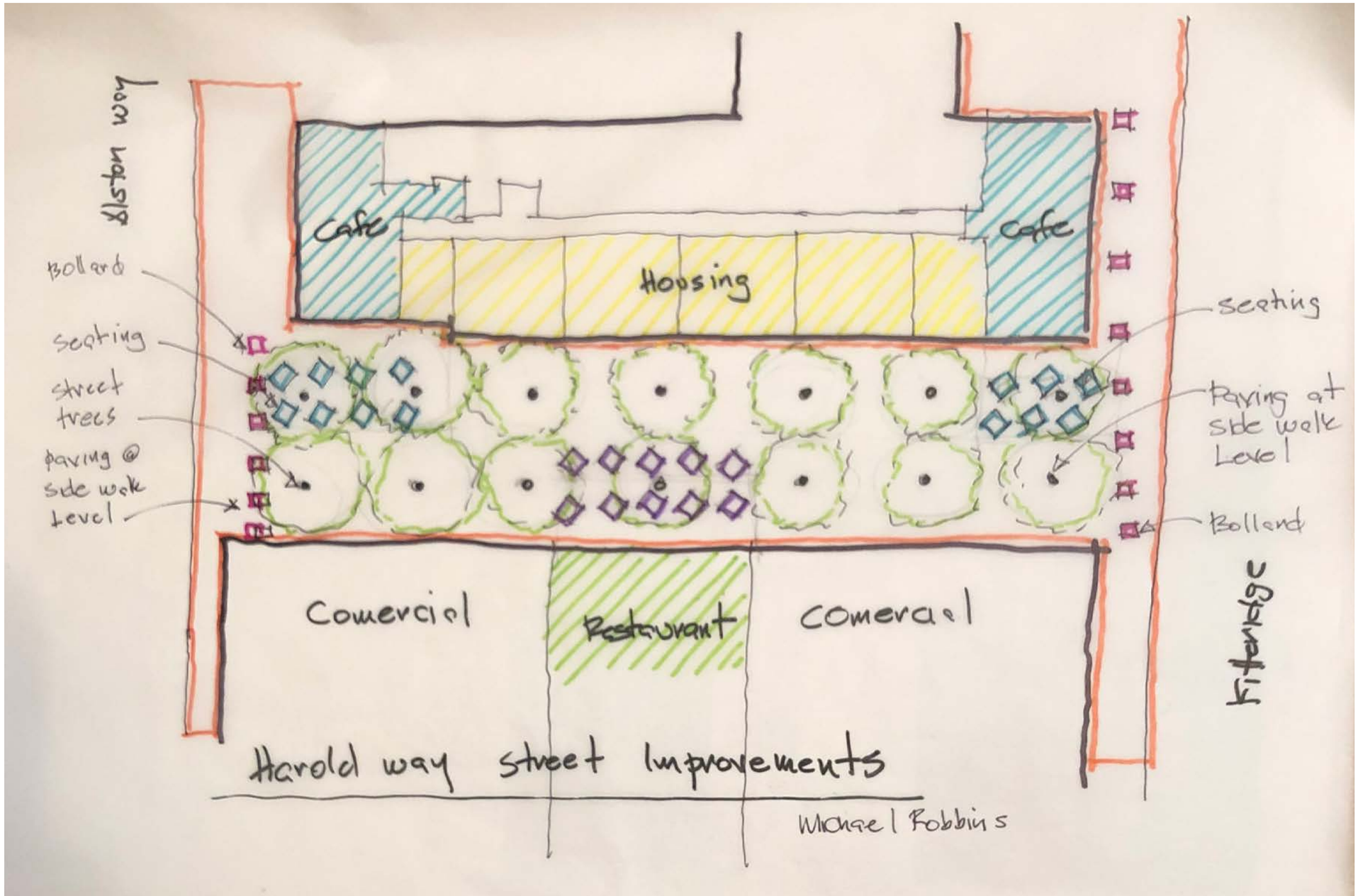
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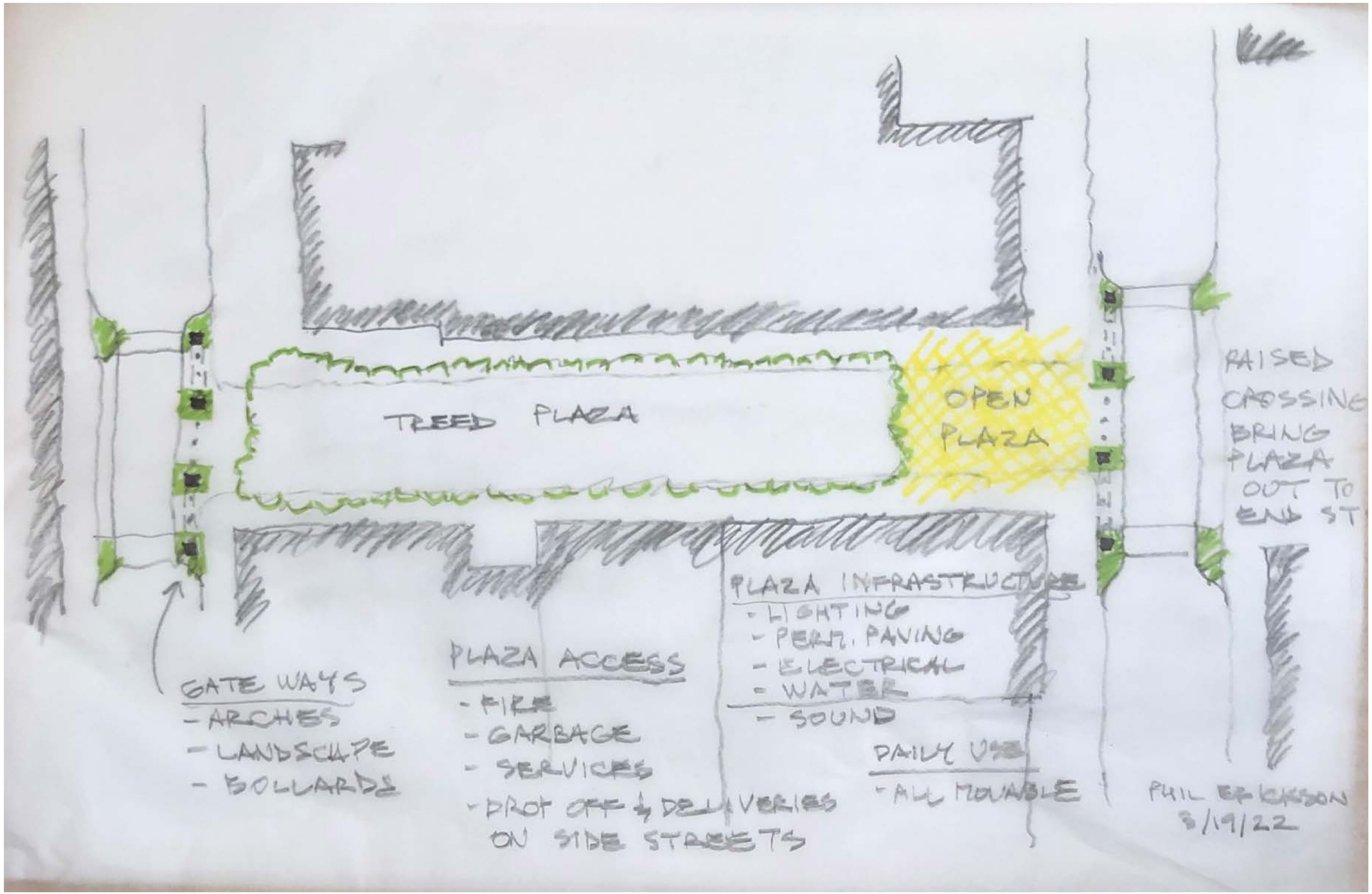
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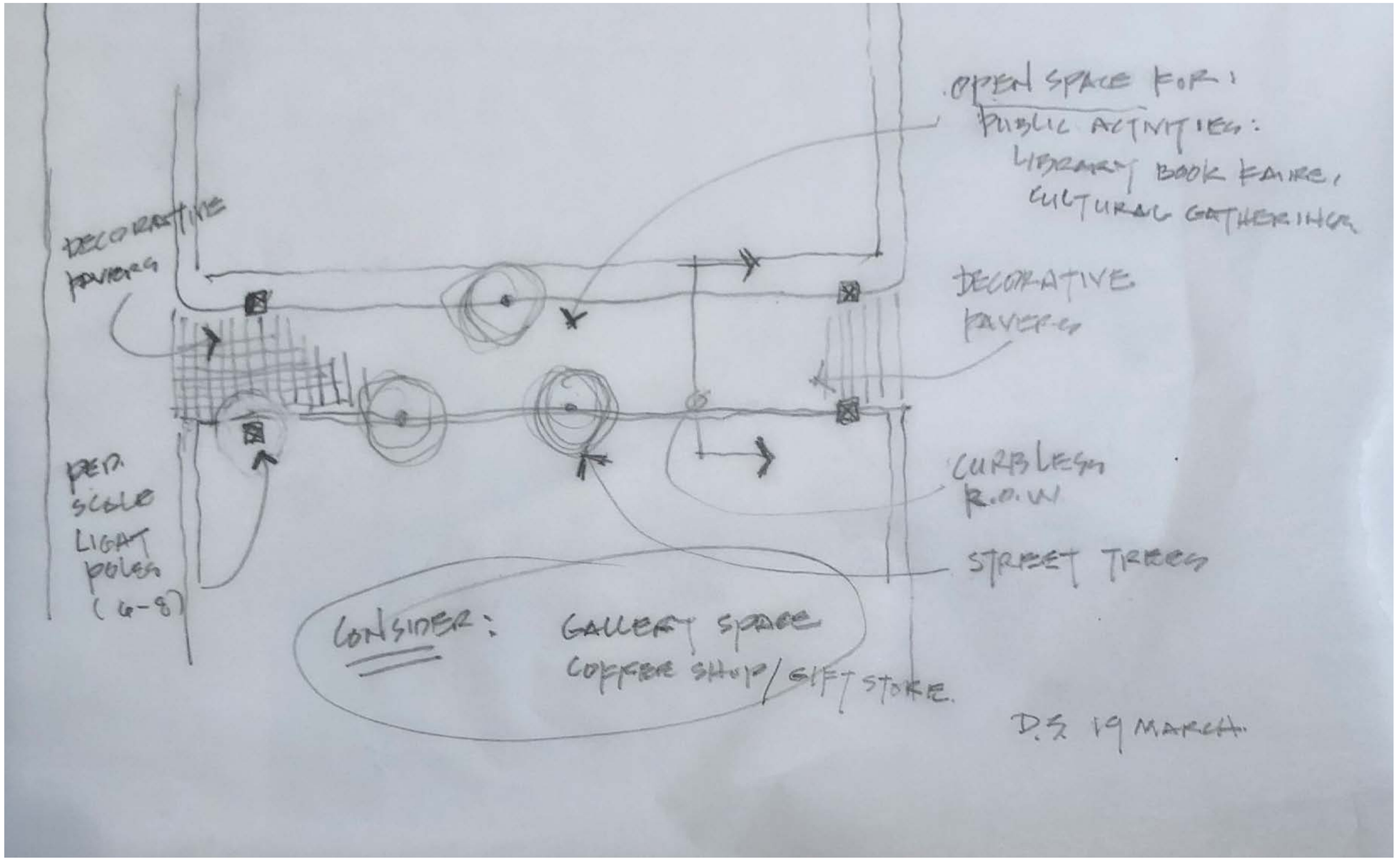
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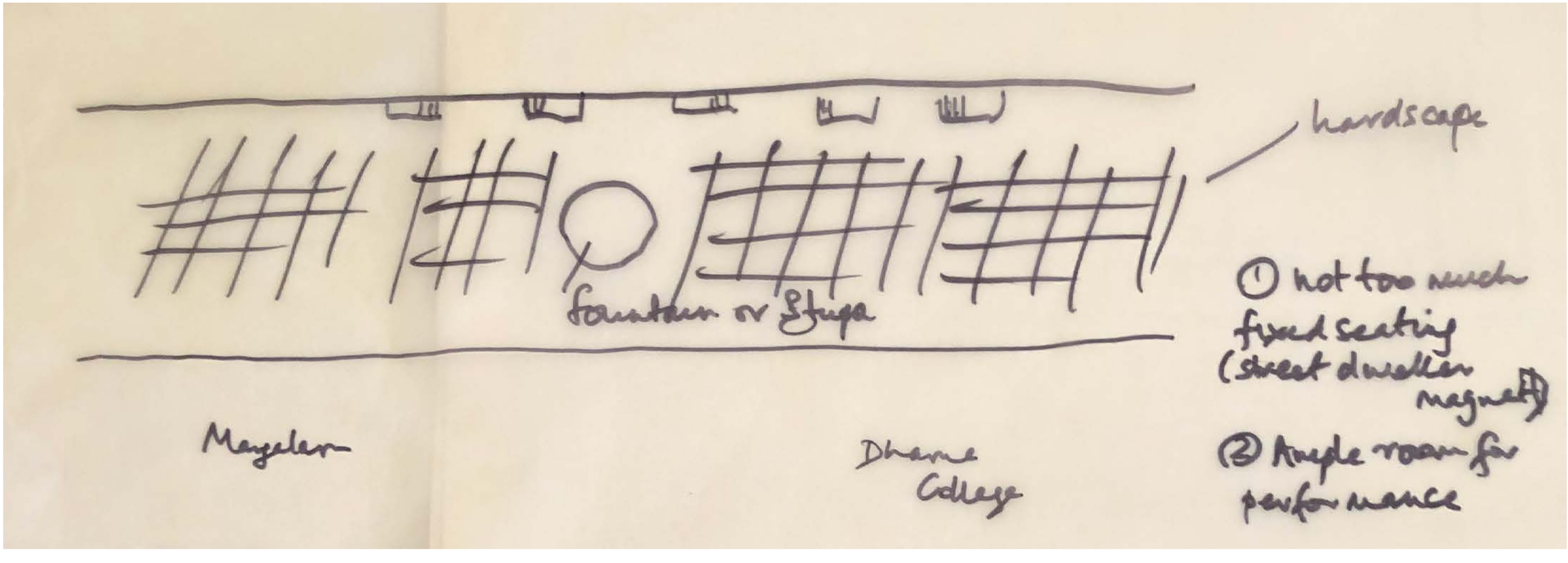
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sketch concepts

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Synthesis

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Igor Tregub, Councilmember District 4
Adena Ishii, Mayor
Brent Blackaby, Councilmember District 6
Shoshana O'Keefe, Councilmember District 5

CONSENT CALENDAR

December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Shoshana O'Keefe (Co-Sponsor)

Subject: Referral to the City Manager and City Attorney: Vibrant Storefront Policy

RECOMMENDATION

Referral to the City Manager and City Attorney to develop a vibrant storefront policy that sets performance standards and considers additional strategies to address a growing number of ground-floor storefront vacancies in Berkeley's commercial districts.

FINANCIAL IMPLICATIONS

Staff time will be needed to develop and enforce the policy and to monitor commercial corridors to ensure compliance. Some of these efforts are aligned with the ongoing work of the City of Berkeley's Office of Economic Development. Long-term fiscal benefits include stronger commercial activity, higher business tax revenues, and stabilized property values. While the goal of this policy is compliance, penalties for non-compliance could offset the costs of policy development and enforcement.

CURRENT SITUATION AND ITS EFFECTS

Community members, businesses, and neighborhood organizations have increasingly raised concerns about the number and condition of vacant commercial properties in Berkeley, a matter of urgency that necessitates expeditious policy intervention.

Although Berkeley's economy remains fundamentally strong, prolonged ground-floor vacancies continue to affect key commercial corridors, including but not limited to

Downtown Berkeley.[1] Even short-term vacancies create a perception of decline, discourage pedestrian activity, and reduce the sense of safety and vitality that defines Berkeley's community spaces. In fact, when participants were asked at a recent Downtown Association Strategic Planning survey "to vote for their top three physical improvement priorities to achieve this vision, fill and activate empty storefronts was by far the most popular option, with 74% support.[2]

Storefront vacancies in commercial districts also generate ripple effects across the city. Vacant storefronts interrupt pedestrian continuity, deter new investments, and reinforce perceptions of economic stagnation. The resulting deterioration undermines public safety, weakens consumer confidence, and diminishes the sense of place and neighborhood identity.[3]

Causes of Vacancies

Berkeley's commercial vacancy rate, though variable by corridor, has generally remained higher than pre-pandemic levels. For example, according to the Downtown Berkeley Association, the Downtown area exhibits a 28.2% vacancy rate by square footage,[4] including properties slated for development. This high rate of vacancy can be attributed to several interrelated factors:

Macro Causes/Issues

- Continued shift to e-commerce sales away from brick & mortar
- Continued growth of food delivery services, including the advent of ghost kitchens outside of the commercial core
- Low property taxes for commercial properties with pre-Prop 13 or long-term owners
- High costs of building out "cold shells" in new mixed-use developments
- The amortization of buildout costs of tenant improvements paid by landlords and included in monthly rent over the term of lease, especially in cold shell spaces, can lead to reluctance to invest in such tenant improvements
- In some instances, speculative property holding in anticipation of redevelopment, rezoning, or tax advantages.[5] [6] [7]

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[1] https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf?utm_source=chatgpt.com

[2] https://www.downtownberkeley.com/wp-content/uploads/2025/06/DBAStrategicPlan_June-19-2025_FINAL2.pdf

[3] https://www.brookings.edu/articles/how-to-break-the-doom-loop-actionable-insights-from-the-brookings-future-of-downtowns-learning-exchange/?utm_source=chatgpt.com

[4] https://www.downtownberkeley.com/wp-content/uploads/2025/06/DBAStrategicPlan_June-19-2025_FINAL2.pdf, Page 14

[5] https://www.irs.gov/taxtopics/tc425

[6] https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping

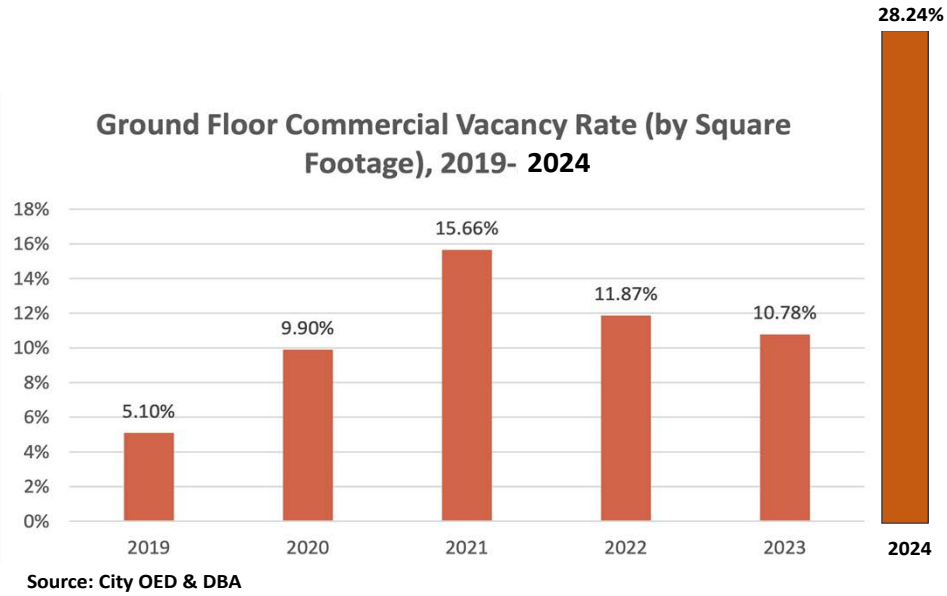
[7] https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping

Berkeley-Specific Causes/Issues

- Requirement of mixed-use retail on the ground floor in new residential projects
- Stalled housing projects due to market conditions (retail vacated and stripped of utilities in anticipation of now delayed construction)
- Safety and quality-of-life concerns for customers and employees (e.g., closure of Peet's Coffee at Shattuck & Kittredge)[8] also impacting willingness of residents and visitors to come to the Downtown and other commercial districts.
- Retail crime and property damage (e.g., stolen tip jars, smash & grab, broken windows)
- Lack of loading zones for pickup and delivery
- High cost of buildout with older infrastructure with time and expense of new code requirements
- Dependence on student market with limited disposable income in some areas of the City
- Shrinking need for office space square footage and usage in commercial districts (due to effects of COVID-19 and other factors)
- Extended permitting and renovation timelines delaying re-occupancy
- Lingering impacts of COVID-19, including business closures, remote work, and reduced daytime foot traffic
- Misalignment between available spaces and market demand in terms of layout, size, and allowable use
- High commercial rents limiting affordability for small and locally owned businesses

District	Vacancy Rate 2020	Vacancy Rate 2021	Vacancy Rate 2022	Vacancy Rate 2023	Vacancy Rate 2024
Downtown Berkeley	9.9%	15.7%	11.9%	10.8%	28.2%[9]
Telegraph Avenue	17.2%	12.6%	8.5%	9.3%	9.9%
San Pablo Avenue	4.8%	7.9%	10.8%	15.5%	7.1%
Solano Avenue	6.7%	4.4%	3.7%	2.6%	2.1%

[8] https://oaklandside.org/2024/06/13/parlour-cabanas-peets-east-bay-restaurant-closing/
[9] This figure includes vacant storefronts in buildings that were scheduled for demolition to make way for new construction.



As identified in the *Spring 2025 Vacant Storefront Toolkit*, the leading causes of Berkeley's storefront vacancies include high rents, holding costs, financing delays, ongoing COVID-19 impacts, zoning and permitting challenges, e-commerce disruption, and safety concerns.

Developing a vibrant storefront policy will help Berkeley promote vibrant and welcoming streetscapes, preserve neighborhood integrity, and address the key externalities of long-term vacancies, blight, and economic stagnation across its commercial corridors.

There are several patterns of vacant commercial property ownership that contribute to prolonged storefront inactivity.[10] Research shows that these patterns are observed in cities nationwide and have measurable impacts on neighborhood vitality, economic resilience, and the public experience of commercial districts.[11]

- **Active Leasing**
  Property owners who are actively seeking tenants and setting lease rates within a reasonable market range and/or willing to do "deals" with right tenants including reduced rents, first months free, tenant improvement budgets, etc. These owners maintain their spaces, respond to inquiries, and demonstrate consistent effort to lease in good faith, but cannot find appropriate tenants.
- **Holding for Higher Returns**
  Property owners who keep spaces vacant while waiting for a more profitable

[10] https://archive.strongtowns.org/journal/2025/5/22/whats-with-the-vacant-storefronts-8-reasons-for-empty-commercial-spaces
[11] Joint Center for Housing Studies of Harvard University. "Why Do Urban Storefronts Stay Empty for So Long?" 2023

tenant or future sale. Lease rates may be set significantly above realistic market conditions, or negotiations may be prolonged or discouraged to secure higher returns.

- **Holding for Redevelopment or Rezoning**
  Property owners who do not attempt to lease their properties because they anticipate future demolition, conversion, or redevelopment. These spaces remain inactive to avoid investment in improvements or tenant commitments prior to redevelopment. This includes several properties in the Downtown where retail was vacated in spring/summer 2024, and utilities removed, in anticipation of construction starting soon. When markets shifted with lower rents and continued high construction costs, these projects were put on hold, and re-leasing or pop-up retail not viable due to high costs and time to reinstall utilities.
- **Vacancy as a Financial Strategy**
  While not observed in Berkeley, this has been used as a strategy in certain cases outside of Berkeley for tax depreciation or other financial advantages. In these cases, the vacancy is intentional and financially structured rather than related to leasing conditions.
- **Absentee or Disengaged Ownership**
  Property owners who are unresponsive or minimally involved in the management of their buildings. Lack of maintenance, delayed repairs, and visible deterioration can result in negatively impacting surrounding businesses and the public realm.

While most property owners make good-faith efforts to lease or activate spaces, there are some who unfortunately do not.[12] A quick look at Loopnet[13] or CoStar[14] shows that a large majority of vacant retail is being marketed by property owners and/or their commercial brokers. A milieu of business tax write-offs, absentee ownership dynamics, and ownership incentives contribute to the problem. Federal tax rules[15] allow deduction of certain carrying costs and depreciation for income-producing property, subject to passive activity loss limitations.[16] [17] shows that a large majority of vacant retail is being marketed by property owners and/or their commercial brokers. Business tax write-offs, absentee ownership dynamics, and ownership incentives contribute to the problem.

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[12] https://www.spur.org/voter-guide/2020-03/sf-prop-d-vacancy-tax
[13] https://www.loopnet.com/search/commercial-real-estate/berkeley-ca/for-lease/?view=map
[14] https://www.costar.com/home/demo?utm_source=google&utm_medium=cpc&utm_campaign=8362819905&utm_content=85421354763&utm_term=costar&utm_campaign_id=3ac7680a-ea7a-4c27-a0d2-4ee10fe6a14e&gad_source=1&gad_campaignid=8362819905&gbraid=0AAAAD1YTcI71652Bu9CmI0kkofeS77qv&gclid=Cj0KCQiA5abIBhCaARIsAM3-zFV3YP3GPoIkpdj3pvHRRxXI6PEfx_qFBYiKEsEe0y48o3FlDEnyafQaAthTEALw_wcB

Federal tax rules[18] allow deduction of certain carrying costs and depreciation for income-producing property, subject to passive activity loss limitations.[19] [20]

Several departments within the City share responsibility for various aspects of implementing, coordinating, and enforcing policies related to vacant and blighted properties. These efforts need to be aligned and coordinated to be effective. Adopting a vibrant storefront policy is an important step to develop regulations that are sensible, workable, and supportive of the vitality of our commercial corridors.

BACKGROUND

Vacant storefronts have been an ongoing conversation in Berkeley for years. In March 2025, the Council considered the First Year Free Program, *Fill Empty Storefronts Act* [21], introduced by former Councilmember Sophie Hahn, to waive initial business registration and licensing fees for new small businesses, modeled after San Francisco's successful program to help fill vacant spaces. Despite previous efforts like the Berkeley Relief Fund[22] and the Save-our-Small Business Loan Fund,[23] commercial vacancies remain above pre-pandemic levels, particularly in South Berkeley, along San Pablo and University Avenue commercial corridors, and Downtown Berkeley. This proposal reflects Berkeley's longstanding commitment to combining economic incentives with creative activation strategies to restore vibrancy to its commercial corridors.

While Berkeley has explored its own incentive-based approaches, examining how other cities have tackled similar challenges offers valuable insight into best practices and potential adaptations. Across the U.S., cities such as Cambridge, Massachusetts,[24] Saratoga, California,[25] and Evanston, Illinois[26] have adopted vibrant storefront policies to reduce blight, maintain active street-level environments, and support local

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[18] https://www.irs.gov/forms-pubs/about-publication-946?utm_source=chatgpt.com
[19] https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping?utm_source=chatgpt.com
[20] https://www.irs.gov/taxtopics/tc425?utm_source=chatgpt.com
[21] https://berkeleyca.gov/sites/default/files/documents/2025-03-11%20Item%2016%20%20First%20Year%20Free%20-%20Fill%20Empty%20Storefronts%20Act.pdf?utm_source=chatgpt.com
[22] https://berkeleyrelieffund.org/
[23] https://www.dailycal.org/archives/city-of-berkeley-announces-loan-fund-to-support-small-businesses/article_d3dc322c-9aa7-5f74-b030-cd56920ef263.html#:~:text=To%20prevent%20Berkeley's%20entrepreneurial%20landscape,default%20rate%20of%20about%2020%25.
[24] https://www.cambridgema.gov/~/media/Files/CDD/EconDev/retailstrategy/cambridgevacancystorefrontreport_6302018.pdf
[25] https://www.saratoga.ca.us/689/Vacant-Storefront-Regulations
[26] https://www.cityofevanston.org/government/departments/community-development/vacant-buildings

businesses. These policies typically require property owners to upkeep vacant storefronts and implement temporary activations after a defined vacancy period.[27]

How Other Cities Addressed Similar Challenges

Cambridge, Massachusetts – Vacant Storefront Policy (2025)[28]

- Requires property owners to register vacant storefronts, submit activation plans, and post leasing contact information after 60 days of vacancy;
- Encourages temporary activations such as art installations, community displays, and non-commercial exhibits that contribute to street vibrancy;
- Cambridge's approach illustrates how structured registration and activation requirements can enhance transparency and encourage owner responsiveness while maintaining flexibility for artistic and community-based activations

Saratoga, California – Vacant Storefront Regulations (2024)[29]

- Requires property owners to install window displays or visual activations within 30 days of a property becoming vacant;
- Acceptable activations include artwork, community-themed window paintings, or simulated business displays;
- City outreach materials provide templates and examples for compliance, ensuring the program remains accessible for small landlords;
- Observed outcomes: Reduction in visible blight, faster re-tenanting, and simplified maintenance standards for property owners;
- Saratoga's clear activation timeline and flexible display options offer a practical compliance model for Berkeley's diverse commercial corridors.

Evanston, Illinois – Vacant Building Registration Ordinance[30]

- Requires registration of all vacant buildings, including commercial properties, with detailed information on ownership and maintenance plans;
- Obligates owners to conduct regular safety inspections and document marketing or rehabilitation efforts;
- Limits the duration of window boarding and façade neglect, framing vacancy as a public nuisance issue;

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[27] https://rpa.org/work/reports/vacant-storefront-toolkit?utm_source=chatgpt.com#temporary-window-activations-to-camouflage-vacancy
[28] https://www.cambridgema.gov/-/media/Files/CDD/EconDev/vacantstorefront/cityofcambridgevacantstorefrontpolicy2025_signed.pdf
[29] https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/16616/1363290/pdf
[30] https://library.municode.com/il/evanston/codes/code_of_ordinances?nodeId=TIT4BURE_CH16VABU

- Improved data collection and communication between city staff and property owners have led to proactive code enforcement outcomes;
- Evanston's data-driven registration model can strengthen Berkeley's vacancy tracking and accountability, particularly if integrated with its permitting systems.

Opportunities for Berkeley to revitalize commercial districts

- **Visual activations:** art installations, murals, green walls, living plant displays, flower arrangements, and artistic window films.
- **Seasonal or event-based activations:** installations tied to holidays, festivals, or city events to keep streetscapes dynamic
- **Temporary adaptive uses:** coworking spaces, mini-galleries, pop-up libraries, or community meeting spaces in long-term vacant units.
- **Community partnerships:** collaborations with local artists, youth organizations, nonprofits, schools, or cultural institutions to design, install, and maintain displays
- **Pop-up retail or temporary community uses:** coordinated through the City's Office of Economic Development, including local maker displays, cultural programming, or rotating food/coffee stands.
- **Clear signage standards:** "For Lease" and "Coming Soon" signs compliant with Berkeley Municipal Code (BMC) 20.12.[31]
- **Technology-enabled engagement:** QR codes or digital displays linking pedestrians to leasing info, virtual tours, or community programming.
- **Flexible design guidelines:** simple, low-cost activation templates that allow creativity but maintain safety, accessibility, and sightlines for pedestrians
- **Financial support:** fee waivers, small grants, or tax incentives for community-based activations or façade improvements
- **Transparency measures:** public database of registered vacant storefronts, including vacancy duration, owner contact info, and activation plans
- **Zoning changes:** allowing live-work uses in lieu of ground-floor commercial retail in certain corridors and/or side streets or provide additional flexibility to subdivide larger vacant storefront properties to better respond to market conditions

The City can provide guidelines for installation and design ideas.

Measures should be developed to ensure that materials used to mitigate the negative impacts of vacant storefronts, including window film or other screening materials, are kept in good condition and free of rips, tears, bubbling, peeling, staining, or fading.

[31] https://berkeley.municipal.codes/BMC/20.12.010

These measures should also require that any material that becomes worn or visibly deteriorated be replaced in a timely manner to maintain a professional and well-kept appearance consistent with surrounding commercial storefronts.

To encourage participation, the City may offer (1) fee waivers or reductions for temporary activations, (2) small grants or tax incentives for community-based activations or façade improvements collaborations, and (3) technical or design assistance through the Office of Economic Development.

ALTERNATIVE ACTIONS CONSIDERED

While this policy is contemplated for commercial districts, the City Manager could also consider implementing it in certain Mixed-Use districts with a high number of commercial storefronts.

Vacant to Vibrant[32] strategies, such as those being explored and/or deployed in San Francisco,[33] could be included within this legislation and also developed as a standalone set of recommendations and implementation projects.

If the adoption of a vibrant storefront policy does not prove successful in reducing vacancies and blight in our commercial districts, the City Council may consider developing a **commercial vacancy tax** (CVT) to be placed on ballot for a future election.

CVTs are designed to address the negative impacts of prolonged storefront vacancies by applying a tax when a commercial property remains unoccupied beyond a defined threshold (commonly 182 days per year). The primary intent is to incentivize the activation of unused commercial space, either through realistic leasing strategies or interim uses such as pop-ups, community-serving activities, or temporary tenancies.

Peer city models of Commercial Vacancy Taxes

- **San Francisco (Proposition D, 2020):**[34]
  A tax on ground-floor commercial spaces vacant for more than 182 days in named corridors. Rates escalate from $250 to $1,000 per linear foot of frontage, depending on consecutive years vacant. Revenue funds small-business support.

[32] From Vacant to Vibrant: Transforming Empty Downtown Storefronts, https://mrsc.org/stay-informed/mrsc-insight/june-2025/vacant-to-vibrant
[33] https://www.vibrantsf.org/
[34] https://ballotpedia.org/San_Francisco,_California,_Proposition_D,_Vacant_Property_Tax_(March_2020)

Reported results show corridor vacancy reductions: North Beach fell from ~10% to ~5% and Haight-Ashbury dropped from 32 of 150 storefronts closed at peak to under 14 today.

- **Oakland (Measure W, 2018):**[35] [36]
  This measure established a parcel tax of $3,000–$6,000 per year for both vacant residential properties and ground-floor commercial spaces. It generally applies to commercial businesses whose permitted use is fewer than 50 days in use per year (i.e., >315 days vacant), with some exceptions.

- **Washington, DC:**[37]
  This jurisdiction classifies vacant and blighted properties into higher tax classes. Vacant property (Class 3) is taxed at 5 dollars per 100 dollars of assessed value; blighted (Class 4) at 10 dollars per 100 dollars, a structure designed to create strong activation incentives.[38]

Other jurisdictions' experience indicates that a vacancy tax, when paired with a package of other items that support commercial activation,[39] can encourage more realistic pricing, shorter downtimes, and interim community-serving uses.[40] At the same time, implementation must emphasize accurate definitions, robust exemptions, and enforcement to avoid penalizing owners facing legitimate leasing challenges.

COMMUNITY IMPACT

This policy directly supports Berkeley's goals of maintaining vibrant, safe, and inclusive commercial areas. Vacant storefronts can contribute to perceptions of neglect, discourage investment, and undermine the cultural and economic vitality of the city.

By introducing visual activation and requiring basic maintenance standards, the policy encourages collaboration with local artists, youth programs, and community organizations to transform empty spaces into creative, inviting displays. These measures will enhance the pedestrian experience, support local culture, and reinforce the City's commitment to equitable and sustainable urban life.

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[35] https://www.oaklandca.gov/Business/For-Landlords/Vacant-Property-Tax-VPT
[36] https://cao-94612.s3.amazonaws.com/documents/Measure-W-City-of-Oakland.pdf
[37] https://www.hklaw.com/en/insights/publications/2024/11/dc-council-legislation-seeks-to-address-ongoing-vacant-and-blighted
[38] https://dob.dc.gov/vacantbuildings
[39] A separate package of commercial district revitalization reforms is being contemplated as a separate item authored by Councilmember Tregub.
[40] https://abc7news.com/post/remember-vacant-storefront-tax-san-francisco-heres-how-going/16588700/

CONSULTATIONS CONDUCTED

This report was prepared in close consultation with the City Manager's Office, the Office of Economic Development, the Department of Planning and Zoning, and the City Attorney's Office. The Downtown Berkeley Association, Berkeley Chamber, Telegraph Business Improvement District, individual business owners, Downtown Berkeley constituents, and other stakeholders were also consulted, and their feedback has been incorporated as appropriate.

This item is presented as a referral to allow for continued coordination among City departments and with community and business stakeholders. A summary of topics discussed is below.

Discussions included the applicability of the ordinance to all ground floor and street facing commercial spaces in commercial and/or certain mixed-use zoning districts that are unoccupied for any duration of time, with property owners required to implement and maintain compliance measures immediately upon vacancy. Stakeholders and staff reviewed two activation pathways, allowing for either transparent storefronts with visible art, cultural, educational, or pop-up displays, or professionally installed interior screening treatments such as green walls, illustrated window films, or other durable materials, maintained in good condition with appropriate dusk to dawn lighting where feasible.

Discussion topics also included pathways for the city to collaborate with local artists, youth organizations, nonprofits, schools, and cultural institutions to design, install, and maintain activation displays. General standards requiring the removal of outdated signage, allowance for permitted real estate signage, and ongoing maintenance to keep storefronts and adjacent public areas clean and free of debris.

Enforcement provisions discussed included each day of noncompliance constituting a separate violation, cumulative penalties, and a clear appeals process for property owners. The effective date of 90 days after adoption, with compliance expected at the point of vacancy, was also discussed.

Discussion with staff and various stakeholders yielded strong interest in enabling temporary activations, including pop up retail, cultural programming, and other short-term community uses, as part of the City's efforts to activate vacant storefronts and support neighborhood vitality. While the Municipal Code already includes provisions for temporary uses, there is an opportunity to create clearer, more efficient pathways for permitting and implementing these activations. This may include Pop Up Retail or

Temporary Community Uses,[41] such as local maker displays, cultural programming, or rotating food and beverage stands. Temporary adaptive uses like coworking areas, mini galleries, pop up libraries, or small community meeting spaces in long term vacant storefronts can offer flexible and productive short-term use of space.

Seasonal or Event-Based Activations connected to holidays, festivals, or city-sponsored events, along with visual demonstrations of future tenancy such as signage that states “Future Home of (Business Name)” or “(Business Name) Coming Soon,” can help maintain an inviting street presence. Allowing participatory art installations, maker pop-ups, small coworking or gallery spaces, seasonal displays, and technology enabled engagement such as QR-linked virtual tours of the vacant space or leasing information can foster economic activity, support local entrepreneurs, and strengthen a sense of community presence in commercial districts.

To ease implementation, pop-up activations of 90 days or less may be administratively approved, with the possibility of limited extensions when appropriate. These activations can be designed to meet basic life safety and accessibility standards, remain time-limited, and return the storefront to a clean and orderly condition at the end of the activation period, while contributing to a more welcoming and continuously active streetscape.

Incorporating live-work spaces into commercial corridors can support small business owners, artists, and entrepreneurs by allowing them to combine living and working in one place, thereby reducing their overhead costs, and providing a key neighborhood stabilization tool. These spaces can help keep creative and community-oriented businesses in Berkeley, encourage local economic activity, and contribute to a sense of neighborhood presence and care. By enabling residents to be co-located with their place of business, live-work spaces also promote walkability, reduce reliance on cars, and strengthen the social fabric of commercial districts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Maintaining active and visually engaging storefronts promotes walkable, transit-oriented neighborhoods and reduces vehicle dependency. Preventing long-term vacancies helps limit waste associated with property deterioration and aligns with Berkeley’s Climate Action Plan goals by encouraging adaptive reuse and sustainable urban density.

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[41] Chapter 23.302, Supplemental Use Regulations, https://berkeley.municipal.codes/BMC/23_Div3; Chapter 23.204, Commercial Districts, https://berkeley.municipal.codes/BMC/23.204.030

CONTACT PERSON

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CONSENT CALENDAR
December 2, 2025

Shoshana O'Keefe
Councilmember, District 5

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe
Submitted by: Henry Bankhead, Acting Director of Library Services, Acting as Secretary, Board of Library Trustees
Subject: Annual Report on Gifts Received

RECOMMENDATION

Accept the Library's annual reporting to the City Council of gifts received in FY 2025 as mandated by CC Resolution No. 65,444-N.S.

SUMMARY

The Board of Library Trustees accepts gifts throughout the fiscal year; for the period from July 1, 2024 through June 30, 2025 the following gifts equal to or in excess of $1,000 aggregate by donor were received and accepted into Library Fund accounts and will be reported to the City Council: The Friends of the Berkeley Public Library for $174,999, and the Berkeley Public Library Foundation for $34,397.53.

Donor	Value	Fund	Notes
Friends of BPL	**$174,999.00**	**104**	**Library programs and materials support**
BPL Foundation	**$34,397.53**	**105**	**Library Grants and Projects**

Donor funds are kept separate and apart from other funds and are managed as part of the regular budget management process per the *Library's Gift / Donation Policy A.R. Number 10.11*.

BACKGROUND

The Council has delegated the responsibility of acceptance and appropriation of Library gift funds to the Board of Library Trustees, such that the Library will be better able to honor the intent and wishes of the grantor/donor and fulfill identified community needs in a timely manner. The Council's delegation of authority to the Board of Library Trustees ensures that public noticing of gifts occurs on a regular basis and annual reporting ensures that the Council remains well-informed regarding gifts to the Library.

On September 20, 2011 the Council approved Resolution No. 65,444-N.S., “Mandating annual reporting from the Board of Library Trustees of gifts in excess of $1,000 in aggregate in an informational report to be presented before the Council on a regular meeting agenda.” Information relevant to the report was prepared by staff for Board of Library Trustee consideration and approved for communication to the City Council. The submitted report will fulfill the ordinance’s obligation covering the period from July 1, 2024 through June 30, 2025.

RATIONALE FOR RECOMMENDATION

The approval of this recommendation will satisfy the intent of the Council Resolution regarding acceptance of gift funds. In addition, the Board of Library Trustees has reviewed and recommends the report for acceptance. This action will have no negative implications and honors the original intent of the donor parties.

FISCAL IMPACTS

None.

CONTACT

Henry Bankhead, Acting Director, Library Services, 981-6195

ATTACHMENTS

1. Resolution

RESOLUTION NO.: ##,### N.S.
ANNUAL REPORT TO COUNCIL FROM THE BOARD OF LIBRARY TRUSTEES ON GIFTS RECEIVED AS MANDATED BY CC RESOLUTION NO. 65,444-N.S.

WHEREAS, the Berkeley Public Library regularly receives gifts from two support organizations, the Berkeley Public Library Foundation and the Friends of the Berkeley Public Library, as well as many individuals and groups; and

WHEREAS, the Open Government Ordinance, pursuant to section 2.06.150, stipulates that, “Contributions to the City or any of its functionaries or Legislative Bodies, for the purpose of carrying out or assisting any City function, shall be disclosed and approved on the Agenda of a regular Meeting of the City Council”; and

WHEREAS, the City Council at a regular meeting on September 20, 2011 approved on the consent calendar Resolution No. 65,444-N.S., which delegated to the Library Board of Trustees the authority to accept any gifts of funds, goods, or services made to the Library up to $200,000 that do not include unduly restrictive conditions on their use, and all gifts from the Library Foundation constituting payments toward the Foundation’s Branch Library FF&E Campaign and included a requirement that the Board of Library Trustees report to Council annually gifts in excess of $1,000 in aggregate; and

WHEREAS, the submitted covers the period from July 1, 2025 through June 30, 2025, corresponding with the fiscal year calendar; and

WHEREAS, gifts to the Library subject to reporting to the City Council during this period are: the Friends of the Berkeley Public Library for $174,999, and the Berkeley Public Library Foundation for $34,397.53; and

WHERAS, on November 5, at a regular meeting of the Board, by Resolution 25-046 the board voted to approve the annual gift report to Council as presented.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby accepts the annual report of gifts in excess of $1,000 in aggregate from the Board of Library Trustees.

BE IT FURTHER RESOLVED that the following gifts to the Library are hereby approved:
1. The Friends of the Berkeley Public Library for $174,999; and
2. The Berkeley Public Library Foundation for $34,397.53

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CONSENT CALENDAR
December 2, 2025

Shoshana O'Keefe
Councilmember, District 5

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe
Submitted by: Henry Bankhead, Acting Director of Library Services, Acting as Secretary, Board of Library Trustees
Subject: Board of Library Trustees Reappointment: Beverly Greene

RECOMMENDATION
Adopt a Resolution Approving the Reappointment of Beverly Greene to the Board of Library Trustees ("BOLT") for a second term of four years commencing December 3, 2025.

SUMMARY
Trustee Greene's first term ended on August 30, 2025 and she is eligible for a second term that would end on December 3, 2029. Trustee Greene is currently a member in good standing.

BACKGROUND
The Board of Library Trustees consists of five members appointed by the City Council upon recommendation of the Board of Library Trustees. Board members are appointed for terms of four years, serve without compensation, and must be Berkeley residents. Trustee Greene is currently serving as a result of her appointment to the board by City Council resolution 69,987-N.S. on July 27, 2017 to complete her first term of office which ended on August 30, 2025. The practice of the board has been to support trustees expressing an interest in serving a second term of office by putting forward a recommendation to the City Council in advance of the term's expiration to ensure continuity and a full complement of board members in order to conduct business. At its November 5, 2025 regular meeting, the board adopted Resolution No.: 25-048 to appoint Beverly Greene to a second term: M/S/C (Roth/O'Keefe); Ayes – Trustees Ami, O'Keefe and Roth. Noes: None; Abstentions: None: Absent: Trustee Villanueva.

FISCAL IMPACTS
None.

CONTACT
Henry Bankhead, Acting Director, Library Services, 981-6195

ATTACHMENTS
1. Resolution

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

RE-APPOINTMENT OF BEVERLY GREENE AS A MEMBER OF
THE LIBRARY BOARD OF TRUSTEES

WHEREAS, membership of the Board of Library Trustees is composed of five appointments by the City Council, including one appointment of a current council member;

WHEREAS, Beverly Greene was appointed to a first term as a ‘Trustee” on August 31, 2021, which ended on August 30, 2025; and

WHEREAS, at its November 5, 2025 meeting, the Board of Library Trustees recommended that Beverly Greene be reappointed to a second term on the Library Board by Resolution # 25-048; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Beverly Greene be reappointed to the Board of Library trustees for a second term beginning December 3, 2025 and ending December 5, 2029.

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Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Tregub (Co-sponsor), Councilmember Kesarwani, (Co-sponsor), Councilmember Taplin (Co-sponsor)

Subject: Notifying Residents of Upcoming Public Works Projects in their Neighborhoods

RECOMMENDATION
Referral to the City Manager to develop a proactive communication system to alert the community of upcoming infrastructure projects from Public Works, EBMUD, PG&E, and other large housing or commercial development projects.

FINANCIAL IMPLICATIONS
Staff time

CURRENT SITUATION AND ITS EFFECTS
Providing the community with an easily accessible location to find accurate and timely information about Public Works projects, such as street paving, sewer rehabilitation, road closures, parking restrictions, and more, advances our goal to be a customer-focused organization, one of our Strategic Plan Priorities.

Currently, the city's "Traffic Advisories" webpage lists many, but not all Public Works related projects with significant impact on community members. Revisiting the webpage— from title to internal posting guidelines— would improve accuracy and accessibility, while expanding its content to more large projects – including private development projects that may have an impact on vehicle, bicycle, or pedestrian traffic.

Beyond updating the website, developing timely outbound communications protocols via email, direct mail, text messaging, and outreach to respective City Council offices is also desirable – so residents are notified proactively, and can then visit the city website for more information.

Voters passed Measure FF: Sidewalk and Street Repairs Parcel Tax, with 60% approval in November 2024. Consequently, the number of street and sidewalk repair projects will be increasing in the years ahead. Keeping the community updated about the planned work and prepared for the inconveniences that come with improving infrastructure, will help residents' lives, and the projects, go more smoothly.

BACKGROUND

The City of Berkeley conducts nearly year-round infrastructure upgrades to keep the city running well. While no one likes traffic delays, utility outages or restricted parking, community members comply with greater ease when they understand the reasoning, scope and timeline.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental impact

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

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Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
December 2, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (author), Mayor Ishii (co-sponsor), Councilmember Tregub (co-sponsor), Councilmember O'Keefe (co-sponsor)

Subject: Berkeley Symphony Orchestra Winter Promenade: Relinquishment of Council Office Budget Funds to General Fund 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 Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute to the Berkeley Symphony Orchestra (BSO) for their 2025 Winter Promenade fundraising event with funds relinquished to the City's general fund for this purpose.

BACKGROUND

The Berkeley Symphony Orchestra (BSO) will host its Winter Promenade fundraising event[1] on December 4, 2025, at Berkeley City Club, located in District 7. This event is the Symphony's major annual fundraising opportunity in 2025-26, helping to ensure continued community access to live, high-quality orchestral music that engages curiosity, imagination, and intellect.

Founded in 1971 by Thomas Rarick, Berkeley Symphony has earned a national reputation for artistic innovation, community connection, and educational impact. Known for adventurous programming, the Symphony presents major new works alongside fresh interpretations of classical repertoire, often collaborating with local artists and organizations to create performances that reflect the spirit and diversity of Berkeley. Through culturally relevant programming and creative partnerships, the orchestra brings together cross-sections of the community, expanding the traditional concert experience and redefining the role of a community-based symphony.

Each year, Berkeley Symphony presents a four-concert symphonic series and a four-concert chamber series in Berkeley and Piedmont, reaching an audience of approximately 2,600 people across the Bay Area. The Symphony employs over 200 musicians and teaching artists, providing stable, meaningful work for local arts professionals. Its programs blend symphonic music with dance, multimedia, and other art forms, creating accessible and engaging concert experiences that celebrate both innovation and tradition.

Beyond the concert hall, Berkeley Symphony extends its reach through free community performances at civic events such as Solano Stroll and the Front Row Festival. Partnerships with the Downtown Berkeley Association, Berkeley Public Library, and the

[1] berkeleysymphony.org/event/winterpromenade

2180 Milvia Street, Berkeley, CA 94704 ● (510) 981-7170 ● clunaparra@berkeleyca.gov

Berkeley Art Museum and Pacific Film Archive allow the Symphony to offer inclusive programming for audiences of all ages, strengthening Berkeley's identity as a city that values creativity, collaboration, and public access to the arts.

Education is a cornerstone of Berkeley Symphony's mission. Its award-winning Music in the Schools program, founded in 1993 with the Berkeley Unified School District, serves more than 4,000 students annually through over 150 free engagements, including classroom visits, "Meet the Symphony" concerts, and "I'm a Performer!" side-by-side performance opportunities. Through initiatives such as Elevate, which offers targeted engagement for students of color, and Students at the Symphony, which gives free or discounted concert tickets to K–12 students and their families, Berkeley Symphony is proud to offer multiple pathways for lifelong musical enrichment.

CURRENT SITUATION AND ITS EFFECTS

Berkeley Symphony has long been a cultural anchor for the city — a source of artistic excellence, education, and community connection. Yet, like many performing arts organizations nationwide, the Symphony now faces severe financial pressures that threaten its ability to continue serving the community at its current level.

In recent years, rising production costs, declining funding, and ongoing post-pandemic challenges have created a structural deficit of approximately $500,000 annually. Temporary relief funds and extraordinary gifts have helped the Symphony sustain operations, but those one-time funds have run their course. Without new investment and community partnerships, Berkeley Symphony may be forced to reduce or suspend programs that have served residents for decades — from free community concerts to its award-winning Music in the Schools program.

The Winter Promenade is central to sustaining these efforts. As the Symphony's primary fundraising event for the 2025–26 season, it generates critical revenue that supports concerts, music education, and community engagement initiatives. Support from the City Council would not only help cover rising costs but also reaffirm the city's commitment to the arts, ensuring that Berkeley Symphony can continue to inspire, educate, and bring joy to residents for generations to come.

FINANCIAL IMPLICATIONS

No General Fund impact. $500 is available from the Councilmember's office budget discretionary account.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

ATTACHMENTS

1. Resolution

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

2180 Milvia Street, Berkeley, CA 94704 ● (510) 981-7170 ● clunaparra@berkeleyca.gov

RESOLUTION NO. ##,###-N.S.
SUPPORT FOR THE BERKELEY SYMPHONY ORCHESTRA'S 2025 WINTER PROMENADE

WHEREAS, the Berkeley Symphony Orchestra (BSO), a registered 501c(3) organization, has earned a national reputation for artistic innovation, community connection, and educational impact; and

WHEREAS, the Winter Promenade, hosted by BSO on December 4th, 2025, is the Symphony's major annual fundraising opportunity in 2025-26, helping to ensure continued community access to live, high-quality orchestral music that engages curiosity, imagination, and intellect; and

WHEREAS, rising production costs, declining funding, and ongoing post-pandemic challenges have created a structural deficit of approximately $500,000 annually, which may force them to reduce or suspend programs that have served residents for decades — from free community concerts to its award-winning Music in the Schools program; and

WHEREAS, Councilmember Lunaparra has surplus funds in her office expenditure account.

NOW THEREFORE, BE IT RESOLVED by the Berkeley City Council that up to $500 relinquished by Councilmembers – including $500 from Councilmember Lunaparra – shall be granted to the Berkeley Symphony Orchestra (BSO) for their 2025 Winter Promenade.

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Office of the City Manager

PUBLIC HEARING
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2026

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, "the District", "the Elmwood BID" or "the BID") for 2025-26 and, if no majority protest exists, levy annual assessments in the District for calendar year 2026 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately $30,000 will be deposited into the Elmwood BID Fund and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed $2,000, paid through the Off-Street Parking Fund (Fund 627 or 835-4942-410-4046). To the extent that the work of the Elmwood BID enhances the development of the Elmwood and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code Section 36500 et. seq.) that authorized the establishment of the Elmwood BID, the City Council must hold a public hearing before levying assessments for 2026. The renewal process was initiated on October 28, 2025, when Council approved by Resolution No. 72,011-N.S. (Attachment 1, Exhibit A) the Annual report and budget for 2025-26 and set the public hearing date for December 2, 2025. The City Clerk noticed businesses in the Elmwood BID area by publishing Resolution No. 72,011-N.S. in a newspaper of general circulation. If no majority protest is received at the public hearing, at its conclusion the City Council may confirm the Annual report and budget for 2026 and levy assessments.

BACKGROUND
The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain and beautify the Elmwood commercial district. The BID boundary was expanded in January 2024 to include areas along College Avenue to the southern border of Berkeley. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as marketing, place-based branding, events, and capital improvements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements contribute to making the Elmwood a more pleasant walking destination. Because the district is served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION
State law requires that the City Council annually renew the Elmwood BID by conducting a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED
The Advisory Board has considered many alternatives for expenditure of its limited revenues and has decided upon the activities described in the Annual Report as the priorities for 2026.

CONTACT PERSON
Vincent McCoy, Office of Economic Development, 510-981-2490

1: Resolution
    Exhibit A: Resolution No. 72,011-N.S., with incorporated Annual Report, map of the District and Assessment table
2: Public Hearing Notice

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

CONFIRMING THE ANNUAL REPORT FOR THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT (BID), LEVYING AN ANNUAL ASSESSMENT FOR THE ELMWOOD BID FOR 2026, AND AUTHORIZING A CONTRACT OR CONTRACT AMENDMENTS WITH ELMWOOD BUSINESS ASSOCIATION TO SERVE AS FISCAL AGENT FOR RECEIPT AND EXPENDITURE OF ELMWOOD BID FUNDS

WHEREAS, the Elmwood Business Improvement District (BID) Advisory Board recommended an Annual Report to the Berkeley City Council that outlined the activities of the District proposed for the year 2026, including a budget for said activities, as required by California Streets and Highways Code Section 36533 and Berkeley Municipal Code Section 7.97.080; and

WHEREAS, on October 28, 2025, the City Council by Resolution No. 72,011-N.S. (attached as Exhibit A) approved the Annual Report and proposed budget of the Elmwood BID for 2025-26 and declared its intent to levy an assessment in the District to finance the proposed activities for the calendar year 2026; and

WHEREAS, Resolution No. 72,011-N.S. also scheduled a public hearing for December 2, 2025, to consider levying said assessment and gave notice that interested parties could attend and be heard on the issue, for and against; and

WHEREAS, the City Clerk has notified potential assessees of the public hearing by publishing the Resolution of Intention in a newspaper of general circulation; and

WHEREAS, the public hearing has now been held and there has not been protests by business owners who collectively pay 50 percent or more of the assessment proposed to be levied.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that any protests are overruled and the Annual Report of the Elmwood BID is confirmed, thereby levying an annual assessment for the Elmwood BID for calendar year 2026.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to enter into a contract or contract amendments with Elmwood Business Association to receive and spend funds for purposes approved in the Annual Report and Budget and as directed by the Elmwood BID Advisory Board.

Exhibit A: Resolution No. 72,011-N.S., including the 2025-26 Annual Report, map of the District and Assessment Table

RESOLUTION NO. 72,011-N.S.

APPROVING THE 2025 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2026; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2026; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 2, 2025 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2026

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established an Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2026 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report for 2025-26 (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2025-26 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Elmwood commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 2, 2025, virtually on a publicly accessible video conference call. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 2, 2025 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

Exhibits
A: Annual Report for the Elmwood Business Improvement District for 2025-26
A1: Map of the Elmwood BID
A2: Assessment Rates

EXHIBIT A

Annual Report for the Elmwood Business Improvement District for 2025

September 8, 2025

To: Members of the Berkeley City Council
From: The Elmwood Business Improvement District Advisory Board
Re: 2026 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2026 fiscal year, with the same boundary as the prior year (Exhibit A1). The assessment method and basis remain the same.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly $30,000 per year provide a regular, predictable source of funding for the Elmwood Business Association (EBA) activities, and an additional $5,000 of grant funding and fundraising is also anticipated. The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's ongoing vitality. Here are some highlights:

- Engaging the merchants in the expanded BID to envision how EBA can assist in supporting their businesses
- Successfully put on the Second Elmwood Music Festival on three stages, partnering with the Berkeley Public Library – Claremont Branch, local food truck vendors, and local craft artists, bringing together the community
- Bringing back the popular Wine Walk on September 13, 2025
- Officially installed the SmartSpace Program (employee parking program) after a successful pilot in collaboration with CoB Transportation Dept.
- Participation in the AC Transit EasyPass program by the Elmwood merchants
- Maintenance of year-round lighting installation on district buildings
- Website: www.shoptheelmwood.com serves as one of the district's main marketing tools – District Events, Introducing New Businesses, and ongoing marketing updates
- Continued maintenance of Welcome to Elmwood banners as well as seasonal banners on light posts and ongoing maintenance
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- Maintenance of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
    - Engage the public on social media
    - Manage merchant communications
    - Promote monthly specials among Elmwood Merchants
    - Updating the website to keep it current

    - Project manage events around Elmwood BID
- Sponsored the following events:
    - Spring and Fall Outdoor Movie Nights
    - Spring Elmwood Music Festival
    - Where's Waldo Events
    - Summer Merchant Social to integrate merchants from the expanded BID
    - Fall Live Music Stroll
    - Stop for Berkeley Bicycle Day participants for snacks and water
    - Craft Fair featuring local artists
    - Fall Wine Walk
    - Holiday Season Events
    - Shop Local Promotions
- Members of the board are active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation

Below is a summary of our current financial position and our proposed budget for 2026 for your review.

2025-2026 Actual and Projected Expenditures
Elmwood Business Association

INCOME		2025 Budget	2026 Budget
Operating Income			
	BID Membership dues	$ 30,000	$ 33,000
	Other Revenue	$ 4,495	$ 5,500
	Total Operating Income	**$ 34,495**	**$ 38,500**
Non-Operating Income			
	Fees Collected from Vendors	$ 500	$ 1,000
	Total Non-Operating Income	**$ 500**	**$ 1,000**
Total INCOME		**$ 34,995**	**$ 39,500**

EXPENSES			
Advertising & Marketing			
	Banner Maintenance	$ 1,000	$ 1,800
	Building Light Maintenance	$ 250	$ 250
	Spring event production	$ 500	$ 500
	Merchant Social - Summer	$ 1,000	$ 1,300
	Artisan Craft Event	$ 300	$ 300
	Web Hosting and marketing	$ 1,000	$ 1,000
	Halloween event production	$ 600	$ 600
	Holiday season event production (incl. tree lights)	$ 2,500	$ 2,500

Music in the Elmwood			
	Music Festival Expenses	$ 5,000	$ 7,000
Consulting & Accounting			
	Square Payment System	$ 120	$ 120
	Accounting S/W (Xero)/Tax Filing	$ 200	$ 200
Dues and Subscriptions			
	Chamber of Commerce	$ 350	$ 350
Insurance			
	Liability for EBA	$ 500	$ 650
	Liability for Board members	$ 800	$ 900
License & Permits			
	Taxes & Licenses	$ 175	$ 200
Other: Office Supplies/Annual Mtg.			
	Printing/copy	$ 1,000	$ 1,200
	Postage & Delivery (PO Box)	$ 250	$ 250
	Annual Mtg. Food/Beverage	$ 1,000	$ 1,300
Repairs and Maintenance			
	Gardening (Tree wells)	$ 400	$ 400
Professional Fees			
	Legal and Professional Fees	$ 100	$ 100
Bank Fees			
	Wells Fargo Bank	$ 150	$ 150
Security			
	Holiday Private Security	$ 9,000	$ 10,000
Admin Support			

Wages	$ 12,500	$ 12,500
Total Operating Expenses	**$ 38,695**	**$ 43,570**

Retained Earnings		**$ (3,700)**	**$ (4,070)**

Exhibit A1: Elmwood Business Improvement District (BID), Map

Elmwood BID Boundaries



City of Berkeley



Exhibit A2: Elmwood Business Improvement District, Assessment Rates

Business Classifications and Assessment Rates	
Classifications	**Annual Rates**
Retail including jewelers & groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services & Drinking Places)	
• Gross receipts under $350,000	$250
• Gross receipts $350,000--$999,000	$350
• Gross receipts $1,000,000	$500
Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)	$500
Professionals including offices of real estate brokers (Tax Code P)	
• Gross receipts under $100,000	$300
• Gross receipts over $100,000	$400
Entertainment and Recreation (Tax Code E)	$450
Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)	$200
Hair, Nail and Skin Care Services (NAICS 81211)	$200
Parking lot operators	$2,000
Financial Institutions	$2,500

Any business that is classified as a nonprofit (Tax Code N) for business licenses purposes, shall nevertheless pay the assessment at the rate that corresponds to its North American Standard Industrial Classification if it is engaged in the sale of products or services. Any new business established within the District shall not be required to pay an assessment on application for its business license but only on renewal at the end of the year it was initiated. (Ord. 7317-NS § 3 (part), 20

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

RENEWAL OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT AND LEVYING OF ASSESSMENT FOR 2026

The Elmwood Business Improvement District (BID) Advisory Board is proposing that the Berkeley City Council confirm the Annual Report of the Elmwood BID for 2025 and levy an assessment for 2026.

The hearing will be held on December 2, 2025 at 6:00 p.m. at the SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702 and via teleconference.

A copy of the agenda material for this hearing will be available on the City's website at www.berkeleyca.gov as of **November 20, 2025.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers. Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

For further information, please contact Vincent McCoy, Office of Economic Development, at 510-981-2490.

Published: Resolution of Intention No. 72,011-N.S., October 28, 2025 –Berkeley Voice
As required by Streets and Highways Code Section 36534.

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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 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 20, 2025.

Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Renewal of the Solano Avenue BID for Calendar Year 2026

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "Solano BID Advisory Board" or "the BID") for 2025-2026 and, if no majority protest exists, levy annual assessments in the District for calendar year 2026 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately $25,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110 and expensed from budget code 783-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. The work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, and therefore the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code Section 36500 et. seq.) that authorized the establishment of the Solano Avenue BID, the City Council must hold a public hearing before levying assessments for 2026. The renewal process was initiated on October 28, 2025, when Council approved by Resolution No. 72,012–N.S. (See Attachment 1, Exhibit 1A) the Annual report and budget for 2025-26 sent to it by the Advisory Board and set the public hearing date for December 2, 2025. (The Annual Report with a budget is part of Attachment 1, Exhibit A). The City Clerk noticed businesses in the Solano Avenue BID area by publishing Resolution No. 72,012–N.S. in a newspaper of general circulation. If no majority protest is received at the public hearing, at its conclusion the City Council may confirm the Annual report and budget for 2026 and levy assessments.

BACKGROUND
Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In 2025, the BID program focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. BID expenditures are made through an established fiscal agency contract with Telegraph Property and Business Management Corporation (Telegraph PBMC).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements such as the added street trees, hanging planters, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes.

RATIONALE FOR RECOMMENDATION
State law requires that the City Council annually renew the Solano BID by conducting a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions were considered.

CONTACT PERSON
Vincent McCoy, Office of Economic Development, (510) 981-7043.

Attachments
1: Resolution
    Exhibit 1A: Resolution No. 72,012–N.S. with incorporated Annual Report, Budget, District Map, and Assessment table
2: Public Hearing Notice

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

CONFIRMING THE ANNUAL REPORT AND BUDGET FOR THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT (BID), LEVYING AN ANNUAL ASSESSMENT FOR THE SOLANO AVENUE BID FOR 2026, AND AUTHORIZING A CONTRACT OR CONTRACT AMENDMENTS WITH A SUITABLE NON-PROFIT TO SERVE AS FISCAL AGENT FOR RECEIPT AND EXPENDITURE OF SOLANO AVENUE BID FUNDS.

WHEREAS, the Solano Avenue Business Improvement District (BID) Advisory Board recommended an Annual Report to the Berkeley City Council that outlined the activities of the District proposed for the year 2026, including a budget for said activities, as required by California Streets and Highways Code Section 36533 and Berkeley Municipal Code Section 7.97.080; and

WHEREAS, on October 28, 2025, the City Council by Resolution No. 72,012–N.S. (attached as Exhibit 1A) approved the Annual Report and proposed budget of the Solano Avenue BID for 2025-26 and declared its intent to levy an assessment in the District to finance the proposed activities for the calendar year 2026; and

WHEREAS, Resolution No. 72,012–N.S.. also scheduled a public hearing for December 2, 2025, to consider levying said assessment and gave notice that interested parties could attend and be heard on the issue, for and against; and

WHEREAS, the City Clerk has notified potential assessees of the public hearing by publishing the Resolution of Intention in a newspaper of general circulation; and

WHEREAS, the public hearing has now been held and there has not been protests by business owners who collectively pay 50 percent or more of the assessment proposed to be levied.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that protests are over-ruled and the Annual Report of the Solano Avenue BID is confirmed, thereby levying an annual assessment for the Solano Avenue BID for calendar year 2026.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to enter into a contract or contract amendments with a suitable non-profit to receive and spend funds for purposes approved in the Annual Report and Budget and as directed by the Solano Avenue BID Advisory Board.

Exhibit 1A: Resolution No. 72,012–N.S. (October 28, 2025), including the 2025-26 Annual Report and Budget, District Map, and Assessment Table

Exhibit 1A

RESOLUTION NO. 72,012-N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2025-26; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2026; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 2, 2025 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2026.

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2026 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2025 and Budget for the year 2026 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2025-26 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 2, 2025. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 2, 2025 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

Exhibits
A: Report for the Solano Avenue Business Improvement District 2025-26
A1: Map of the Solano BID
A2: Assessment Rates

Exhibit A: Report for the Solano Avenue Business Improvement District for 2025 and Budget for 2026

Background

The first version of the Solano Business Improvement District (BID) operated from 2002-2007, with administration of the BID headed by the Solano Avenue Association (SAA). In 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the most recent year of operational programs of the Solano BID.

Landscape Program

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing 41 hanging planter baskets on light poles distributed throughout the district, utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets though the end of calendar year 2018. From 2019 to 2021, rainwater alone supported the baskets, and in 2022 the Solano BID entered into a contract with The Peralta Services Corporation to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. Peralta's services began in July of 2022 and, per Peralta, the latest contract is renewed on a quarterly basis with regularly scheduled landscaping in tree wells, including porous pavement on a weekly basis. Additional services have been considered and further options and changes will be discussed in the context of the 2026 Work Plan.

Marketing and Promotion of Solano

Marketing and promotion of Solano Avenue constitutes a second priority of the Solano BID. The commission has engaged with Solano Avenue Association for the purpose of increased marketing to member businesses, improved online presence, and higher visibility during events, minor and major, along Solano Avenue. Since 2018, the board approved funding for a new vendor for Christmas decorations under the direction of the SAA, with BID reimbursement to the SAA, which covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The BID used the same vendor and process last season and plans to study and perhaps change the decorations for the 2026 season. This partnership underscores the leverage the BID obtains in working with the SAA to provide support for BID priorities for the Berkeley portion of Solano Avenue. In the remainder of 2025, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (e.g., supporting the SAA in producing the Stroll and the 3 Strollish Events.) This year the BID developed a website directory for the district. (www.uppersolano.com) and an advertising budget. The ads run in the Berkeley Times, Berkeleyside and Edible East Bay and direct the public to our directory.

The details of the 2026 Work Plan, to be developed over the remainder of the year include engaging with the City regarding traffic safety improvements, increased marketing of the Berkeley portion of Solano Avenue, and improvement programs to deploy merchant fees effectively and equitably.

Commissioner Recruitment

In the spirit of vibrant and effective service to the merchants of the Solano BID, the Advisory Board continues to recruit new board members. Ongoing recruitment is a focus for the remainder of 2025 and 2026. Merchant owners are often busy operating, and sometimes expanding, their businesses. The Advisory Board reminds merchants that they can assign a proxy, from inside or outside their organization, to represent them on the Board. City of Berkeley residence is not required for Board membership.

Solano BID Administration

The Solano BID has contracted with a fiscal agent, the Telegraph Property and Business Management Corporation (Telegraph PBMC), which charges a 5% fiscal agent fee on new BID revenue annually. For example, the anticipated new Solano BID revenue for 2026 is $30,000 so the fiscal agent fee is estimated to be $1,500.

FINANCIAL STATUS OF THE SOLANO BID, AUGUST 2025	
Solano BID Balance, as of 8/31/2024	$45,815
Accounts Receivable - Remaining 2024 Carryover from City of Berkeley	$0
Less fall and winter payments remaining for Solano Ave Assn Contract, for 2024-25 holiday-related events	-$10,000
Less payments for holiday decor installation, removal and storage, Nov ‘24 to Jan ‘25	-$5,471
Less fall and winter payments for Peralta Svcs Corp sidewalk/tree maintenance	-$4,782
Allocated Expenditures	-$9,248
Unallocated as of 8/31/2025	**$16,314**

BUDGET FOR THE SOLANO BID FOR 2026 (Calendar Year)	
Estimated new revenue 2026	$30,000
Carryover from 2025 (estimated)	$16,314
Estimated SAA Events Payments	-$20,000
Estimated Holiday Decorations Payments	-$5,471
Estimated Peralta Svcs Corp sidewalk Cleaning/tree well maintenance	-$6,182
Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue	-$1,500
Total additional available for expenditure in 2026	**$13,161**

RECOMMENDATIONS

The Advisory Board recommends that Council:

- Approve the 2025 Annual Report and 2026 Budget.
- Make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B, as shown in Exhibit A1.
- Make no changes in the method and basis for merchant assessments, as shown in Exhibit A2.
- Carry over to 2026 the estimated surplus revenues from 2025, as stated in the 2026 Budget.

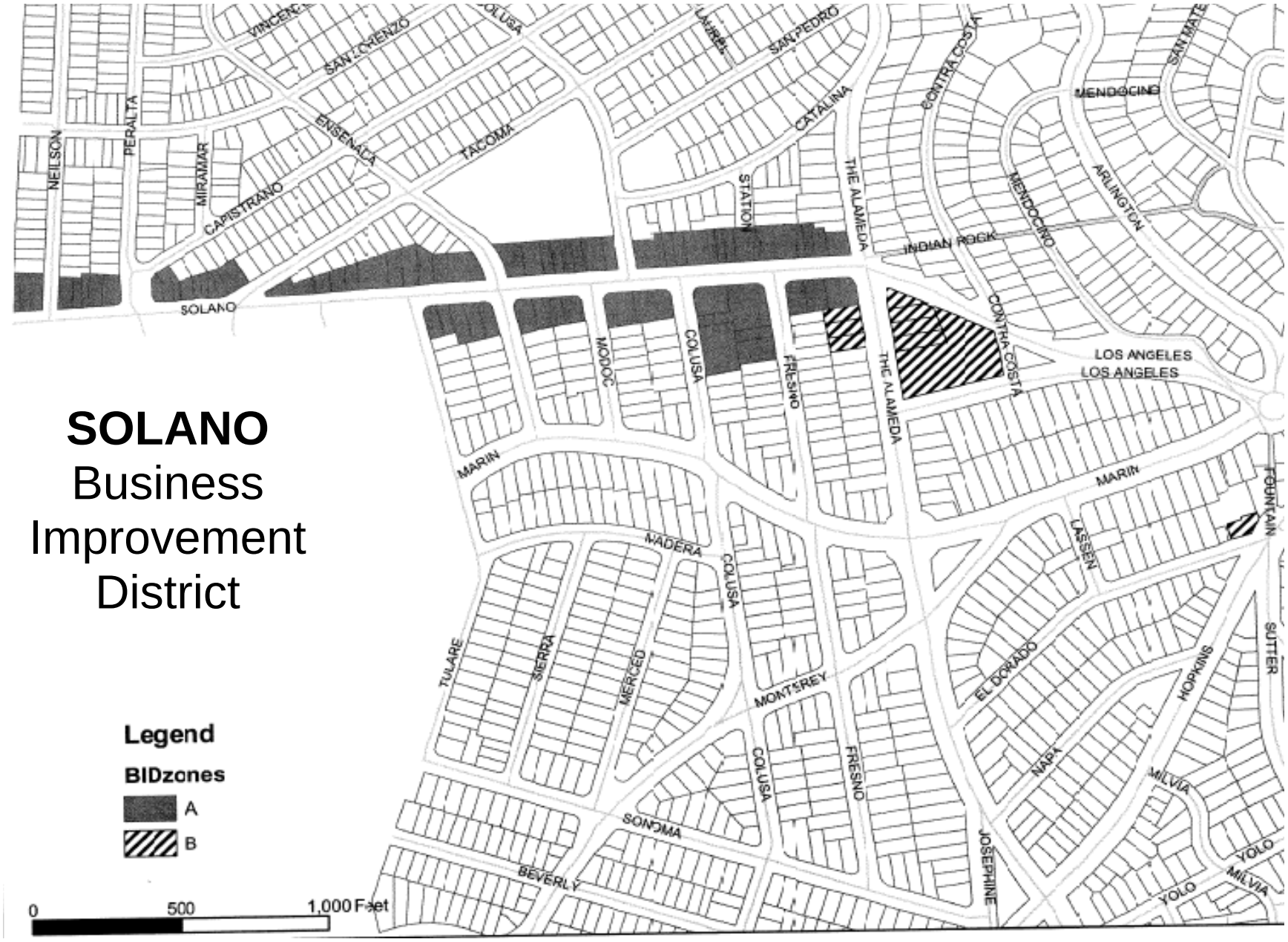

SOLANO
Business
Improvement
District
Legend
BIDzones
A
B
0
500
1,000 Feet
SAN LORENZO
SAN PEDRO
CATALINA
CONTRA COSTA
MENDOCINO
SAN MATEO
PERALTA
NEILSON
MIRAMAR
CAPISTRANO
ENSENADA
TACOMA
STATION
THE ALAMEDA
INDIAN ROCK
ARLINGTON
MODOC
COLUSA
FRESNO
LOS ANGELES
MARIN
MADERA
LASSEN
FOUNTAIN
TULARE
SIERRA
MERCED
MONTEREY
EL DORADO
HOPKINS
SUTTER
NAPA
MILVIA
SONOMA
BEVERLY
JOSEPHINE
YOLO

Exhibit A2

Berkeley Solano Avenue Business Improvement District Annual Assessment Formula

Type of Business		Annual Assessments *Zone A*	*Zone B*
a. *Retailers and Restaurants*	1-5 employees	$200	$125
	6-9 employees	$300	$175
	10+ employees	$400	$225
b. *Service Businesses*		$175	$100
c. *Professional Services*		$100	$65
d. *Financial Institutions*		$500	$500

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

RENEWAL OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT AND LEVYING OF ASSESSMENT FOR 2026

The Solano Avenue Business Improvement District (BID) Advisory Board is proposing that the Berkeley City Council confirm the Annual Report of the Solano Avenue BID for 2025 and levy an assessment for 2026.

The hearing will be held on December 2, 2025 at 6:00 p.m. at the Berkeley City Council Meeting held at the BUSD SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at www.berkeleyca.gov as of **November 20, 2025.**

For further information, please contact Vincent McCoy, Office of Economic Development, at (510) 981-7043.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: Resolution of Intention No. 72,012–N.S., October 28, 2025 – Berkeley Voice
As required by Streets and Highways Code Section 36534.

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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 November 20, 2025.

Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Adoption of the 2025 California Fire Code with Local Amendments – Second Reading

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,990-N.S.(Attachment 1) repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, O and P published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact to the City will be approximately $15,000 for the purchase of new fire codebooks, inspection guides, inspection forms, and training. The fire department has allocated the expenditure as part of its FY 2026 budget. Neither the new State code overall, or our continuing or new local amendments are expected to create significant cost increases for homeowners, builders or developers.

CURRENT SITUATION AND ITS EFFECTS

As part of a regular three-year cycle, the California Building Standards Commission promulgated the 2025 California Fire Code. The California Fire Code as referred to in Title 24 Part 9 of the California Code of Regulations will take effect on January 1, 2026. The Fire Code provides minimum standards for fire and life safety. The State of California amends and adopts a model fire code every three years.

To create the 2025 California Fire Code, the State of California amended and adopted a model fire code published by the International Code Council. The 2025 California Fire Code reflects the 2024 International Fire Code (“IFC”) with State amendments. Local jurisdictions must enforce the California Fire Code, as adopted by the state, 180 days after publication.

BACKGROUND
The City of Berkeley has unique climatic, geological, and topographical conditions, which require local amendments to mitigate potential hazards, and to reduce loss of life caused by fires or natural disasters. To address local fire and life safety impacts, the City of Berkeley has adopted local amendments to address sprinkler system and fire alarm requirements for existing hotels, fraternities, sororities, window bars, smoke detectors, and firefighter safety and operations in high-rise construction. Without the adoption of the local amendments, the new and past amendments cannot be enforced. At the November 10, 2025 meeting, Council adopted Resolution No. 72,023-N.S. which sets forth findings of local conditions that require more stringent regulations than those provided by the 2025 California Fire Code.

The City of Berkeley also creates and adopts by resolution a fee schedule which specifies fees associated with operational and construction permits required by the fire code, and for other general and specific fire inspection services as well as establishing billing and collection procedures and setting forth delinquency charges. At the November 10, 2025 meeting, Council adopted Resolution No. 72,024-N.S. setting forth such fees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Unwanted fires have a significant, detrimental effect on the environment, climate, and the sustainability of our society. Unwanted fires have impacts which include air particulate, fire gas and carbon dioxide emissions and runoff of water contaminated when it is used to extinguish fires. Firefighting efforts generally use treated potable water that must be processed and transported into the City via a water utility service at some financial expense and expense to the City's overall carbon-footprint. Fires also damage structures and other built-environment infrastructure that ultimately must be removed and replaced, further increasing the city's carbon-footprint. The adoption of a strong fire code ultimately serves to reduce the frequency, severity and cost of fires to society, environment, and the climate.

RATIONALE FOR RECOMMENDATION
Local amendments to the California Fire Code must be adopted every three years, or the state code goes into effect without local amendments. Adoption of local amendments and findings-of-fact are needed to customize the state code to Berkeley's particular topographic, geologic and climatic conditions.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Drew Whyte, Fire Marshal, Berkeley Fire Prevention and Office of Emergency Services, (510) 981-5585

Attachments:
1: Ordinance
2: Public Hearing Notice

ORDINANCE NO. 7,990–N.S.

REPEALING AND RE-ENACTING BERKELEY MUNICIPAL CODE CHAPTER 19.48 (BERKELEY FIRE CODE)

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

Section 1. That Berkeley Municipal Code Chapter 19.48 is hereby repealed and reenacted as to read as follows:

Chapter 19.48

BERKELEY FIRE CODE*

Sections:

19.48.010 Adoption of the California Fire Code

Article 1. Scope and Administrative Provisions
19.48.020 Adoption of Chapter 1 Scope and Administration

Article 2. Definitions
19.48.030 Amendments to Chapter 2 Definitions

Article 3. Fire Service Features
19.48.040 Amendments to Chapter 5 Fire Service Features

Article 4. Fire and Smoke Protection Features
19.48.050 Amendments to Chapter 7 Fire and Smoke Protection Features

Article 5. Fire Protection and Life Safety Systems
19.48.060 Amendments to Chapter 9 Fire Protection and Life Safety Systems

Article 6. Means of Egress
19.48.070 Amendments to Chapter 10 Means of Egress

Article 7. Construction Requirements for Existing Buildings
19.48.080 Amendments to Chapter 11 Construction Requirements for Existing Buildings

Article 8. Hazardous Materials – General Provisions
19.48.090 Amendments to Chapter 50 Hazardous Materials - General Provisions

Article 9. Explosives and Fireworks
19.48.100 Amendments to Chapter 56 Explosives and Fireworks

Article 10. Flammable and Combustible Liquids
19.48.110 Amendments to Chapter 57 Flammable and Combustible Liquids

Article 11. Liquid Petroleum Gas
19.48.120 Amendments to Chapter 61 Liquid Petroleum Gas

Article 12. Fire-Flow Requirements for Buildings
19.48.130 Amendments to Appendix B Fire-Flow Requirements for Buildings

19.48.140 Validity

Section 19.48.010 Adoption of the California Fire Code

A. The California Fire Code, 2025 edition, as adopted in Title 24, Part 9 of the California Code of Regulations published by the International Code Council not included in the California Building Standards Code, are adopted by this reference into this Chapter, and are hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this ordinance, including:

- Chapter 1, Administration, in its entirety as amended
- Chapter 2, Definitions, in its entirety as amended
- Chapter 3, General Requirements, in its entirety
- Section 503, Fire Apparatus Access Road, of Chapter 5, in its entirety
- Section 504.1.1, Marking of Exterior Building Openings, additional section as amended
- Section 705.2.5, Smoke- and Heat-Activated Doors, as amended
- Chapter 9, Fire Protection and Life Safety Systems, as amended
- Section 1031.2, [Emergency Escape and Rescue] Where Required, as amended
- Chapter 11, Construction Requirements for Existing Buildings, as amended
- Section 5001.7, Hazardous Materials Transport Restrictions, additional section as amended
- Section 5601.1.3, Fireworks, and 5604.1, General [Explosive Materials Storage and Handling], as amended
- Section 5701.4.1, Transfer of Flammable and Combustible Liquids, and 5704.2.11.1.1, Restrictions on Underground Storage Tanks, additional sections as amended
- Section 5704.2.13.1.4, Tanks Abandoned in Place, and 5704.2.14, Removal and Disposal of Tanks, as amended
- Section 6104.1.1, Restrictions on Storage of LP-Gas Containers, additional section as amended
- Appendix B, Fire-Flow Requirements for Buildings, as amended
- Appendix D, Fire Apparatus Access Roads, in its entirety
- Appendix E, Hazard Categories, in its entirety
- Appendix F, Hazard Ranking, in its entirety
- Appendix O, Valet Trash and Recycling Collection in Group R-2 Occupancies, in its entirety

- Appendix P, Temporary Haunted Houses, Ghost Walks and Similar Amusement, in its entirety

One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

B. This chapter shall be known as the "Berkeley Fire Code" and shall be referred to in this chapter as "this code".

C. This Chapter will become effective on January 1, 2026.

Article 1. Scope and Administrative Provisions

19.48.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 1 – SCOPE AND ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Berkeley Fire Code ~~of [NAME OF JURISDICTION]~~, hereinafter referred to as "this code."

SECTION 102 – APPLICABILITY

102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in Section 1103.1.1 in accordance with the 2025 California Historical Code.

SECTION 103 – CODE COMPLIANCE AGENCY

103.1 Creation of enforcement agency. The Berkeley Fire Department ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the Fire Chief ~~fire code official~~. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The Fire Chief ~~fire code official~~ shall be appointed by the City Manager ~~chief appointing authority of the jurisdiction~~.

103.3 Deputies. In accordance with the prescribed procedures of ~~this jurisdiction~~ the City of Berkeley ~~and with the concurrence of the appointing authority~~, the Fire Chief, hereinafter referred to as the fire code official shall have the authority to appoint a ~~d~~Deputy ~~f~~Fire Chief, Fire Marshal, Fire Plans Examiner and ~~code official,~~ other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the fire code official. For purposes of this code, the term "code official" shall also include their designees.

SECTION 104 – DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

104.7 Official records. The fire code official shall keep official records as required by Sections 104.7.1 through 104.7.6. Such official records shall be retained for not less than 5 years or for as long as the building, ~~or~~ structure or activity to which such records relate remains in existence, unless otherwise ~~provided by other regulations~~ required for a longer period by the retention of public record policy of the city.

104.7.2 Inspections. The fire code official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

104.7.6 Fees. The fire code official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 108.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order with proper reports and tests justifying the condition, labeled and graded as required and expressly approved by the fire code official.

104.12. Authority to arrest and issue citations. The Fire Chief, or their designee shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the International Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 are applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

104.13 Authority to abate fire nuisance. The Fire Chief or the Fire Chief's designee shall have the authority to order the abatement of fire nuisances.

SECTION 105 – PERMITS

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Operational permits shall expire 12 months after the date of issue. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.1.1 Expiration. On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The ~~building~~ fire code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)

105.5.18 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
    2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
    2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in excess of 110 gallons in containers, or in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or combustible liquids.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.

105.5.60 Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.

105.5.61 Escort convoy service. Police and/or Fire Department convoy service is required for vehicle transportation of extremely hazardous materials.

Section 105.5.64 Fire Fighter Air Replenishment System (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.

Section 105.5.62 General use permit. For any activity or operation not specifically described in this code, which the fire code official reasonably determines, may produce conditions hazardous to life or property.

105.5.63 Parking facility, special events. An operational permit is required to use buildings or structures for vehicle parking, including parking for special events (i.e. football games, etc.).

105.6.26 Window bars, operational constraints and opening control devices. A building permit is required to install window bars or other equipment which imposes operational constraints and opening controls on emergency escape and rescue openings on exterior doors or windows of any sleeping rooms in accordance with fire code Section 1031.2.1 of this code.

SECTION 108 – FEES

108.2 Schedule of permit fees. Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule ~~as established by the applicable governing authority~~. of fees for permits and inspections as set forth by resolution of the City Council.

108.4 Work commencing before permit issuance. A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a fee ~~established by the applicable governing authority, which shall be in addition to the required permit fees.~~ as set forth by resolution of the City Council to be twice the amount of the required fees to obtain a permit for that work, activity or operation regulated by this code. This is in addition to the permit fees for the portion of the scope of work performed without the permit.

108.7. Expense of securing emergencies. The expense of securing any emergency that is within the responsibility for enforcement of the fire code official as given in Sections 104.1 or 104.10 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the fire code official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

SECTION 109 – INSPECTIONS

109.2.3 Reinspections. To determine compliance with this code, the fire code official can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for such inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the fire code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

109.2.3.1 Testing. Installations shall be tested as required in this code and in accordance with Sections 109.1.4.1 through 109.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the fire code official.

109.2.3.2 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

109.2.3.3 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

109.2.3.4 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

109.2.3.5 Re-inspection fees. A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a previously approved inspection for the same work or when corrections previously called for are not made.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code. This section shall be invoked for the following reasons:

1. When the work is not ready for inspection when the inspector arrives at the site.

2. When excessive scheduling of inspections for work not yet completed at the site.

3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.

4. For failure to provide access on the date for which the inspection is requested.

5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.

6. When other reasons, as determined by the fire code official, requires a re-inspection fee to be assessed.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

SECTION 112 – MEANS OF APPEALS

112.1 ~~General~~ Appeals Procedure. ~~In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~ The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Fire Code Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Fire Code Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Fire Code Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

Section 112.1.1 Payment of Fees and Fines. Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing shall be scheduled prior to receipt of payment or approval of the hardship waiver.

112.1.2 Stay of Proceedings. The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the fire code official determines that such a stay could result in an imminent threat to public safety.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The ~~board~~ City Council shall not have authority to waive requirements of this code.

112.3 ~~Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~ Decisions. The City Council shall review the action of the fire code official and shall do any one of the following:

a. Refer the matter back to the fire code official.

b. If the facts stated in, or ascertainable from the, Notice of Appeal, the written statement of the fire code official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the fire code official. Such decision shall be final.

c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the appellant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.

d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the fire code official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.

e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal shall be deemed dismissed.

f. If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal deemed dismissed.

112.4 Administration. The fire code official shall take action without delay in accordance with the decision of the ~~board~~ City Council.

SECTION 113 – VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or to create, maintain or allow to continue any fire hazard.

113.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, construct, alter, repair or do work for a building or structure in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a ~~[SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment~~ subject to penalties as prescribed by law. Violations of this code are misdemeanors, but may be cited or charged, at the election of the enforcing officer, code official, or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17 (d). Nothing in this section shall prevent any other remedy afforded by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to all other legal remedies, civil or criminal (as set forth above), any violation of this code constitutes a public nuisance in accordance with B.M.C Chapter 1.26, and is subject to all provisions of B.M.C. Chapter 1.26, as well as abatement under B.M.C. Chapter 1.24, "Abatement of Nuisances," with the exception of Section 112 (Means of Appeals) which supersedes these provisions. All such violations are also subject to the issuance of an administrative citation in accordance with B.M.C Chapter 1.28 at the discretion of the enforcing officer or the City Attorney.

SECTION 115 – UNSAFE STRUCTURES OR EQUIPMENT

115.4 Notice. If an unsafe condition is found, the fire code official shall serve on the owner ~~of the structure or the~~, owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or requires the unsafe structure to be demolished ~~within a stipulated time~~. Such notice shall require the person, or their designee, thus notified to declare ~~immediately~~ to the fire code official, within a stipulated time, acceptance or rejection of the terms of the order.

115.7 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code. Where the owner does not comply with an abatement order under Section 115.4 within the period specified, the City of Berkeley may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 115.7.1

115.7.1 Abatement process. The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal code chapter 1.24, including summary abatements of structures or premises determined by the City of Berkeley to constitute an imminent hazard or emergency condition.

Article 2. Definitions

19.48.030 Amendments to Chapter 2 Definitions

Chapter 2 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 2 – DEFINITIONS

SECTION 202 – GENERAL DEFINITIONS

202 BERKELEY MARINA. The area shall mean all those, parts of the City of Berkeley west of the Interstate 80 Freeway

202 FIRE HAZARD. Any thing or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that is customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. Fire hazards as defined herein are hereby declared to be public nuisances subject to abatement by the City of Berkeley.

202 FIRE NUISANCE. Any thing or act, which is annoying, unpleasant, offensive or obnoxious because of fire.

202 JURISDICTION. The City of Berkeley. ~~The governmental unit that has adopted this code~~.

202 WASTE OIL. A Class III-B liquid waste resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.

Article 3. Fire Service Features

19.48.040 Amendments to Chapter 5 Fire Service Features

Chapter 5 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 5 – FIRE SERVICE FEATURES

SECTION 504 – ACCESS TO BUILDING OPENINGS AND ROOFS

504.1.1 Marking of Exterior Building Openings. Where exterior doorways are not otherwise marked with identification such as building addresses, room/suite numbers or business names which identify the area(s) they provide access to, or a functional description for the space, such openings shall be provided with signs or labels indicating the areas they serve. Doorways to be marked shall include, but are not limited to, doors serving building circulation (such as stairwells/exit passageways), potential hazards (such as trash rooms), and building service and utility spaces (such as electrical, gas, HVAC and elevator machine rooms). Signs/labels shall be permanent, weather and sunlight resistant with lettering not less than ¾" high with a 1/16" width stroke on a contrasting background. Such signs or labels shall be affixed to the door frame or wall above the door. Such signs and labels shall be maintained.

Exception: Doors associated with private dwellings, the main entrance to normally occupied spaces or when determined to be unnecessary by the fire code official.

Article 4. Fire and Smoke Protection Features

19.48.050 Amendments to Chapter 7 Fire and Smoke Protection Features

Chapter 7 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 7 – FIRE AND SMOKE PROTECTION FEATURES

SECTION 705 – DOOR AND WINDOW OPENINGS

705.2.5 Smoke- and heat-activated doors. Smoke-activated doors shall be maintained to self-close or automatically close upon detection of smoke. Existing fusible-link-type automatic-door closing devices are permitted if the fusible link rating does not exceed 135°F (57°C). Doors required for fire and smoke separation for interior exit stairways and floor separation in R-1 or R-2 occupancies shall not be maintained in an open position with fusible links.

Article 5. Fire Protection and Life Safety Systems

19.48.060 Amendments to Chapter 9 Fire Protection and Life Safety Systems

Chapter 9 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 9 – FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 903 – AUTOMATIC SPRINKLER SYSTEMS

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles ~~where the fire area exceeds 5,000 square feet (464 m^2)~~.

903.2.11.1 Stories without openings. An automatic sprinkler system shall be installed throughout all buildings having stories, including basements, ~~of all buildings where the floor area exceeds 1,500 square feet (139.4 m 2) and~~ where the story does not comply with the following criteria for exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1011 or an outside ramp complying with Section 1012. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).
2. Openings entirely above the adjoining ground level totaling not less than 20 square feet (1.86 m^2) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm) The height of the bottom of the clear opening shall not exceed 44 inches (1118 mm) measured from the floor.

903.2.11.2. Rubbish, recycling and linen chutes. An automatic sprinkler system shall be installed at the top of rubbish, recycling and linen chutes and in their terminal rooms. Chutes shall have additional sprinkler heads installed at alternate floors and at the lowest intake. Where a ~~rubbish~~ chute extends through a building more than one floor below the lowest intake, the extension shall have sprinklers installed that are recessed from the drop area of the chute and protected from freezing in accordance with Section 903.3.1.1. Such sprinklers shall be installed at alternate floors, beginning with the second level below the last intake and ending with the floor above the discharge. Access to sprinklers in chutes shall be provided for servicing. Activation of any fire sprinkler in a chute shall activate a separate water flow switch to indicate waterflow in the chute. All fire sprinklers in the chute shall be controlled by a separate, electrically supervised control valve with a tamper switch.

903.2.22 Structures in the Berkeley Marina Area. An automatic sprinkler system shall be installed in all structures located in the Berkeley Marina Area in accordance with NFPA 13 standards.

Exceptions: Gear lockers not designed to permit human entry, municipal restrooms unattached to other structures, the existing City of Berkeley Harbor Master's office, and any temporary construction site structures.

903.2.23 Public Self-Storage Buildings. An automatic sprinkler system shall be installed in any building erected or existing that was converted and/or subdivided for public self-storage use on or after August 19, 1982, in accordance with NFPA 13 standards.

903.2.24 Environmental Safety - Residential District. Reserved

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R *as amended in Chapter 80* where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. For other than Group R-2 occupancies, the floor level of the highest story is 30 feet (9144mm) or less above the lowest level of fire department vehicle access.

   For Group R-2 occupancies, the roof assembly is less than 45 feet (13 716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.
3. The floor level of the lowest story is 30 feet (9144mm) or less below the lowest level of fire department access.

The number or stores of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the *California Building Code* shall be measured from grade plane.

Exception: Sprinkler systems in residential / commercial mix-use buildings are to be in accordance with NFPA 13.

903.3.10 Floor control valves. Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:

1. *Buildings where the floor level of the highest story is located ~~more than~~ 30 feet or more above the lowest level of fire department vehicle access.*
2. *Buildings that are ~~four~~ three or more stories in height.*
3. *Buildings that are two or more stories below the highest level of fire department vehicle access.*

Exception: In Group R-3 and R-3.1 occupancies, floor control valves and waterflow detection assemblies shall not be required.

903.4.3 Alarms. An approved audible and visual sprinkler waterflow alarm device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a waterflow switch is required by Section 903.4.1 to be electrically supervised, such sprinkler waterflow alarm devices shall be powered by a fire alarm control unit or, where provided, a fire alarm system. Where a fire alarm system is provided, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

~~Exception: Automatic sprinkler systems protecting one- and two-family dwellings.~~

SECTION 907 – FIRE ALARM AND DETECTION SYSTEMS

907.1.6 Certification. New fire alarm systems shall be Nationally Recognized Testing Laboratory (NRTL) certificated or placarded for Central Station Service Alarm Systems in accordance with NFPA 72, Chapter 26, Section 26.3. The NRTL shall be acceptable to the fire code official and capable of issuing serially numbered certificates or placards. A certificate of completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations and stored in the document box onsite. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid NRTL issued certificate or placard for the life of the installed system(s).

Exceptions:

1. Fire warning and fire alarm systems in one- and two-family dwellings.
2. Fire alarm control units in which the primary function is to monitor an automatic sprinkler system or other dedicated function fire alarm system.

907.1.7 Fire Alarm System Monitoring. Fire alarm systems shall transmit distinctly different alarm, supervisory and trouble signals and shall be monitored in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems.

907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through *907.2.29* and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices. Where an automatic and manual, or a manual fire alarm system is required by this code or Berkeley local ordinance, ~~other sections of this code allow~~ elimination of fire alarm boxes is prohibited. ~~due to sprinklers *or automatic fire alarm systems*, a single fire alarm box shall be installed at a *location approved by the enforcing agency.*~~

~~Exceptions:~~

~~1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service *and fire sprinkler monitoring.*~~

~~2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is open to the public.~~

~~*3. The manual fire alarm box is not required to be installed when approved by the fire code official.*~~

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the occupant load due to the assembly occupancy is 300 or more, or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *California Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes *with an occupant load of less than 1000* shall be provided with a fire alarm system as required for the Group E occupancy.

~~Exceptions:~~

~~1. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

~~2. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for Group A-5 outdoor bleacher-type seating having an occupant load of greater than or equal to 300 and less than 15,000 occupants, provided that all of the following are met:~~

~~2.1. A public address system with standby power is provided.~~

~~2.2. Enclosed spaces attached to or within 5 feet (1524 mm) of the outdoor bleacher type seating compose, in the aggregate, a maximum of 10 percent of the overall~~

~~area of the outdoor bleacher-type seating or 1,000 square feet (92.9 m2), whichever is less.~~

~~2.3. Enclosed accessory spaces under or attached to the outdoor bleacher-type seating shall be separated from the bleacher-type seating in accordance with Section 1030.1.1.1.~~

~~2.4. All means of egress from the bleacher-type seating are open to the outside.~~

~~3. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for temporary Group A-5 outdoor bleacher-type seating, provided that all of the following are met:~~

~~3.1. There are no enclosed spaces under or attached to the outdoor bleacher-type seating.~~

~~3.2. The bleacher-type seating is erected for a period of less than 180 days.~~

~~3.3. Evacuation of the bleacher-type seating is included in an approved fire safety plan.~~

Every Group A building used for educational purposes shall be provided with a manual or automatic fire alarm system. This provision shall apply to, but shall not necessarily be limited to, every community college and university.

Exception: Privately owned trade or vocational schools or any firm or company which provides educational facilities and instruction for its employees.

907.2.2 Group B. A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 500 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.
4. *For Group B occupancies containing educational facilities, see Section 907.2.2.2.*

   ~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

907.2.4 Group F. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where both of the following conditions exist:

1. The Group F occupancy is two or more stories in height.
2. The Group F occupancy has a combined occupant load of 500 or more above or below the lowest level of exit discharge.

   ~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

907.2.7 Group M. Fire alarm system shall be required in Group M occupancies in accordance with Sections 907.2.7.1 and 907.2.7.2.

907.2.7.1 Occupant Load. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies where one of the following conditions exists:

1. The combined Group M occupant load of all floors is 500 or more persons.
2. The Group M occupant load is more than 100 persons above or below the lowest level of exit discharge.

Exceptions:

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402 of the *California Building Code*.
2. ~~Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.~~

907.2.8.1 ~~Manual f~~Fire alarm system. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies.~~Exceptions:~~

1. ~~A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by not less than 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.~~
2. ~~Manual fire alarm boxes are not required throughout the building where all the following conditions are met:~~
   - 2.1. ~~The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~
   - 2.2. ~~The notification appliances will activate upon sprinkler water flow.~~
   - 2.3. ~~Not fewer than one manual fire alarm box is installed at an approved location.~~

907.2.8.2 Manual and ~~A~~automatic fire alarm system~~smoke detection system~~. ~~An~~ A manual and automatic ~~smoke detection~~fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors and common areas of Group R-1 occupancies. The detection device for this purpose shall be a smoke detector (or heat detector as approved), which is system connected and electronically supervised~~serving sleeping units~~.

~~Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.~~

907.2.9.1 Automatic and ~~M~~manual fire alarm system. An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. The building is three or more stories in height and ~~Any~~ any dwelling unit or sleeping unit is located ~~three or more stories~~ above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.
4. *Congregate residences with more than 16 occupants.*

Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.

~~2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.~~

~~3.~~ 2. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.

907.6.6 Monitoring. All ~~F~~fire alarm, detection, and communication systems required by this code~~chapter~~ or by the *California Building Code* shall be monitored by an approved supervising station in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems, and this section.

907.7 Acceptance tests and completion. Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72. Fire alarm systems shall obtain a UL certificate for the system prior to final inspection.

Exceptions:

1. Fire warning and fire alarm systems in one- and two-family dwellings.
2. Fire alarm control units in which the primary function is to monitor an automatic sprinkler system or other dedicated function fire alarm system.

907.9 Where required in existing buildings and structures. An approved fire alarm system shall be provided in existing buildings and structures where required in Chapter 11.

907.9.1 Certification and monitoring. Certification per 907.1.6 and monitoring per 907.1.7 is required for an existing fire alarm system when one of the following is met:

1. When a fire alarm control unit is replaced, for any reason.

2. When there are multiple unwanted alarms and/or nuisance alarms that are repetitive and not corrected, as determined by the fire code official.

3. When the fire code official determines that the severity of life safety hazards or systems on the premises require certification of the fire alarm system.

Article 6. Means of Egress

19.48.070 Amendments to Chapter 10 Means of Egress

Chapter 10 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 10 – MEANS OF EGRESS

SECTION 1031 – EMERGENCY ESCAPE AND RESCUE

1031.2 Where required. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in *Group R* occupancies.~~:~~

~~1. Group R-2 occupancies located in stories with only one exit or access to only one exit as permitted by Tables 1006.3.4(1) and 1006.3.4(2).~~
~~2. Group R-3 and R-4 occupancies.~~

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way, or to an egress balcony that leads to a public way.

Exceptions:

1. *In Groups R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.*
2. *Group R-2.1 occupancies meeting the requirements for delayed egress in accordance with Section 1010.2.13 may have operable windows that are breakable in sleeping rooms permanently restricted to a maximum of 4-inch open position.*
3. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
4. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior egress balcony that leads to a public way.
5. Basements without habitable spaces and having not more than 200 square feet (18.6 m2) in floor area shall not be required to have emergency escape and rescue openings.
6. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.

7. Within individual dwelling and sleeping units in Groups R-2 and R-3, where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:
   7.1. One means of egress and one emergency escape and rescue opening.
   7.2. Two means of egress.
8. *In Group R-2.2 occupancies a certified fire escape is acceptable as a secondary means of egress of existing buildings for this section of the code.*

Article 7. Construction Requirements for Existing Buildings

19.48.080 Amendments to Chapter 11 Construction Requirements for Existing Buildings

Chapter 11 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1103 – FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

1103.5 Sprinkler systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Section 1103.5.1 through 1103.5.~~5.~~6.3

SECTION 1103.5.6 AUTOMATIC SPRINKLER REQUIREMENTS FOR EXISTING HOTELS

1103.5.6.1 Definitions. For the purposes of this Section, the following terms shall be defined as follows:

1. “Hotel" shall mean any building, including motels, dormitories, rooming houses, Greek houses and congregate residences, which contain six or more rooms which were intended or designed to be used, or which are used, for the purposes of renting, hiring or letting (with monetary or non-monetary means of payment or permission) to residential occupants for sleeping purposes but shall not include apartment buildings as defined in this code.
2. "Story" is as defined in the Berkeley Building Code.
3. "First Story" is as defined in the Berkeley Building Code.
4. "Basement" is as defined in the Berkeley Building Code.
5. “Balcony, Exterior Exit" shall mean a landing or porch projecting from the wall of a building which serves as a required exit. The long side shall be at least 50 percent directly open to the exterior, and the open area above the guardrail shall be so configured as to prevent the accumulation of smoke or toxic gases.

   Application: This section shall apply to every hotel in which the rooms used for sleeping are located above the ground floor, if the hotel was built prior to 1992, and also meets one of the following two conditions:

The height of the hotel is three or more stories or two stories plus an inhabited basement, which is used for purposes other than exclusively servicing the maintenance and other needs of the building; or the hotel contains 20 or more rooms, or regularly accommodates 20 or more residential occupants.

Exception: No hotel in which the exits from sleeping rooms lead either to the outside of the building either directly or via approved exit balconies with approved exterior stairways(s) in accordance with the requirements of the Berkeley Building Code is required to comply with this section.

1103.5.6.2 Types of Fire Sprinklers. In the sleeping units of the building, only residential or quick response sprinkler heads shall be used.

1103.5.6.3 Supervision of fire sprinkler systems. All automatic sprinkler systems installed under this subsection shall be monitored for supervision and alarms in accordance with Section 903.4.

1103.7 Fire Alarm Systems. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.6 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code. *Existing high-rise buildings shall comply with Section 1103.7.9*. Where an automatic and manual or a manual fire alarm system is required by this code or Berkeley local ordinance, elimination of fire alarm boxes in buildings equipped with an approved sprinkler system is prohibited.

Exception: Occupancies with an existing, previously approved fire alarm system.

1103.7.5.1 Group R-1 hotels, ~~and~~ motels, and congregate residences manual and automatic fire alarm system. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-1 hotels, ~~and~~ motels, and congregate residences ~~more than one story in height~~with three or more stories or ~~with more than~~ 20 or more dwelling units or sleeping units in aggregate.

~~Exceptions:~~

1. ~~A manual fire alarm system is not required in buildings less than two stories in height where all dwelling units, sleeping units, attics and crawl spaces are separated by 1-hour fire-resistance-rated construction and each sleeping unit has direct access to a public way, egress court or yard.~~
2. ~~A manual fire alarm system is not required in buildings not more than three stories in height with not more than 20 dwelling units or sleeping units in aggregate and equipped throughout with an automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2.~~
3. ~~Manual fire alarm boxes are not required throughout the building where the following conditions are met:~~

   ~~3.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

   ~~3.2. The notification appliances will activate upon sprinkler water flow.~~

~~3.3. Not less than one manual fire alarm box is installed at an approved location.~~

1103.7.6 Group R-2. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-2 occupancies three or more ~~than three~~ stories in height or with 16 or more dwelling or sleeping units. Congregate residences shall retrofit existing manual-only fire alarm systems with manual and automatic fire detection. Other types of R-2 occupancies (such as apartment buildings) shall retrofit existing manual-only fire alarm systems with manual and automatic fire detection when the existing fire alarm control unit is replaced for any reason. Automatic detection shall be accomplished by use of a smoke detector (or heat detector as approved), which is system connected and electronically supervised. Detectors shall be installed in all interior corridors and common areas.

Exceptions:

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than 3/4 hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.

~~2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.~~

2.~~3.~~ A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open ended corridors designed in accordance with Section 1027.6, Exception 3.

3.~~4.~~ A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, do not exceed three stories in height and comply with both of the following:

3.1~~4.1~~. Each dwelling unit is separated from other contiguous dwelling units by fire barriers having a fire-resistance rating of not less than ¾ hour.

3.2~~4.2~~. Each dwelling unit is provided with smoke alarms complying with the requirements of Section 907.2.11.

1103.7.10 Monitoring of Group R Occupancies. All existing R occupancies that are required to provide both a fire alarm and fire suppression system shall have the system monitored by a supervising station in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems, and this section.

SECTION 1104 – MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.24 Stairway floor number signs. Existing stairways shall be marked in accordance with Section 1023.9.

SECTION 1114 – EXISTING HIGH-RISE BUILDINGS [SFM]

1114.27 Automatic sprinkler system–Existing high-rise buildings. Regardless of any other provisions of these regulations, every existing high-rise ~~building of Type II-B, Type III-B or Type V-B construction~~ shall be provided with an approved automatic sprinkler system conforming to NFPA 13.

Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler system retrofit.

Article 8. Hazardous Materials – General Provisions

19.48.090 Amendments to Chapter 50 Hazardous Materials – General Provisions

Chapter 50 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 50 – HAZARDOUS MATERIALS – GENERAL PROVISIONS

SECTION 5001 – GENERAL

5001.7 Hazardous materials transportation restrictions. No vehicle containing hazardous materials, including a hazardous materials transportation tank truck, trailer, semi-trailer or tank wagon containing flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids, shall be operated on any city street without a permit from the fire code official. A map showing the proposed route of the vehicle shall accompany applications for such permits. If a permit is granted, the map shall be carried at all times in the vehicle and the vehicle shall not deviate from the approved route as shown on the map. Such a permit may contain conditions, including restrictions on the hours within which certain routes may be used and limitations on the size of the vehicle allowed to travel the approved route. No route shall be approved that includes passage over or adjacent to subway entry or vent structures, through the Northbrae Tunnel, in any area designated an environmental safety residential district by the City of Berkeley's Zoning Ordinance, or in an area which may be designated as a hazardous fire area. Departure from the approved route, travel outside the permitted hours, violation of any vehicle size limitation imposed, or failure to carry a map showing route approval shall constitute a violation of this Code. The transportation of extremely hazardous materials may, in the discretion of the fire code official, require both a permit and accompaniment by a Fire Department or Police Department convoy. The following streets contain purge chamber openings which lead directly into the subway section of the Bay Area Rapid Transit (BART) System in Berkeley and their use by tank vehicles or trailers for transportation or delivery of flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids is prohibited and a violation of this Code:

a. On Addison Street between Martin Luther King Jr. Way and Oxford Street;
b. On Shattuck Avenue between University Avenue and Dwight Way;
c. On Virginia Street between Franklin and Sacramento Streets;
d. On Sacramento Street between Virginia Street and Hearst Avenue;
e. On Hearst Avenue between McGee Avenue and Milvia Street;
f. On Adeline Street between Ward and Stuart Streets; and
g. On Adeline Street between Ashby Avenue and Woolsey Street

Article 9. Explosives and Fireworks

19.48.100 Amendments to Chapter 56 Explosives and Fireworks

Chapter 56 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 56 – EXPLOSIVES AND FIREWORKS

SECTION 5601 – GENERAL

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks, including fireworks which are classified as Safe and Sane fireworks by the California State Fire Marshal's Office, are prohibited within the City of Berkeley.

Exceptions:

~~1. Storage and handling of fireworks as allowed in Section 5604.~~

~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 *and Health and Safety Code Division 11.*~~

~~3~~1. The use of fireworks for fireworks displays, *pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in* Section 5608 *and Health and Safety Code Division 11* when stored, transported, handled and used under the required fire department permit(s) and in accordance will all applicable requirements of Chapter 56.

~~4~~2. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100–185, as applicable for consumer fireworks *and Health and Safety Code Division 11*.

SECTION 5604 – EXPLOSIVE MATERIALS STORAGE AND HANDLING

5604.1 General. The storage and handling of explosives within City of Berkeley limits is prohibited. ~~Storage of explosives and explosive materials, small arms ammunition, small arms primers, propellant- actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section~~

Exception: Where expressly permitted by applicable laws, ordinances or regulations provided such storage and handling of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines is conducted in accordance with Section 5604 and all applicable provisions of Chapter 56.

Article 10. Flammable and Combustible Liquids

19.48.110 Amendments to Chapter 57 Flammable and Combustible Liquids

Chapter 57 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.).

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 – GENERAL

5701.4.1 Transfer of flammable and combustible liquids. Transfer of flammable and combustible liquids, to or from containers or mobile tanks into above ground or underground tanks shall not be made from or on the street or public way except by written approval by the fire code official.

Exceptions:

1. Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of not more than 5 gallons capacity.
2. The transfer of combustible liquids to or from approved, fixed mechanical or electrical system equipment such as a Standby or Emergency electric power generator when the transfer is completed by a commercial fuel vendor using approved dispensing equipment via a previously approved, fixed tank filling port which met code requirements at the time of installation.

SECTION 5704 – STORAGE

5704.2.11.1.1 Restrictions on underground storage tanks. The storage of flammable and combustible liquids in underground tanks is prohibited in all areas zoned solely for residential occupancies, closely built commercial properties, and any other area deemed unsafe by the fire code official.

5704.2.13.1.4 Tanks abandoned in place. Tanks may be abandoned only under permit and following City of Berkeley Fire Department procedures. The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Management Division (TMD) that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Management Division (TMD). A notice shall be placed in the deed to the property. This notice shall describe the precise location of the closed underground storage tank, the hazardous substances that it contained, and the closure method. Tanks abandoned in place shall be as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping.
2. The suction, inlet, gauge, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an approved inert solid material.
4. Remaining underground piping shall be capped or plugged.
5. A record of tank size, location and date of abandonment shall be retained.
6. All exterior above-grade fill piping shall be permanently removed when tanks are abandoned or removed.

5704.2.14 Removal and disposal of tanks. Removal and disposal of tanks shall comply with Sections 5704.2.14.1 and 5704.2.14.2. Removal of all tanks shall be authorized under a fire permit, abiding by City of Berkeley Fire Department procedures. The applicant shall submit the following:

1. A site plan showing the location of the tanks.
2. A detailed description of the scope of work.
3. A site safety plan.
4. A vicinity map to the closest hospital, in an event of an emergency.
5. Proof of workers compensation insurance.

The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Division that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Division or the California Water Board.

Article 11. Liquefied Petroleum Gas

19.48.120 Amendments to Chapter 61 Liquefied Petroleum Gas

Chapter 61 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 61 – LIQUIFIED PETROLEUM GASES

SECTION 6104 – LOCATION OF LP-GAS CONTAINERS

6104.1.1 Restrictions on storage of LP-gas containers. It shall be unlawful to store any liquefied petroleum gas cylinder with a capacity greater than 2-1/2 lbs. water capacity or a portable tank within any structure or building with an occupancy classification of A, R-1, R-2 or R-4, unless specifically authorized by this Code.

Article 12. Fire Flow Requirements for Buildings

19.48.130 Amendments to Appendix B Fire Flow Requirements for Buildings

Appendix B of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

APPENDIX B – FIRE FLOW REQUIREMENTS FOR BUILDINGS

Section B105.2 (Appendix B), Table B105.2, "Required Fire-Flow for Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings And Townhouses"

TABLE B105.2 - REQUIRED FIRE·FLOW FOR BUILDINGS OTHER THAN ONE- & TWO-FAMILY DWELLINGS, GROUP R·3 & R·4 BUILDINGS AND TOWNHOUSES		
AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the *California Fire Code*	~~25~~50% of the value in Table B105.1(2)[a]	Duration in Table Bl 05.1(2) at the reduced flow rate
Section 903.3.1.2 of the *California Fire Code*	~~25~~50% of the value in Table B105.1(2)[b]	Duration in Table Bl05.1(2) at the reduced flow rate
For SI: 1 gallon per minute= 3.785 Lim. a. The reduced fire-flow shall be not less than 1,000 gallons per minute. b. The reduced fire-flow shall be not less than 1,500 gallons per minute.		

Section 19.48.140 Validity. Should any section, paragraph, sentence or word of this Chapter or of the Code or Standards be declared invalid, all other portions of this Chapter shall remain in effect.

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 Old City Hall, 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 November 10, 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.

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ADOPTION OF THE 2025 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

The public may participate in this hearing by remote video or in-person.

The Department of Fire and Emergency Services is proposing the adoption of the 2025 California Fire Code with Local Amendments as proposed by the Berkeley Fire Department. The adoption will include the non-structural provisions as provided in the 2024 International Fire Code

The hearing will be held on, **December 2, 2025**, at **6:00 P.M.** in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 20, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact **Fire Marshal Drew Whyte** at 510-981-5584.

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: November 14 and November 21, 2025 – The Berkeley Voice
Published pursuant to Government Code 50022.3 and 6066

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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 November 20, 2025.

_____
Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code – Second Reading

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 9,991-N.S.(Attachment 1) creating a new Berkeley Municipal Code Chapter 19.49 and adopting the 2025 California Wildland-Urban Interface (WUI) Code, Title 24 Part 7, along with local amendments.

FISCAL IMPACTS OF RECOMMENDATION

Implementation will require the purchase of code books and staff time to update inspection software, forms, training, and public-facing materials. No additional funding is currently required.

CURRENT SITUATION AND ITS EFFECTS

First, the State of California has consolidated wildfire safety standards into a new, stand-alone Wildland-Urban Interface Code, effective January 1, 2026. Local governments must adopt this code by reference and may adopt stricter amendments where local conditions warrant. This action pulls all WUI code provisions out of the Berkeley Fire Code and places them in a new separate Chapter within the Berkeley Municipal Code.

Second, on June 17, 2025, the City Council referred to the City Manager a request to create a working group of Berkeley residents and stakeholders to review the vegetation management portion of the Fire Code to ensure that it is clear, reflects unique local conditions, and incorporates the best available fire science; then return with additional amendments to the City Council before December 31, 2025.

Staff convened the Wildland Urban Interface Vegetation Code Workgroup (WUI Workgroup) inclusive of Eric Weaver, Richard Illgen, Margit Roos-Collins and George Perez-Velez who have met weekly beginning August 20, 2025. Their commitment and

willingness to engage in robust discussion has resulted in substantial enhancements to the previously adopted code language including:

- Clarification that mature trees are permitted in Zone 0 (Section 4907.6 (1) (b))
- Clarification regarding “Continuous Tree Canopy” (Section 4907.4 (7) (e))
- Made substantial enhancements and simplifications to language within the sections that outline the requirements for Zone 0, Zone 1 and Zone 2 (Section 4907.4 and 4907.6).
- Provided clarification around annual vegetation in Zone 1, such as vegetable gardens, seasonal wildflowers, etc.
- Staff continue to work with the WUI Workgroup to create a process by which property owners can demonstrate alternate means they have pursued, or alternate measures they have identified, that meet or exceed the intent of the code by achieving the same practical effect of the fire code. This Wildfire Alternate Means and Measures process would allow for unique conditions on a given property that cannot be captured by a general code applied to the region. Additionally, this workgroup provides an excellent resource to help build a resident guide to assist property owners in navigating the new requirements while following best practices for preventing invasive vegetative species, maintaining residential character, and other supportive actions. Staff will continue to meet weekly with this group through the original timeline.

Third, staff removed the local amendment language regarding misdemeanors from the new California Wildland-Urban Interface Code.

  - Note: This section remains in the Berkeley Fire Code and serves as an important enforcement tool for the City of Berkeley to address persistent life safety violations. It is intended for use only in the most severe circumstances, when a property owner or business owner has created or allowed a condition that poses a significant threat to life safety for themselves, their occupants, or the surrounding community. This provision is exercised only after multiple documented attempts by Fire Department staff to achieve voluntary compliance have been unsuccessful and all other reasonable avenues for correction have been exhausted.

Fourth, Staff has created a new tool that residents can use to visualize the Fire Hazard Severity Zones and Mitigation Areas, by adding a new section to the City’s Community GIS Portal titled “Fire and Emergency Services” which includes the following layers:

- Local Fire History

- Local Fire Pathways
- Very High Fire Hazard Severity Zone
- High Fire Hazard Severity Zone
- Grizzly Peak Mitigation Area
- Panoramic Mitigation Area
- Evacuation Zones

Finally, Staff re-built www.berkeleyfiresafe.org so a visitor can now enter their address using a tool on the site and understand what Fire Hazard Severity Zone or Mitigation Area the property is within and view customized information (based on location) for Personal Preparedness, Defensible Space Requirements, and Home Hardening.

BACKGROUND AND DISCUSSION

The new California Wildland-Urban Interface Code consolidates WUI requirements formerly spread across Chapter 7A of the California Building Code and Chapter 49 of the Fire Code.

Berkeley's climate, vegetation, and topography create an extreme wildfire risk, as evidenced by regional fire history and the identification by CalFIRE of certain portions of the City to be Very High and High Fire Hazard Severity Zones. Local amendments are necessary to reduce the chance of wildfire spreading into neighborhoods and transitioning to structure-to-structure conflagration.

Berkeley has a history of devastating fires, and the City Council declared wildfire safety a priority in 2019. The community validated this priority by passing Measure FF in 2020 which funds a variety of wildfire risk reduction measures, and the Council adopted Zone 0 (the EMBER resistant zone) into the City's Fire Code on June 17, 2025.

At the November 10, 2025 meeting, Council adopted Resolution No. 72,025-N.S. which sets forth findings of local conditions that require more stringent regulations than those provided by the State Code.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Preventing wildfires from spreading into urban areas reduces greenhouse gas emissions, toxic smoke, and contaminated runoff. Adoption of stricter WUI standards also improves community resilience, protects public health, and reduces future rebuilding emissions.

RATIONALE FOR RECOMMENDATION

Adopting the California Wildland-Urban Interface Code with local amendments provides Berkeley with protections tailored to local conditions. These actions align city code with best practices, reduce risk of loss of life and property, and ensure compliance with state law.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David Sprague, Fire Chief, 510-981-3473

Attachments:
1: Ordinance – Adding Section 19.49 of the Berkeley Municipal Code (California Wildland-Urban Interface Code)
2: Letter from the Wildland Urban Interface Vegetation Code Workgroup
3: Public Hearing Notice

ORDINANCE NO. 7,991 –N.S.

ADOPTION OF THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE AND CONSOLIDATING BERKELEY'S WILDLAND URBAN INTERFACE (WUI) FIRE CODES INTO A NEW BERKELEY MUNICIPAL CODE CHAPTER 19.49, AND REMOVING PREVIOUS WUI CODE REFERENCES FROM BERKELEY BUILDING CODE (BMC CHAPTER 19.28), BERKELEY RESIDENTIAL CODE (BMC CHAPTER 19.29) AND THE BERKELEY FIRE CODE (BMC CHAPTER 19.48)

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

Section 1. That Berkeley Municipal Code Chapter 19.49 is hereby introduced:

Chapter 19.49

BERKELEY WILDLAND-URBAN INTERFACE CODE

Sections:

19.49.010 Adoption of the California Wildland-Urban Interface Code

Article 1. Scope and Administrative Provisions
19.49.020 Adoption of Chapter 1 Scope and Administration

Article 2. Definitions
19.49.030 Amendments to Chapter 2 Definitions

Article 3. Wildland-Urban Interface Areas
19.49.040 Amendments to Chapter 3 Wildland-Urban Interface Areas

Article 4. Wildland-Urban Interface Area Requirements
19.49.050 Amendments to Chapter 4 Wildland-Urban Interface Area Requirements

Article 5. Special Building Construction Regulations
19.49.060 Technical Amendments to Chapter 5 Special Building Construction Regulations

Article 6. Fire Protection Requirements
19.49.070 Amendments to Chapter 6 Fire Protection Requirements Including Defensible Space regulations

Article 7. Referenced Standards
19.49.080 Amendments to Chapter 7 Referenced Standards

Article 8. General Requirements
19.49.090 Adoption of Appendix A with amendments

19.49.010 Adoption of the California Wildland-Urban Interface Code.

The California Wildland-Urban Interface Code, 2025 edition, as adopted in Title 24 Part 7 of the California Code of Regulations, including Appendix A is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley ("City").

Article 1. Scope and Administrative Provisions

19.28.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the ~~*California*~~ Berkeley Wildland-Urban Interface Code ~~of~~ **~~[NAME OF JURISDICTION]~~**, hereinafter referred to as "this code".

101.3.1 Application. *New buildings and structures, additions, alterations, repairs and re-roofs located in any Fire Hazard Severity Zone or Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this code. This shall include all new buildings and structures, additions, alterations, repairs and re-roofs with residential, commercial, educational, institutional or similar occupancy type uses, which shall be referred to in this code as "applicable buildings," as well as new buildings and structures, additions, alterations, repairs and re-roofs accessory to those applicable buildings.*

Exceptions:

1. *Group U occupancy accessory buildings or structures of any size located at least 50 feet (15 240 mm) from an applicable building on the same lot.*
2. *Group U occupancy agricultural buildings or structures, as defined in Section 202 of the California Building Code of any size located at least 50 feet (15 240 mm) from an applicable building.*
3. ~~*Group C occupancy special buildings or structures conforming to the limitations specified in Section 450.4.1 of the California Building Code.*~~
4. *New accessory buildings and miscellaneous structures specified in Section 504.11 shall comply only with the requirements of that section.*
5. ~~*Additions to and remodels of buildings originally constructed prior to July 1, 2008.*~~

101.3.1.1 Application date and where required. *New buildings or structures for which an application for a building permit is submitted on or after July 1, 2008, or buildings and structures, additions, alterations, repairs and re-roofs for which an application for a building permit is submitted on or after July 1, 2008 located in any Fire Hazard Severity Zone or Wildland-Urban Interface Area shall comply with this code, including all land designated as a wildland-urban interface area by the City of Berkeley. ~~of the following areas:~~*

~~*All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:*~~

~~*Moderate Fire Hazard Severity Zones.*~~

~~*High Fire Hazard Severity Zones.*~~

~~*Very High Fire Hazard Severity Zones.*~~

~~*Land designated as a Very High Fire Hazard Severity Zone by cities and other local agencies.*~~

~~*Land designated as a wildland-urban interface area by cities and other local agencies.*~~

~~Exceptions:~~

~~*1. New buildings located in any Fire Hazard Severity Zone within a State Responsibility Area, for which an application for a building permit is submitted on or after January 1, 2008, shall comply with this code.*~~

~~*2. New buildings located in any Fire Hazard Severity Zone within a State Responsibility Area or any wildland-urban interface area designated by cities and other local agencies for which an application for a building permit is submitted on or after December 1, 2005, but prior to July 1, 2008, shall only comply with the following sections of this chapter:*~~

~~*2.1. Section 507 – Replacement or Repair of Roof Coverings.*~~

~~*2.2. Section 504.10 – Vents.*~~

101.5 Additions, ~~or~~ alterations or re-roofs. Additions, ~~or~~ alterations or re-roofs shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that the additions, ~~or~~ alterations or re-roofs conform~~s~~ to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

Additions, ~~or~~ alterations or re-roofs shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition, ~~or~~ alteration or re-roof will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard;

will reduce required fire resistance or will otherwise create conditions dangerous to human life.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of the most restrictive referenced standards ~~this code~~ shall govern.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of the referenced code or standard ~~this code~~, as applicable, shall take precedence over the provisions in this code ~~the referenced standard~~.

SECTION 103 – CODE COMPLIANCE AGENCY

103.1 Creation of enforcement agency. The Berkeley Fire Department ~~**[INSERT NAME OF DEPARTMENT]**~~ is hereby created and the official in charge thereof shall be known as the Fire Chief. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The Fire Chief shall be appointed by the ~~chief appointing authority of the jurisdiction~~ City Manager and confirmed by City Council pursuant to Berkeley Charter, Section 28(b) of Article VII.

103.3 Deputies. In accordance with the prescribed procedures of ~~this jurisdiction~~ the City of Berkeley, ~~and with the concurrence of the appointing authority~~ the Fire Chief, hereinafter referred to as the code official, shall have the authority to appoint a ~~d~~Deputy Fire Chief, Fire Marshal, Fire Plans Examiners and other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official. For purposes of this code, the term “code official” shall also include their designees.

SECTION 104 – DUTIES AND POWERS OF CODE OFFICIAL

104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building, structure or activity to which such records relate remains in existence, unless otherwise ~~provided by other regulations~~ required for a longer period by the retention of public record policy of the city.

104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

104.7.5 Fees. The code official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 108.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order with proper reports and tests justifying the condition, labeled and graded as required and expressly approved by the code official.

104.14 Liability for Damage. The expenses of fighting fires and securing emergencies, which result from a violation of this code, Chapter 6.15.030 of the Berkeley Municipal Code ("Unauthorized barbecues and fire on public property"), Sections 13000-13011 of the California Health and Safety Code, Sections 4421-4446 of the California Public Resources Code, or Sections 451,451.5, 452 or 455 of the California Penal Code is a charge against the person(s) whose violation of the code section(s) caused the fire. Damages caused by such fires shall constitute a debt of such person(s) and shall be collectable by the code official in accordance with Section 104.14.1 ("Expense of securing emergencies") of this code.

Section 104.14.1 Expense of securing emergencies. The expense of securing any emergency that is within the responsibility for enforcement of the code official as given in Sections 104.1 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the code official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, eguipment and personnel committed and any payments reguired by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

SECTION 105 – PERMITS

105.3 Work exempt from permit. Exemption from the permit requirements of this code or in other Parts of Title 24 shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The code official is authorized to stipulate conditions for permits. Permits shall not be issued where public safety would be at risk, as determined by the code official.

105.4 Permit Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the ~~code enforcement agency~~ City for that purpose. Such application shall not become valid until accepted by the City as complete and appropriate fees paid. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.

2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.

3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.

4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Section 106 of this code or in other Parts of Title 24.

5. State the valuation of any new building or structure or any addition, remodeling, ~~or~~ alteration or re-roof to an existing building.

~~6. Be signed by the applicant or the applicant's authorized agent.~~

~~7.~~ 6. Give such other data and information as required by the code official.

105.4.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 365 days after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days ~~each~~ per extension. The extension shall be requested in writing and justifiable cause demonstrated on a form furnished by the Building and Safety Division for that purpose. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. An application, once abandoned, shall be deemed expired and a new application will be required to be submitted.

Exception. If an application is associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

105.6.1 Refusal to issue a permit. Where the application or construction documents do not conform to the requirements of pertinent laws or when public safety would be at risk, the code official shall reject such application in writing, stating the reasons therefor.

105.8 Expiration of Permit. *On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)*

The extension shall be requested in writing and justifiable cause demonstrated on a form furnished by the Building and Safety Division for that purpose. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council.

The issuance of a building permit shall not excuse the permittee or any other person from compliance with deadlines imposed in any notice and/or order to correct a code violation issued by the City. If a permit is for a project associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

When a permit is deemed expired and a new permit is required to complete the work, a new permit application and plans shall be filed describing the remaining work to be done.

Fees shall be assessed based on the valuation of the work remaining to be completed or itemized as allowed by adopted fee schedule. If a site visit or other review is required to determine the extent of the remaining work, a fee may be charged to make such determination.

For the purposes of this section "suspended or abandoned for a period of 12 months after the time the work is commenced" shall mean that no activity or progress has been made on site for the work approved under the issued permit in the time period the permit is active and a completed and approved city inspection, per Section 109.1 of this code and/or California Building Code Section 110.3, has not been acquired.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale ~~on substantial paper or cloth~~ and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

106.4 Vegetation management compliance. *Prior to the building permit final approval, the property shall be in compliance with the vegetation management requirements prescribed in Section 603, including California Public Resources Code 4291 or California Government Code Section 51182, and Section 302.3. Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and shall be permitted to include any of the following:*

1. Local, state or federal fire authority or designee authorized to enforce vegetation management requirements.

2. ~~Enforcing agency~~ Berkeley Fire Department inspection and/or vegetation management plan submittal, review, and approval.

3. Third-party inspection and certification authorized to enforce vegetation management requirements.

4. Property owner certification authorized by the ~~enforcing agency~~ Berkeley Fire Department.

5. Compliance with hazardous vegetation and fuel mitigation and home hardening requirements in Section 604.3.1 and Section 604.3.2.

106.5 Fire protection plan. Where required by the code official pursuant to Section 602, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit. The Fire Protection Plan shall be enforced and maintained by the responsible party or their designated agent. The Berkeley Fire Department may charge an appropriate fee for the review, approval and processing of the Fire Protection Plan as established by City Council resolution.

106.8 Retention of plans. One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than ~~180 days~~ 5 years from date of completion of the permitted work or as required by state or local laws or per the public records retention policy of the city, whichever is longer; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on

the site of the building, use or work at all times during which the work authorized thereby is in progress. *Refer to Building Standards Law, Health and Safety Code Sections 19850 and 19851 for permanent retention of plans.*

106.11 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within ~~180~~ 365 days after the effective date of this code and has not been abandoned.

SECTION 108 – FEES

108.1 Payment of fees. Except when fees are deferred, a permit application shall not be deemed valid until the fees set forth by resolution of City Council have been paid. A permit shall not be valid until the fees ~~prescribed by law~~ as set forth by resolution of City Council have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems, or alterations ~~W~~where a permit is required, a fee for each permit shall be paid as required, in accordance with the fee schedule as ~~established by the applicable governing authority~~ set forth by resolution of the City Council. Fees for permits and inspections and other related services under this code shall be assessed and paid as set forth by resolution of the City Council. Unless waived or deferred, as provided by local regulations, a plan review fee and other fees as specified in the resolution shall be paid at the time of submitting any documents for review and additional fees as specified in the resolution shall be paid at issuance of the permit.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee ~~established by the applicable governing authority, which shall be in addition to the required permit fees~~ as set forth by resolution of the City Council to be twice the amount of the required fees to obtain a permit for that work, activity or operation regulated by this code. This is in addition to the permit fees for the portion of the scope of work performed without the permit.

SECTION 109—INSPECTION AND ENFORCEMENT

109.1.3.1 Re-inspection fees. A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a previously approved inspection for the same work or when corrections previously called for are not made.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code. This section applies for the following reasons:

1. When the work is not ready for inspection when the inspector arrives at the site.
2. When excessive scheduling of inspections for work not yet completed at the site.

3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.
4. For failure to provide access on the date for which the inspection is requested.
5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.
6. When other reasons, as determined by the code official, requires a re-inspection fee to be assessed.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

109.2.3 Corrective Actions. The code official is authorized to take enforcement actions as necessary to achieve compliance with this code, including but not limited those actions specified in Sections 109.3.7 ("Violation penalties") and 109.3.5.5 ("Summary abatement") of this code, and as authorized by Berkeley Municipal Code, Chapter 1.24, "Abatement of Nuisances", and in accordance with all other applicable portions of the Berkeley Municipal Code. Corrective actions may also include the use of abatement warrants and the imposition of property liens as appropriate and in accordance with law.

109.3.2 Compliance with tags. A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section ~~109.3.1~~ 109.3.5.3.

109.3.5 Unsafe conditions. Structures or existing equipment that are or hereafter become structurally or otherwise unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a structural or fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

All such unsafe buildings, equipment, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapters 1.24, 19.28, 19.40 and/or 19.44 of the BMC as applicable. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the City Council, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

109.3.5.3 Safety Assessment Placards. ~~Placarding.~~ Upon failure of the owner, the owner's authorized agent or the person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard ~~bearing the word "UNSAFE"~~ and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

109.3.5.3.1 Posting. The code official or designee shall post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

109.3.5.3.2 Application of provisions. The provisions of this section are applicable to all buildings and structures of all occupancies regulated by the City of Berkeley. The City Council may extend the provisions as necessary.

109.3.5.3.3 Safety Assessment. Safety Assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

109.3.5.3.4 Placards. This section establishes standard placards to be used to indicate the condition of a building or structure for occupancy after a natural or human-caused disaster and a rapid evaluation by authorized personnel.

Following are titles and descriptions of the official jurisdiction placards to be used to designate the condition of a building or structure for continued occupancy, partial or conditional occupancy, or unsafe to enter. Copies of placards are on file in the Building and Safety Division of the Planning and Development Department.

INSPECTED – Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent hazard has been found. This placard is not intended to mean there is no damage to the building or structure, but that any damage that occurred does not present a hazard to occupants.

RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

UNSAFE – "Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Building or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official, or the building official's authorized representative. Safety assessment teams shall be authorized to enter these building at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

109.3.5.3.5 Content of placard. The BMC Section number and the words "City of Berkeley" shall be permanently affixed to each placard.

109.3.5.3.6 Unlawful to remove. Once a placard has been attached to a building or structure, it is not to be removed, altered or covered until done so by an authorized representative of the code official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

109.3.5.3.1~~1~~7 Placard removal. The code official shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes a safety assessment ~~an unsafe condition~~ placard without the approval of the code official shall be subject to the penalties provided by this code.

109.3.5.5 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the code official is authorized to abate or correct summarily such hazardous conditions that are in violation of this code, including fire nuisances. Where the owner does not comply with an abatement order under Section 109.3.5.2 within the period specified, the City of Berkeley may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 109.3.5.4.1.

109.3.5.4.1 Abatement process. The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal Code Chapter 1.24, including summary abatements of structures or premises determined by the City of Berkeley to constitute an imminent hazard or emergency condition.

109.3.7 Violation penalties. Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, construct, alter, repair or do work for a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be ~~guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprison-ment.~~ subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to all other legal remedies, civil or criminal (as set forth above), any violation of this code constitutes a public nuisance in accordance with B.M.C Chapter 1.26, and is subject to all provisions of B.M.C. Chapter 1.26, as well as abatement under B.M.C. Chapter 1.24, "Abatement of Nuisances," with the exception of section 112 (Means of Appeal) which supersedes these provisions. All such violations are also subject to the issuance of an administrative citation in accordance with B.M.C Chapter 1.28 at the discretion of the enforcing officer or the City Attorney.

109.3.7.1 Unlawful acts. *It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, ~~or~~ occupy, or utilitze any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code or create, maintain or allow to continue any fire hazard.*

109.4 Restricted Entry of Wildland-Urban Interface Areas. The code official shall determine and publicly announce when Wildland-Urban Interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Wildland-Urban Interface areas are closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within Wildland-Urban Interface areas and their invitees and quests going to or being upon their lands;

2. Entry, in the course of duty, by peace officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

109.5 Trespassing on Posted Property

109.5.1 General. When the code official determines that a specific area within a Wildland-Urban Interface Areas, as listed in Section 302.3, presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

109.5.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this section shall be placed on every closed area.

109.5.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

SECTION 110—CERTIFICATE OF ~~COMPLETION~~ OCCUPANCY

110.1 General. A building, structure or premises shall not be used or occupied, and a change in the existing use or occupancy classification of a building, structure, premise or portion thereof shall not be made until the code official has issued a certificate of ~~completion~~ occupancy therefor as provided herein. The certificate of occupancy shall not be issued until the code official has determined that the project is in compliance with this code. *The code official shall, upon completion of construction, provide the owner or applicant with a copy of the final inspection report that demonstrates the building was constructed in compliance with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this code. Issuance of a certificate of occupancy by the local building official for the proposed building shall be considered to indicate compliance with this code.*

110.2 Certificate of occupancy. Issuance of a certificate of occupancy is the responsibility of the local building official. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

~~Exceptions:~~

~~1. Certificates of occupancy are not required for work exempt from permits under Section 105.3.~~

~~2. Accessory structures.~~

110.3 Temporary occupancy. The code official, in agreement with the local building official, is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The code official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The code official, in agreement with the local building official, is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 – SERVICE UTILITIES

111.1 Authority for c~~C~~onnection of service utilities. A person shall not make connections from a utility, a source of energy, fuel, power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required until ~~authorized~~ authorization to connect by the code official has been obtained.

111.1.2 Authority to connect utilities. Clearance for connection of one utility, either gas or electrical, will be withheld until final building, electrical, plumbing, and/or mechanical inspections are made and approval has been given for any new building or change in occupancy classification to an existing building for which connection to such utilities is sought, unless approval has been first obtained from the code official, as provided by a Temporary Certificate of Occupancy or Final Certificate of Occupancy.

111.3 Authority to disconnect service utilities in emergencies. The code official shall have the authority to authorize ~~disconnection of utility service~~ to disconnect electrical power or other energy service supplied to ~~the~~ a building, structure, ~~or~~ system or building service equipment therein regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and the occupant of the building, structure, ~~or~~ service system or equipment of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner's authorized agent or the occupant of the building, structure, ~~or~~ service system or equipment shall be notified in writing as soon as practical thereafter.

111.4 Unsafe service utilities. Unsafe service utilities are hereby declared to be public nuisances and shall be abated, repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in this code and/or per Chapter 19.40 of the Berkeley Municipal Code (BMC) for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure that may be adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative. When service utilities are maintained in violation of this Code and in

violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

111.5 Authority to condemn electrical, plumbing and/or mechanical systems and equipment. Whenever the code official determines that an electrical, plumbing, or mechanical system or equipment regulated by this code is hazardous to life, health or property, the building official may order in writing that such systems or equipment either be removed or restored to a safe working condition. The written notice shall fix a reasonable time limit for compliance with such order. Persons shall not use or maintain defective systems or equipment after receiving such notice except as may be provided therein.

When equipment or an installation is to be disconnected, a written notice of such disconnection and the reasons therefore shall be given within 24-hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When equipment or an installation is maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Unsafe electrical, plumbing, and/or mechanical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 19.40 of the BMC for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative.

111.6 Connection after order to disconnect. Persons shall not make connections to a service utility, a source of energy, fuel, or power, or a water system or sewer system or equipment that has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the code official, until the building official authorizes the reconnection and use of the disconnected service systems or equipment.

SECTION 112 – MEANS OF APPEALS

112.1 ~~General~~ Appeals Procedure. ~~In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~ The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Fire Code Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Fire Code Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Fire Code Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

Section 112.1.1 Payment of Fees and Fines. Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing shall be scheduled prior to receipt of payment or approval of the hardship waiver.

112.1.2 Stay of Proceedings. The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the fire code official determines that such a stay could result in an imminent threat to public safety.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The ~~board~~ City Council shall not have authority to waive requirements of this code.

112.3 ~~Qualifications.~~ ~~The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~ **Decisions.** The City Council shall review the action of the fire code official and shall do any one of the following:

Refer the matter back to the fire code official.

If the facts stated in, or ascertainable from the, Notice of Appeal, the written statement of the fire code official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the fire code official. Such decision shall be final.

If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the appellant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.

Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the fire code official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.

If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal shall be deemed dismissed.

If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal deemed dismissed.

112.4 Administration. The fire code official shall take action without delay in accordance with the decision of the ~~board~~ City Council.

Article 2. Definitions

19.49.030 Adoption of Chapter 2 Definitions

Chapter 2 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the primary structure and that is located on the same lot. ~~A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.~~

APPLICABLE BUILDING. *A building or structure that has residential, commercial, educational, institutional or similar occupancy type use.*

BERKELEY BUILDING STANDARDS CODE. The Berkeley Building Standards Code includes the most recently adopted Berkeley Building Code, Berkeley Residential Code, Berkeley Existing Building Code, Berkeley Historical Building Code, Berkeley Electrical Code, Berkeley Mechanical Code, Berkeley Plumbing Code, Berkeley Green Code, and Berkeley Energy Code.

BOLE OF A TREE. A bole of a tree is its main trunk, specifically the part extending from the roots up to the first branches and canopy.

FIRE HAZARD. Anything or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. Fire hazards as defined herein are hereby declared to be public nuisances subject to abatement by the City of Berkeley.

FIRE HAZARD SEVERITY ZONES*. Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204* and classified as Very High, High, or Moderate in State Responsibility Area or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to *California Government Code, Sections 51175 through 51189*, and locally amended and adopted under ordinance 7958 N.S.

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California." *The map, approved by the Office of the State Fire Marshal, is hereby incorporated by reference and entitled "State Responsibility Area Fire Hazard Severity Zones," dated ~~September 29, 2023~~ April 1, 2024. The map is available at https://osfm.fire.ca.gov/fire-hazard-severity-zones.*

In the City of Berkeley, the wildland-urban interface areas that include high and very high fire hazard severity zones are described in Section 302.3 of this code.

FIRE NUISANCE. Anything or act, which is annoying, unpleasant, offensive or obnoxious because of fire.

FIRE PROTECTION PLAN. A document prepared for a specific premises, project or development, either existing or proposed for the wildland-urban interface area. It describes ways to minimize and mitigate *potential for loss from wildfire exposure.*

FORBS. Forbs are herbaceous (non-woody) flowering plants that are not grasses, sedges, or rushes**.**

FUEL BREAK. *(applicable to CCR, Title 14 provisions only). A strategically located area where the volume and arrangement of vegetation has been managed to limit fire intensity, fire severity, rate of spread, crown fire potential and/or ember production. [CCR Title 14§1270.01(n)]*.

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames, and complies with the requirements of this code.

JURISDICTION. The City of Berkeley.

OUTBUILDING(S). *(applicable to CCR, Title 14 provisions only). Any ~~B~~buildings or structures that are less than 120 square feet (11.15 m2) in size and not used for human habitation. ~~An "Outbuilding" is not a "Building" or "Structure" as defined herein. [CCR Title 14 §1299.02(c)]~~*

WILDLAND-URBAN INTERFACE AREA (WUI). *A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and other areas designated by the* City ~~*enforcing agency*~~ *to be at a significant risk from wildfires.* For the City of Berkeley's WUI areas see section 302.3.

Article 3. Wildland-Urban Interface Areas

19.49.040 Chapter 3 Wildland-Urban Interface Areas

Chapter 3 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

302.3 WUI Areas in Berkeley. The High Fire Hazard Severity Zone, Very High Fire Hazard Severity Zone, Panoramic Mitigation Area, and Grizzly Peak Mitigation Area are designated as Wildland-Urban Interface Area (WUI) and are described as follows:

302.3.1 FLATLANDS AREA. The Flatlands Area encompasses the entire City of Berkeley except for areas in the High and Very High Fire Hazard Severity Zones, which includes the Panoramic Mitigation Area and Grizzly Peak Mitigation Area.

302.3.2 HIGH FIRE HAZARD SEVERITY ZONE. Encompasses those areas identified as High Fire Hazard Severity Zones, locally amended and designated by ordinance pursuant to California Government Code Sections 51176 through 51189. These areas are available on the City of Berkeley publicly accessible GIS map.

This area includes areas of the City east / northeast of the line formed by these roads. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

a. The Arlington Avenue from the Kensington Border to Marin Avenue
b. Fountain Walk from Marin Avenue to Sutter Street
c. Sutter Street from the southern portal of the Northbrae Tunnel to Eunice Street
d. Eunice Street from Sutter Street to Spruce Street
e. Spruce Street from Eunice Street to Hearst Avenue
f. Hearst Avenue from Spruce Street to Gayley Road
g. Gayley Road from Hearst Avenue to Piedmont Avenue
h. Piedmont Avenue from Gayley Road to Bancroft Way
i. Piedmont Crescent from Piedmont Avenue to Warring Street
j. Warring Street from Dwight Way to Derby Street
k. Derby Street from Warring Street to Belrose Avenue
l. Belrose Avenue from Derby Street to Garber Street

m. Claremont Boulevard from Garber Street to Claremont Avenue

n. Claremont Avenue from Claremont Boulevard to the Oakland Border

302.3.5 VERY HIGH FIRE HAZARD SEVERITY ZONE. The Very High Fire Hazard Severity Zone encompasses those areas identified by CalFIRE as Very High Fire Hazard Severity Zones pursuant to California Government Code 51175-51189, locally amended and designated by ordinance. These areas are available on the City of Berkeley publicly accessible GIS map.

PANORAMIC MITIGATION AREA. The Panoramic Mitigation Area encompasses those areas of the city bounded by the line formed by these roads and by the City Limit to the east. The entirety of the Panoramic Mitigation Area is designated, by ordinance, as a Very High Fire Hazard Severity Zone. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

a. Centennial Drive from the Oakland border to Stadium Rim Way

b. Stadium Rim Way from Centennial Drive to Canyon Road

c. Canyon Road from Stadium Rim Way to Bancroft Way

d. Bancroft Way from Canyon Road to Bancroft Steps

e. Bancroft Steps from Bancroft Way to Bancroft Way

f. Bancroft Way from Bancroft Steps to Piedmont Avenue

g. Piedmont Avenue from Bancroft Way to Dwight Way

h. Dwight Way East from Piedmont Avenue to the eastern terminus of Dwight Way.

i. A straight line extending East from the terminus of Dwight Way to the Oakland border.

GRIZZLY PEAK MITIGATION AREA. The Grizzly Peak Mitigation Area encompasses those areas of the city east of Grizzly Peak Boulevard to the city boundary. Homes addressed on, or with a structural frontage on either side of Grizzly Peak Boulevard are included in the area. The Grizzly Peak Mitigation Area is designated, by ordinance, as a Very-High Fire Hazard Severity Zone.

302.4 Restrictions in Wildland-Urban Interface Areas. Code requirements in this code apply to the High Fire Hazard Severity Zone, Very High Fire Hazard Severity Zone, Panoramic Mitigation Area, and Grizzly Peak Mitigation Area.

Article 4. Wildland-Urban Interface Area Requirements

19.49.050 Chapter 4 Wildland-Urban Interface Area Requirements

Chapter 4 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

402.3 Existing conditions. *Existing buildings shall be provided with address markers in accordance with Sections 403.2.4 and 403.2.5. Existing roads and fire protection equipment shall be provided with markings in accordance with Sections ~~403.4~~* 403.2.2 *and* 403.2.3 *~~404.8~~, respectively.*

SECTION 403—ACCESS

USER NOTE: The standards in Section 403 applicable to roads shall not apply to roads used solely for agriculture; mining; or the management of timberland or harvesting of forest products. [CCR, Title 14 §1270.03(d)]

403.1 General. Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.03(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent 403.1.1 to 403.1.9. [CCR, Title 14 §1273.00]

Where conflicts occur between Section 403 – Access and the Berkeley Fire Code Appendix D – Fire Apparatus Access Roads, the provisions of the most restrictive code shall govern.

403.2.4 Addresses for Buildings.

(a) All Buildings shall be issued an address by the ~~Local Jurisdiction~~ City of Berkeley *which conforms to ~~that jurisdiction's~~* the City's *overall address system. Utility and miscellaneous Group U Buildings are not required to have a separate address; however, each Residential Unit within a Building shall be separately identified.*

(b) The size of letters, numbers and symbols for addresses shall conform to the standards in the California ~~Fire~~ Building *Code* Section 502.1*~~, California Code of Regulations Title 24, Part 9.~~*

(c) Addresses for residential Buildings shall be reflectorized.

404.5 Adequate water supply. *Fire-flow requirements shall be determined in accordance with Appendix B or BB of the ~~California~~* Berkeley *Fire Code, as applicable.*

Article 5. Special Building Construction Regulations

19.49.060 Chapter 5 Special Building Construction Regulations

Chapter 5 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

501.1 Scope. New Buildings and structures, additions, alterations, repairs and re-roofs constructed *in a wildland-urban interface area* shall be constructed in accordance with the *California Building Code*, California Fire Code and this code.

Exceptions:

1. *Group U accessory* buildings or *structures not exceeding 120 square feet (11 m^2) in floor area where located not less than 50 feet (15240 mm) from applicable buildings* on the same lot.
2. *Group U agricultural buildings* or structures *not less than 50 feet (15 240 mm) from applicable buildings.*

501.1.1 Purpose. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within a State Responsibility Area (SRA) or Local Responsibility Areas (LRA) or any building or structure in the wildland-urban interface (WUI) areas as specified in Section 302.3 to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

501.1.2 Application. Construction of new buildings and structures, additions, alterations, repairs, and re-roofs located in any Fire Hazard Severity Zone or new buildings and structures, additions, alterations, repairs and re-roofs located in any wildland-urban interface (WUI) area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter. This shall include all new buildings and structures, additions, alterations, repairs and re-roofs with residential, commercial, educational, institutional or similar occupancy type uses, which shall be referred to in this chapter as “applicable building(s)” (see definition in Chapter 2), as well as new buildings and structures, additions, alterations, repairs and re-roofs accessory to those applicable buildings.

501.2.1 Construction methods and requirements within established limits.

Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in this code, the Berkeley Fire Code, and the Berkeley Building Standards whichever is most restrictive.

503.1 General. Buildings and structures hereafter constructed, added to, modified, repaired, re-roofed or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with *Chapter 5*. Materials required to be ignition-resistant *building* materials shall comply with the requirements of Section 503.2.

Exceptions:

1. *New accessory buildings and miscellaneous structures complying with Section 504.11.*
2. ~~*Additions to and remodels of buildings originally constructed prior to July 1, 2008.*~~
2. *Group C occupancy special buildings conforming to the limitations specified in Section 450.4.1 of the California Building Code.*

504.2 Roof assembly. Roofs shall have a roof assembly that complies with a Class A *fire classification* when tested in accordance with ASTM E108 or UL 790. For additional compliance see California Building Code Chapter 15, Section 1505.2 for Class A roof assemblies. The roof assembly shall be installed in accordance with its listing and the manufacturer's installation instructions.

Wooden shakes and shingles are prohibited roof coverings regardless of the assembly rating of the roof system

Exceptions: *The following assemblies are exempt from testing and shall be considered as equivalent to the Class A fire classification:*

1. Roof assemblies with coverings of brick, masonry or an exposed concrete roof deck.
2. Roof assemblies with ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile or slate installed on noncombustible decks or ferrous, copper or metal sheets installed without a roof deck on noncombustible framing.
3. Roof assemblies *with* minimum 16 oz/sq ft (0.0416 kg/m^2) copper sheets installed over combustible roof decks.
4. *Roof assemblies of slate roof covering installed over ASTM D226, Type II underlayment over combustible decks.*

505 – ~~RESERVED~~ REPLACEMENT OF EXTERIOR WALL COVERING

505.1 Replacement of Exterior Wall Covering. Materials for replacement of existing exterior wall covering shall meet or exceed the standards set forth in Section 504.5 of this code.

Exception: Where less than 50% of any wall surface is being replaced or repaired, and the matching of the new plane to the existing plane on that wall is not possible.

506 – ~~RESERVED~~ UNDERGROUND UTILITY CONNECTIONS

506.1 Underground utility connections. For new construction, provisions shall be made for the undergrounding of all utilities serving the property, including but not limited to

electrical, telephone and cable television, by the installation of appropriately sized underground conduits extending from the parcel.

SECTION 507—REPLACEMENT OR REPAIR OF ROOF COVERINGS

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are entirely replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a roof covering as required for new construction in accordance with *Sections 504.2 and 504.2.1. All portions of a roof covering applied during an addition, alteration or repair to an existing structure shall meet at least a Class A fire classification* in accordance with Sections 504.2 and 504.2.1.

The entire roof covering of every existing building or structure where more than 50 percent of the total roof area is replaced within any 5-year period shall be replaced with a fire-retardant roof covering in accordance with Sections 504.2 and 504.2.1.

SECTION 508—ADDITIONAL REQUIREMENTS IN THE PANORAMIC MITIGATION AREA.

508.1 General. In addition to meeting the other requirements of this code, buildings or structures hereinafter erected, constructed, moved, altered, added, or repaired within the Panoramic Mitigation Area shall comply with the following requirements for buildings and structures.

508.1.2 Fire warning system. All residential units shall be equipped with a Fire Warning System as specified by the residential smoke alarm requirements in the most recently adopted California Building Code and/or California Residential Code and with an audible exterior alarm. The exterior alarm must meet the requirements of NFPA 72 or equivalent and generate 45 decibels ten feet from the alarm, or more.

508.1.3 Automatic fire sprinkler systems. Automatic fire sprinkler system requirements shall be as set forth in Berkeley Fire Code Section 903.2.24.

508.1.4 Utilities. Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed underfloor area of a building or structure shall be enclosed with material as required for exterior one hour fire resistive construction. Adequate covered access openings for servicing and ventilation of such facilities shall be provided as required by the applicable code.

508.1.5 Water Service. The water service to the site shall be installed with a 3/4” hose bib connection prior to beginning any construction involving any wood forming or framing. The person responsible for the construction shall have at the site a 75 ft 3/4” hose available at all times.

Article 6. Fire Protection Requirements

19.49.070 Chapter 6 Fire Protection Requirements

Chapter 6 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

SECTION 604—MAINTENANCE OF DEFENSIBLE SPACE

604.3 Requirements. *Hazardous vegetation and fuels around all buildings and structures shall be maintained in accordance with the following laws and regulations:*

1. Public Resources Code, Section 4291.

2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.

3. California Government Code, Section 51182.

4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.

5. H106azardous vegetation and fuel mitigation and home hardening requirements in Section 604.3.1 and Section 604.3.2.

604.3 Defensible Space Requirements.

604.3 Requirements. The code official may require a property owner to perform hazardous vegetation and fuel management on their land to maintain defensible space up to 100 feet from structures located on adjacent properties.

Property owners are not required or authorized by this code to enter the properties of another person to implement the requirements of this Section.

604.3.1 Mitigations Required. Within the locally designated Very High Fire Hazard Severity Zone a person who owns, leases, controls, operates, or maintains lands shall at all times:

1. Remove all branches within 10 feet of any chimney or stovepipe outlet.
2. Maintain the roof and roof gutters of any structure, and the surface of any attached deck, porch, landing, or stairs free of leaves, needles, or other deposited vegetative materials.
3. Maintain 6 feet of vertical clearance between branches and all other parts of trees or other vegetation overhanging the roof or other portion of any Structure or attached deck.
4. Zone 0: 0-5 feet from any structure: The requirements of 604.3.1.5 (Zone 1) below apply to this zone.
5. Zone 1: 5 to 30 feet from any structure:
    a. Remove contiguous vegetation without adequate fuel separation to prevent spread to the structure.
    b. Maintain any tree, shrub, or other plant adjacent to or overhanging any Structure or attached deck free of dead or dying wood.
    c. Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6’ feet above the ground or surface fuels.
    d. Where shrubs or small trees are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 6 feet, whichever is greater.
    e. For structures on the same property, such as a shed, hot tub, and playset, ensure these structures are spaced at least 10 feet apart. Have at most three (3) of these structures within 30 feet of a building or structure.
        i. Existing moveable structures shall comply with the above.
    f. Relocate exposed firewood piles or lumber further than zone 1, unless they are completely covered in a fire-resistant covering approved by the State Fire Marshal’s Building Material Listing Service.
6. Zone 2: 30 to 100 feet from any structure:
    a. All exposed wood piles or lumber must have a perimeter of a minimum of ten feet (10 ft.) of non-combustible material, such as bare mineral soil, in all directions.
7. For both Zones 1 and 2:
    a. Remove vegetative and combustible material capable of transmitting fire to a structure as determined by the Fire Code Official.
    b. Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three inches (3 in.).

c. Cut annual grasses and annual forbs to a maximum height of four inches (4 in.) prior to, or upon reaching the senescent or ripening phase when the preponderance of vegetative material is cured or dead.

d. Vertical Spacing: Limb trees by removing hanging bark, debris and branches that are within six feet (6 ft.) of the ground.

e. Create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference.

f. Maintain horizontal spacing between shrubs.

   i. Flat or mild slope (less than 20%): Two times the height of the shrub.

   ii. Mild to moderate slope (20-40%): Four times the height of the shrub

   iii. Moderate to steep slope (greater than 40%): Six times the height of the shrub

   iv. Shrubs maintained as trees, such as limited stems and limbed up 6 feet or one third the height, whichever is greater, shall comply with requirements for trees, and not this section.

   v. Consistent with fuel management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable, non-native grasses and weeds.

g. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any structure or the canopy of other trees.

604.3.2 Specific requirements for Panoramic Mitigation Area and Grizzly Peak Mitigation Area. Effective January 1, 2026 the Grizzly Peak Mitigation Area and Panoramic Mitigation Area shall be subject to 604.3.2 in addition to 604.3.1

A person who owns, leases, controls, operates, or maintains lands shall at all times:

1. Zone 0: 0 to 5 feet from any structure:
    a. Maintain all areas within five (5) horizonal feet of any structure, outbuildings, attached deck or stairs, and the area under attached decks and stairs free of vegetative and non-vegetative combustible material.
        i. This includes but is not limited to shrubs, vegetative ground cover, climbing vines, combustible boards, timbers, firewood, debris, synthetic lawn, wood mulch products, playsets, plastic trash and recycle cans, trellises, pergolas, shade coverings, planters, attached window boxes, privacy walls, boats, RVs, and other material that could be ignited by embers, radiant heat, or direct flame.
        ii. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible materials, including bare mineral soil, are permitted.
        iii. Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or adjacent to a window or eave; are kept in an unaffixed, non-combustible pot or container that is no larger than 5-gallon capacity; and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. These plants shall be no greater than 18 inches in height. Dead or dying material on, around and under the plants shall be removed.
        iv. Exception: Hot tubs may be installed within five (5) horizontal feet of a structure, provided they comply with all Zone 0 clearance requirements applicable to structures.
    b. Trees: Existing trees and shrubs are permitted in Zone Zero if:
        i. Maintained free of dead material.
        ii. The crown (canopy) is maintained to create:
            1. Six feet (6’) above the adjacent building or structure’s roof
            2. Ten feet (10’) away from chimneys and stovepipe outlets; and
            3. Five feet (5’) of horizontal clearance from the sides of any Building, Structure, attached deck, porch, landing or stairs, and hot tubs within five (5) feet of a structure.
                a. Exception: trees integrated into a deck must maintain 5 feet horizontal separation from the adjacent structure and branches must be 6 feet above the deck.
            4. 6’ of vertical clearance above attached decks, attached, landing or stairs, and hot tubs within 5’ of a structure.

c. The roof and rain gutters of a Building or Structure shall be kept clear of leaves, needles, and vegetative material.

d. Existing fences that are directly attached to a Building or Structure shall have a five foot (5 ft) non-combustible span at the point of attachment.

   i. Existing fences that are not parallel to the adjacent structure wall, and are within 5 feet of that wall, shall have a non-combustible span within the first 5 feet of the structure perpendicular to the exterior structure wall.

   ii. Existing parallel fences that do not touch the structure are allowed.

e. After the effective date of this regulation, no new or replacement sections of combustible fence are permitted within 5 feet of a building or structure including an attached deck.

f. Outbuildings are not permitted in Zone 0, unless constructed according to the standards in Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations. Outbuildings that meet these standards shall be considered part of the Building or Structure for the purpose of measuring Zone 0.

SECTION 605—SPARK ARRESTORS

605.1 General. Chimneys serving fireplaces, barbecues, incinerators or ~~decorative~~ heating appliances in which solid or liquid fuel is used shall be provided with a spark arrestor. Spark arrestors shall be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) (2.66 mm) having openings not exceeding 1/2 inch (12.7 mm). The arrestor shall be securely attached to the chimney or stovepipe and shall be adequately supported. The use of bands, mollies, masonry anchors or mortar ties are recommended depending upon the individual need. See California Building Code Section 2113A.9.2 (“Spark arrestors”) for specifications.

SECTION 606—LIQUEFIED PETROLEUM GAS INSTALLATIONS

606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the ~~California~~ Berkeley Fire Code.

606.2 Location of containers or tanks. LP-gas containers or tanks shall be located within the defensible space in accordance with the ~~California~~ Berkeley Fire Code.

Article 7. Referenced Standards

19.49.080 Chapter 7 Referenced Standards

Chapter 7 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

BOF *State Board of Forestry and Fire Protection*
RPC 2 (c) - General Guidelines for Creating Defensible Space, February 8, 2006

CEC

CEnC – 2025: California Energy Code
1.1.8.2,

IAPMO

CPC – 2025: California Plumbing Code
201.3

CMC – 2025: California Mechanical Code
201.3

NEC

CEC – 2025: California Electrical Code
201.3

Article 8. General Requirements

19.49.090 APPENDIX A – GENERAL REQUIREMENTS

Appendix A of the 2025 Wildland-Urban Interface Code is adopted and reproduced in its entirety subject to the modifications thereto which are set forth below.

SECTION A101—GENERAL

A101.1 Scope. The provisions of this appendix establish general requirements applicable to new and existing properties located within wildland-urban interface areas.

A101.2 Objective. The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a wildland-urban interface area and improve the capability of controlling such fires.

SECTION A102—VEGETATION CONTROL

A102.1 General. Vegetation control shall comply with Sections A102.2 through A102.4.

A102.2 Clearance of brush or vegetative growth from roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of *nonfire-smart* vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

~~**A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Sections A102.3.1 through A102.3.2.3.~~

Exception: Sections A102.3.1 through A102.3.2.3 do not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

A102.3.1 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

A102.3.2 Electrical distribution and transmission line clearances. Clearances between vegetation and electrical lines shall be in accordance with Sections A102.3.2.1 through A102.3.2.3.

A102.3.2.1 Trimming clearance. At the time of trimming, clearances not less than those established by Table A102.3.2.1 shall be provided. The radial clearances shown are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.2.1 when evidence substantiating such other clearances is submitted to and approved by the code official.

TABLE A102.3.2.1—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400–72,000	4
72,001–110,000	6
110,001–300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

102.3.2.2 Minimum clearance to be maintained. Clearances not less than those established by Table A102.3.2.2 shall be maintained during such periods of time as designated by the code official. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

~~**Exception:** The code official is authorized to establish minimum clearances different than those specified by Table A102.3.2.2 when evidence substantiating such other clearances is submitted to and approved by the code official.~~

~~TABLE A102.3.2.2—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED~~	
~~LINE VOLTAGE~~	~~MINIMUM CLEARANCE (inches)~~
~~750–35,000~~	~~6~~
~~35,001–60,000~~	~~12~~
~~60,001–115,000~~	~~19~~
~~115,001–230,000~~	~~30.5~~
~~230,001–500,000~~	~~115~~
~~For SI: 1 inch = 25.4 mm.~~	

~~**102.3.2.3 Electrical power line emergencies.** During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines or trees in violation of Table A102.3.2.2.~~

A102.4 Correction of condition. The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

SECTION A103—ACCESS RESTRICTIONS

A103.1 Restricted entry to public lands. The code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.

2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

A103.2 Trespassing on posted private property. Where the code official determines that a specific area within a wildland-urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.1.

A103.2.1 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

A103.2.2 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

A103.3 Use of fire roads, fire breaks, fire trails and defensible space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads, fire breaks, fire trails or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty.

A103.3.1 Obstructions. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads, fire breaks, fire trails or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

A103.3.2 Public access roads, fire roads, firebreaks and fire trails. No person(s) shall use any public access road, fire road, firebreak or fire trail for the storage of any construction material, stationary construction equipment, construction office, portable refuse container, earth from any grading or excavating, or any other construction related activity.

A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the code official, except on clearly established public or private roads designated for use by motorcycles, motor scooters, ultralight aircraft and motor vehicles. Permission from the property owner shall be presented when requesting a permit.

A103.5 Tampering with locks, barricades, signs and address markers. Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

A103.5.1 Gates, doors, barriers and locks. Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

SECTION A104—IGNITION SOURCE CONTROL

A104.1 General. Ignition sources shall be controlled in accordance with Sections A104.2 through A104.10.

A104.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

A104.3 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained at not less than 30 feet (9144 mm).

A104.4 Smoking. Where required by the code official, signs shall be posted stating NO SMOKING. ~~Persons shall not smoke within 15 feet (4572 mm) of combustible materials or *nonfire-smart* vegetation.~~ Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes, cigars, joints, or other device used to burn or heat a substance for inhalation in Wildland-Urban Interface areas are prohibited.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

A104.5 Equipment and devices generating heat, sparks or open flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the code official. See Berkeley Fire Code Sections 308.1.5 Open Flame Devices in Wildfire Risk Areas and 308.1.5.1 Signals and Markers.

Exception: Use of approved equipment within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

A104.6 Fireworks. Fireworks shall not be used or possessed in wildland-urban interface areas.

Exception: Fireworks allowed by the code official under permit in accordance with the California Fire Code where not prohibited by applicable local or state laws, ordinances and regulations.

A104.6.1 Authority to seize. The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

A104.7 Outdoor fires. Outdoor fires in wildland-urban interface areas shall comply with Sections A104.7.1 through A104.7.3.

A104.7.1 General. Persons shall not build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface area, except by the authority of a written permit from the code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, fire pits or grill and are not less than 30 feet (9144 mm) from any combustible material or *nonfire-smart* vegetation.

A104.7.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under any of the following conditions:

1. When red flag conditions exist as defined by the National Oceanic and Atmospheric Administration.

2.~~1.~~ When high winds are blowing.

3.~~2.~~ When a person 17 years old or over is not present at all times to watch and tend such fire.

4.~~3.~~ When a public announcement is made that open burning is prohibited. Permanent barbecues, portable barbecues, outdoor fireplaces, fire pits or grills shall not be used if solid or liquid fueled.

A104.7.3 Restrictions. Persons shall not use a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, fire pit or grill for the disposal of rubbish, trash or combustible waste material.

A104.8 Incinerators, outdoor fireplaces, permanent barbecues, fire pits and grills. Incinerators, outdoor fireplaces, permanent barbecues, fire pits and grills shall not be built, installed or maintained in wildland-urban interface areas without prior approval of the code official. Existing incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

Exception: When approved, unprotected openings in barbecues and grills necessary for proper functioning shall be allowed.

A104.8.1 Maintenance. Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

Exception: Where approved by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

A104.9 Reckless behavior. The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

A104.10 Planting vegetation under or adjacent to energized electrical lines. Vegetation that, at maturity, would grow to within 10 feet (3048 mm) of the energized conductors shall not be planted under or adjacent to energized power lines.

A104.11 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across Wildland-Urban Interface areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across Wildland-Urban Interface Areas.

A104.12 Explosives and Blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within Wildland-Urban Interface areas except by permit from the code official.

A104.13 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon Wildland-Urban Interface areas except by permit from the code official.

SECTION A105—CONTROL OF STORAGE

A105.1 General. In addition to the requirements of the California Fire Code, storage and use of the materials shall be in accordance with Sections A105.2 through A105.4.2.

A105.2 Hazardous materials. Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m^3) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

A105.3 Explosives. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, except by permit from the code official.

A105.4 Combustible materials. Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

A105.4.1 Individual piles. Individual piles shall not exceed 5,000 square feet (465 m^2) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m^3) in volume or 10 feet (3048 mm) in height.

A105.4.2 Separation. A clear space of not less than 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or *nonfire-smart* vegetation.

SECTION A106—DUMPING

A106.1 Waste material. Waste material shall not be placed, deposited or dumped in wildland-urban interface areas or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

Exception: Approved public and approved private dumping areas.

A106.2 Ashes and coals. Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from *nonfire-smart* vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from *nonfire-smart* vegetation or structures.

SECTION A107—PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

A107.1 General. The reliability of the water supply shall be in accordance with Sections A107.2 through A107.5.

A107.2 Objective. The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

A107.3 Fuel modification area. Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing *nonfire-smart* vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

A107.4 Trees. Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

A107.5 Protection of electrical power supplies. Where electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for not less than 2 hours in accordance with Chapter 27 of the California Building Code, Section 1203 of the California Fire Code and the California Electrical Code.

Exception: A standby power source is not required where the primary power service to pumps is underground as approved by the code official.

SECTION A108—LAND USE LIMITATIONS

A108.1 General. Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

A108.2 Objective. The increased public use of land or structures in wildland-urban interface areas increases the potential threat to life safety. The provisions of this section are intended to reduce that threat.

A108.3 Permits. Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated wildland-urban interface area, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

A108.4 Access roadways. In addition to the requirements in Section 403, access roadways shall be not less than 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

Where required by the code official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

SECTION A109—REFERENCED STANDARDS

A109.1 General. See Table A109.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title and the section or sections of this appendix that reference the standard.

TABLE A109.1—REFERENCED STANDARDS		
STANDARD ACRONYM	**STANDARD NAME**	**SECTIONS HEREIN REFERENCED**
CBC—25	*California Building Code*	*A107.5*
CFC—25	*California Fire Code*	*A104.6, A105.1, A107.5*
CEC—25	*California Electrical Code*	*A107.5*

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

* * * * * *

At a regular meeting of the Council of the City of Berkeley held on November 10, 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 2

Dear Mayor and City Council,

In June you charged the City Manager with creating a working group of Berkeley residents and stakeholders to review the vegetation management portion of the Fire Code to ensure that it is clear, reflects unique local conditions, and incorporates the best available fire science (inclusive of any more conservative code adopted by the California Board of Forestry). The charge included returning with additional amendments to the City Council before December 31, 2025, as part of the Fire Department's Triennial Fire Code Update Process.

The Berkeley Zone Zero / Wildland Urban Interface (WUI) Working Group was first convened on August 20, 2025. At that time, Fire Department staff explained that we would need to complete our work before October 2nd in order to allow review of all proposed changes and meet the December 31st deadline. On this very tight schedule, the group held eight (8) public meetings and engaged in a detailed review process that has produced proposed revisions to the municipal fire code. These revisions are designed to:

- Clarify definitions
- Refine vegetation management requirements, defensible space provisions, and ongoing maintenance standards.
- Align Berkeley's fire prevention framework with the California State Fire Code, while reviewing the current deliberations from the California Fire and Forestry Commission.

While we are satisfied that the existing language is clearer and more consistent as a result of these revisions, the limited mission and compressed timeframe meant that we were not able to fully consider all unique local conditions or incorporate all of the best available fire science. Critically, the California Board of Forestry has not yet issued the final Zone 0 regulations, so we were unable to evaluate how those forthcoming requirements—and any associated exceptions—should shape Berkeley's code. Since Berkeley is required by state law to be as strict as state code, the scope of potential exceptions has also not been fully explored.

As much as we have accomplished in a relatively short period, there remains important work ahead. We intend to continue our work in the following areas:

- Incorporating existing, new, and emerging science related to vegetation management, erosion concerns, and long-term ecological impacts.
- Ensuring the local code reflects unique local conditions.
- Reviewing final regulations and recommendations from the State Fire and Forestry Commission and Zone Zero Subcommittee.

- Creating detailed community guidelines and instruction booklet to assist residents in understanding and complying with the new standards.

Additional work needs to be done on these issues:

- Reviewing enforcement and appeals processes to avoid overly punitive penalties, while ensuring strong compliance, strengthening compliance pathways, and updating penalty structures, including enforcement and accountability.
- Addressing the ongoing threat of eucalyptus and other high-risk vegetation within Berkeley.
- Considering EMBER compliance costs

The proposed revisions reflect a balance of technical standards; however, further work is needed to review all pertinent aspects of the WUI code and regulations.

We thank you for your attention and continued support of this critical work.

Respectfully submitted,

Unanimously signed by members of the WUI Workgroup

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ADOPTION OF THE 2025 CALIFORNIA WILDLAND URBAN INTERFACE (WUI) CODE WITH LOCAL AMENDMENTS

The public may participate in this hearing by remote video or in-person.

The Department of Fire and Emergency Services is proposing the adoption of the 2025 Wildland Urban Interface (WUI) Code with Local Amendments. The adoption will include the non-structural provisions as provided in the 2024 International Wildland Urban Interface (WUI) Code

The hearing will be held on, **December 2, 2025**, at **6:00 P.M.** in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 20, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact **Acting Assistant Fire Chief Colin Arnold** at 510-981-5620.

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: November 14 and November 21, 2025 – The Berkeley Voice
Published pursuant to Government Code 50022.3 and 6066

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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 November 20, 2025.

_____
Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
December 2, 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: Amendments to Title 23 (Zoning) to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending the BMC Title 23 Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

FISCAL IMPACTS OF RECOMMENDATION

New and expanding businesses established pursuant to the proposed ordinance amendments may result in increased tax revenue. The proposed changes would result in limited impacts on staff time for permitting and project review, which will be recouped through project permit fees.

CURRENT SITUATION AND ITS EFFECTS

Today, the C-T zoning district is the only commercial district in Berkeley where the retail sale of alcohol is not permitted. This has impeded efforts to attract a full-service grocery store to the Southside. The prohibition of retail alcohol sales in the C-T and resulting absence of full-service grocers in the Southside contributes to a lack of healthy, affordable and accessible food options for residents and visitors.

The proposed Zoning Ordinance amendment would align the City's regulation of Alcoholic Beverage Retail Sales in the C-T zoning district with those in every other commercial zoning district, by allowing Alcoholic Beverage Retail Sales via a Use Permit process. A Use Permit requires a public hearing before the Zoning Adjustments Board (ZAB), and the ZAB's decision is appealable to the City Council.

The proposed amendment is contained in BMC Chapter 23.204.020 *Allowed Land Uses*. The amendments to the Allowed Land Uses Table (Table 23.204-1) would change the regulation of the Retail Sale of Alcohol in the Telegraph Avenue Commercial District from not permitted (NP) to permitted through the Use Permit process (UPPH).

Table 1: Changes to BMC Section 23.204.020 Table 23.204-1

	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Alcoholic Beverage Retail Sale	UP(PH) * –	UP(PH) * –	UP(PH) * –	UP(PH) * –	UP(PH) * –	UP(PH) * –	~~NP~~ UP(PH) * –	UP(PH) * –	UP(PH) * –	UP(PH) * –	UP(PH) * –	23.310

BACKGROUND

When the University of California relocated to Berkeley in 1873, the sale of alcohol in the areas surrounding campus was prohibited. For decades following the establishment of the Berkeley Campus, during Prohibition and after, the availability of alcohol near campus (including the C-T) has been limited.

On September 16, 2025, City Council adopted a referral to the City Manager and the Planning Commission to amend BMC Chapter 23.204.020 to allow alcoholic beverage retail sales in the C-T zoning district.

On November 5, 2025, staff presented the proposed Zoning Ordinance amendment to the Planning Commission at a duly-noticed public hearing (**Attachment 2**). The Planning Commission unanimously adopted a resolution recommending the proposed amendments included in **Attachment 1** for adoption by City Council**.**

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed Zoning Ordinance amendment does 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 amendment 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 amendment would align the regulation of retail alcohol sales in the Telegraph Avenue Commercial (C-T) zoning district with all other commercial zoning districts in Berkeley through the Use Permit Process. The proposed ordinance is also consistent with the Southside Plan, specifically Policy LU-E2 which aims to "encourage development of neighborhood serving commercial uses, such as cafes, small grocery and convenience stores, laundromats, shoe repairs, and dry cleaners." A Use Permit requires a public hearing and gives the City discretion on the issuance of a permit.

ALTERNATIVE ACTIONS CONSIDERED

The Council could consider taking no action on the recommendation. In this scenario, Title 23 would remain unchanged, and would continue to prohibit the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

CONTACT PERSON

Faye Messner, Assistant Planner, Planning and Development Department, (510) 981-7484

Attachments:
1: Draft Ordinance
2: PC Staff Report 11-05-25
3: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE COMMERCIAL DISTRICT CHAPTER (BMC CHAPTER 23.204) TO ALLOW THE RETAIL SALE OF ALCOHOL IN THE TELEGRAPH AVENUE COMMERCIAL DISTRICT

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

Section 1. That the line named “Alcoholic Beverage Retail Sale” in Table 23.204-1 in BMC Section 23.204.020 is amended to read as follows:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	Commercial Districts											**USE-SPECIFIC REGULATIONS**
	C-C	**C-U**	**C-N**	**C-E**	**C-NS**	**C-SA**	**C-T**	**C-SO**	**C-DMU**	**C-W**	**C-AC**	
Alcoholic Beverage Retail Sale	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	~~NP~~ UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	23.310

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.

Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: November 5, 2025

TO: Members of the Planning Commission

FROM: Faye Messner, Assistant Planner

SUBJECT: Amendments to Title 23 to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District

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RECOMMENDATION
Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council to adopt the proposed amendment to Title 23 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

BACKGROUND
When the University of California relocated to Berkeley in 1873, the sale of alcohol in the areas surrounding campus was prohibited. For decades following the establishment of the Berkeley Campus, during Prohibition and after, the availability of alcohol near campus (including the C-T) has been limited.

On September 16, 2025, Council referred the City Manager and the Planning Commission to amend BMC Chapter 23.204.020 to allow alcoholic beverage retail sale in the C-T zoning district.

CURRENT SITUATION AND ITS EFFECTS
Today, the C-T zoning district is the only commercial district in Berkeley where the retail sale of alcohol is not permitted. As a result, the Southside has been unable to attract a full-service grocery store. The prohibition of retail alcohol sales in the C-T and resulting absence of full-service grocers in the Southside contributes to a lack of healthy, affordable and accessible food options for residents and visitors.

The proposed Zoning Ordinance amendment would align the City's regulation of Alcoholic Beverage Retail Sales in the C-T zoning district with those in every other commercial zoning district by allowing Alcoholic Beverage Retail Sales via a Use Permit process. A Use Permit requires a public hearing before the Zoning Adjustments Board (ZAB), and the ZAB's decision is appealable to the City Council.

DISCUSSION

The proposed amendment is contained in BMC Chapter 23.204.020 *Allowed Land Uses*. The amendment to the Allowed Land Uses Table (Table 23.204-1) would change the regulation of the Retail Sale of Alcohol in the Telegraph Avenue Commercial District from not permitted (NP) to permitted through the Use Permit process (UPPH).

Table 1: Changes to BMC Section 23.204.020 Table 23.204-1

	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Alcoholic Beverage Retail Sale	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	~~NP~~ UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	23.310

ENVIRONMENTAL REVIEW

The proposed Zoning Ordinance amendment does 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 amendment 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

Faye Messner, Assistant Planner, Planning and Development Department, 510-981-7484

ATTACHMENTS

1. Draft Planning Commission Resolution

   Exhbit A. Zoning Ordinance Amendments
2. City Council Referral
3. 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, December 2, 2025** at **6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend BMC Title 23 (Zoning) Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

The hearing will be held on December 2, 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 Faye Messner, Assistant Planner at (510) 981-7484.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 20, 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: November 21, 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
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Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 20, 2025.

_____
Mark Numainville, City Clerk

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Office of the City Manager

PUBLIC HEARING
December 2, 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: Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Title 21 (Subdivisions Ordinance) and Chapter 23.306 *Accessory Dwelling Units* to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Municipal Code (BMC) does not currently provide for the separate sale of ADUs. Assembly Bill (AB) 1033, a state law passed in 2024, allows municipalities to create regulations to permit the separate sale of ADUs.

On May 14, 2024, the City Council adopted a referral (***Attachment 2***) to prepare an ordinance to permit the separate sales of ADUs in Berkeley. The referral highlighted the potential of ADU condominiums to expand homeownership opportunities for moderate-income households, help existing homeowners build equity, and increase the supply of naturally affordable housing in the city. The proposed amendments to BMC Title 21 (***Attachment 1***) would provide for such separate sales.

Currently, condominium conversions are regulated in BMC Chapter 21.28 (Condominiums and Other Common Interest Subdivisions). The purposes of Berkeley's Condominium Conversion regulations are to preserve the rental housing stock, protect existing renters, mitigate the loss of rental units through condominium conversion, and to create a transparent process for the conversion of rental units to condominiums.

Most ADUs are "naturally affordable" and exempt from rent control. In a study published in 2022, the Association of Bay Area Governments (ABAG) found that 20 percent of ADUs are offered rent-free, 16 percent are rented at discounted rates (presumably to

friends and family), and that most market-rate ADUs are affordable to low or moderate-income households in most markets.[1]

Recognizing the generally affordable nature of ADUs, the Planning Commission's recommendation treats ADU condominiums differently than typical condominiums. These differences include:

- *Condominium Conversion Mitigation Fee*: The proposed ordinance would not apply the Condominium Conversion Mitigation Fee to ADU condominiums. The Planning Commission felt the fee was unnecessary given the small scale of likely ADU condominium projects, and expressed concern that the amount of the Fee would discourage the creation of affordable homeownership opportunities from ADU condominiums.

- *Tenant Protections*: The Commission affirmed the importance of maintaining tenant protections consistent with existing Chapter 21.28 requirements, including notice provisions and the right to remain in a unit after conversion.

  Under the Berkeley Rent Stabilization Ordinance (BMC 13.76), ADUs fall into three rent ordinance categories. The Planning Commission's recommendation bases tenant protections on an ADU's rent ordinance status.

  A "Fully Covered Unit" is any residential rental unit that is not exempt under BMC 13.76.050. Covered units are subject to the rent-stabilization (rent ceiling/ maximum annual rent increase) provisions and good-cause protections. According to the Rent Board, examples of Fully Covered Units include most multi-unit buildings built before June 1980, single family homes with tenants who moved in before 1996, and single-family homes with five or more rooms rented out with separate leases. For ADUs, examples of potentially Fully Covered Units include a legally established "secondary unit" with a certificate of occupancy predating the Rent Ordinance (June 1980), or a legally established "secondary unit" created before the City's first ADU regulations (2003).

  "Partially Covered Units" are not subject to local rent ceilings but do remain subject to local just-cause eviction protections, registration, and annual security-deposit interest rules. According to the Rent Board, examples of Partially Covered Units include single family homes with current tenancies that began after 1996, most condominiums, and new construction that received a Certificate of Occupancy after June 1980. Post-2003 ADUs are typically Partially Covered.

[1] *Final Affordability of Accessory Dwelling Units*. https://abag.ca.gov/sites/default/files/documents/2025-04/ADU_Affordability_Report_June_13_2022.pdf

"Fully Exempt Units" include certain institutional housing types, Golden Duplexes, and tenancies in ADUs that started after November 2018 on properties where there is 1) only one single-family dwelling; 2) only one ADU; and 3) where an owner occupies either unit. Fully Exempt Units are not subject to local rent ceilings, local just-cause eviction protections, registration, or any annual security-deposit interest rules.

For purposes of the ADU Condominium ordinance, a Covered Rental ADU includes both Fully Covered and Partially Covered ADUs. The table below summarizes the applicability of tenants protections to ADU rentals.

Protection	**Fully Covered**	**Partially Covered**	**Fully Exempt**
Local rent ceilings (rent stabilization)	Yes	No	No
Petition rights	Yes	Some	No
Local just-cause eviction protections	Yes	Yes	No
Rent Board registration requirement	Yes	Yes	No
Annual security-deposit interest requirement	Yes	Yes	No
Local filing of rent-increase and termination notices	Yes	Termination notices only	No
Exclusive Right to Purchase (ERP) after condo conversion	Yes	Yes	No
Right to Remain / No Owner-Move-In — after condo conversion	Yes	Yes	No
Recent no-fault eviction screen — condo conversion eligibility	Yes	Yes	No

BACKGROUND

At its March 5, 2025 meeting, the Planning Commission received an informational report regarding AB 1033 implementation (***Attachment 3***) and directed staff to prepare an ordinance to permit separate sale of ADUs as condominiums. At its May 7, 2025 meeting, the Planning Commission received staff's recommended BMC amendments (the creation of Title 21, Section 21.29: Accessory Dwelling Unit Condominium Subdivision) and recommended the proposed amendments included in ***Attachment 1***.

At its meeting of July 29, 2025, the City Council considered revisions to the Zoning Ordinance related to ADU development standards. At that meeting, the City Council adopted the Zoning Ordinance amendments, and continued consideration of the ADU condominium changes to a future meeting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The proposed ordinance amendments to Title 21 (Subdivisions) 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 ordinance amendments to Title 21 (Subdivisions) fulfill the City Council's 2024 referral to adopt provisions to permit the separate sale of ADUs.

ALTERNATIVE ACTIONS CONSIDERED
As noted above, the Rent Stabilization Ordinance extends certain rights to sitting tenants in units covered by the Rent Ordinance that are proposed to be converted to condominiums. The Planning Commission had considered extending these protections to tenants of Exempt ADUs, who had occupied their units for at least 12 months. Ultimately, the Planning Commission's recommendation did not include extending these provisions to Exempt ADUs, due to a concern that such requirements could discourage the construction of new ADUs.

CONTACT PERSON
Branka Tatarevic, Associate Planner, Planning and Development, 510-981-7472.

Attachments:
1: Ordinance
2: City Council Referral to implement AB 1033, May 14, 2024.
3: Planning Commission Staff Report, March 5, 2025
4: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO BERKELEY MUNICIPAL CODE TITLE 21 (SUBDIVISIONS) TO ALLOW SEPARATE SALE OF ACCESSORY DWELLING UNITS (ADU), AND A CONFORMING AMENDMENT TO TITLE 23 (ZONING) RELATED TO ADUS

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

Section 1. That Berkeley Municipal Code Chapter 21.29 is added to Title 21 (Subdivisions) to read as follows:

21.29. Accessory Dwelling Unit Condominium Subdivision

21.29.010. -- *Purpose and Applicability.*

A. This Chapter establishes regulations and procedures for the subdivision of property to allow separate ownership of Accessory Dwelling Units (ADUs) from other buildings on the same lot in the City of Berkeley. It implements California Government Code Section 66342, which authorizes local ordinances permitting ADUs to be conveyed as condominiums.

B. This Chapter applies to all lots that contain (or will contain) one or more ADUs constructed in compliance with BMC Chapter 23.306 (Accessory Dwelling Units).

C. Notwithstanding any other provision of the Berkeley Municipal Code, an ADU condominium subdivision that conforms to this Chapter and state law may be approved and recorded as provided herein. An ADU condominium subdivision shall not be subject to the provisions of Chapter 21.28, except that:

1) *Covered Rental ADUs*. Covered Rental ADU means any rented ADU that is not a Fully-exempt unit under BMC 13.76.050(C). Tenant protections of Chapter 21.28 shall apply in full, including:

a. A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to Section 21.28.090(C)(4).

b. A tenant in an ADU shall have an exclusive right to purchase the unit, pursuant to Section 21.28.030(C) and 21.28.090(C)(2).

2) All other requirements of Chapter 21.28, including application procedures and rent-ceiling limitations, shall not apply to an ADU condominium subdivision processed under this Chapter unless expressly referenced above.

D. This Chapter is intended to provide a streamlined, ministerial process for qualifying ADU condominium subdivisions and shall remain operative only so long as state law authorizes such subdivisions (Government Code §66342).

21.29.020. -- *Permit required*.

The Planning Director shall review, on a ministerial basis and without a hearing, an application for a parcel map or a tentative and final map for an ADU Condominium subdivision, and shall approve the application if the criteria in Government Code Section 66342 and this section are satisfied.

Units other than ADUs that are part of an ADU Condominium Subdivision may be subject to the provisions of Chapter 21.28, or any other applicable regulations.

21.29.030 -- *Eligibility*.

A. A property is eligible for an ADU Condominium subdivision under this Chapter only if all the following criteria are met:

1) Existing Units. The lot contains at least one legally established primary dwelling unit and at least one legally established ADU, or there is a valid building permit for construction of a new ADU on the lot. The ADU must be in compliance with BMC Chapter 23.306.

2) Number of Condominium Units. In no event shall an ADU condominium subdivision result in more than ten (10) total condominium units on the lot inclusive of all residential, commercial, and accessory dwelling units.

B. Junior ADUs. Junior ADUs shall not be eligible for conversion to condominiums.

21.29.040 -- *Application Requirements*.

In addition to the information required by Section 21.24.020 (Parcel Maps, Form and Content) and Section 21.16.020 (Tentative Maps, Form and Content), an application for an ADU condominium subdivision shall include all of the following information:

A. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

B. Subdivision Map Act Compliance. The condominium shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2, commencing with Section 66410) and all other objective requirements of this Part.

C. Safety Inspection. Prior to the recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy or housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

D. Lienholder Consent.

1) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder without obtaining the written consent of each lienholder. A lienholder may refuse to give consent. A lienholder may also consent provided that any terms and conditions required by the lienholder are satisfied. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the Assessor-Recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in its sole and absolute discretion, and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

2) Required Information. The lienholder's consent, whether included directly on the condominium plan or attached thereto, must include the following information:

a. The lienholder's signature.

b. The name of the record owner or ground lessee.

c. The legal description of the real property.

d. The identities of all parties with an interest in the real property as reflected in the public records.

e. A statement that the lienholder's consent shall be recorded in the Office of the County Recorder.

E. Tenant Protections Notice for Covered Rental ADUs. Proof of service of a *Notice of Tenants' Rights Regarding ADU Condominium Conversion*, on a form required by the City, shall be submitted for each tenant household occupying the subject

Covered Rental ADU, no earlier than 60 days prior to the date of the application. The Notice shall include, but not be limited to:

1) The tenant's continued right to occupy the unit pursuant to Section 21.28.090(C)(4), which prohibits eviction for the purpose of occupancy by the owner or the owner's relatives so long as the unit remains the tenant's principal place of residence.

2) Information concerning any agreement by the owner to limit rents under Section 21.28.080(B).

3) The tenant's exclusive right to purchase the unit under 21.28.090(C)(2).

F. Notice to providers of utilities. If an ADU is established as a condominium, the owner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

G. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

21.29.050 -- *Required Notice to Consumers.*

The City shall include the following notice to consumers on any Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) submittal checklist or public information describing requirements and permitting for ADUs, and as a standard condition of any building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender

approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

Section 2. That Municipal Code Section 23.306.040(C)(2) is amended to read as follows:

2. The ADU shall not be sold separately from the main building, unless authorized under BMC 21.29 (ADU Condominium Ordinance) or ~~unless the conditions of~~ under BMC 23.306.040(D) -- ADUs Developed by a Qualified Nonprofit Developer, or as otherwise permitted by state law. ~~are met~~;

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.

Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
May 14, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Increasing Entry Level Homeownership Opportunities: Implementation of AB 1033 to Allow Accessory Dwelling Units (ADUs) To Be Sold Separately

RECOMMENDATION

Refer to City Manager to implement AB 1033, which would allow Accessory Dwelling Units (ADUs) to be sold separately from a primary unit.

This referral would necessitate elimination of any mention of sales restrictions as they pertain to ADUs within the Berkeley Municipal Code and adoption of an ordinance allowing ADU sales separate from a primary unit(s).

CURRENT SITUATION AND ITS EFFECTS

AB 1033 Allows ADUs to be Sold Separately from a Primary Residence, Increasing Entry Level Homeownership Opportunities. State law AB 1033, effective January 1, 2024, eliminates the prior state law prohibiting the mapping and selling of a single-family home and its ADU as condominium units. While this prohibition on condominium conversion has been lifted, local agencies must opt-in and amend their codes to permit these entry-level homeownership opportunities. Congruent with the condominium homeownership model, property owners wishing to sell an ADU will need to notify their utility provider and establish a homeowners' association responsible for overseeing property maintenance. ADUs tend to be more affordable than a typical single-family home. By permitting the independent sale of ADUs, the City of Berkeley can increase the available stock of entry-level homeownership opportunities. Further, ADU condominium conversion purchases are eligible for federally guaranteed mortgages, easing financing opportunities for homebuyers.[1] AB1033 not only helps households seeking entry-level homeownership opportunities, it can also help existing homeowners to age in place by providing lump-sum resources from an ADU sale.

[1] Casita Coalition and Reuben, Junius & Rose LLP: AB 1033 - How to Implement New State ADU Condominium Laws, p. 1 https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf

BACKGROUND

California, particularly the Bay Area, faces an ongoing housing crisis, with affordability and accessibility becoming increasingly challenging for residents. As the state grapples with this issue, nearly 20 percent of housing units constructed in California today are ADUs, reflecting the significant contribution that ADUs are making in reducing the housing shortage.[2] According to the California Association of Realtors Housing Affordability Index, only 17 percent of households in the state can afford a single-family home, a figure that falls significantly below the national average.[3]

The California Legislative Analyst's Office, a nonpartisan entity, examined the state's exorbitant housing costs and delineated various factors contributing to it, notably a pronounced housing shortage, particularly in coastal California.[4] Since 1980, housing construction in California has lagged significantly behind both national and historical averages. Despite a national housing boom in the mid-2000s, California's housing production remained relatively sluggish. Moreover, merely 10 percent of Berkeley's housing units were constructed after 1980.[5] As construction slowed over time, California's housing costs escalated, surpassing the national average. Presently, home prices in Berkeley stand at $1.4 million compared to the national average of $354,000.[6]

In their report, "Closing California's Housing Gap," the McKinsey Global Institute proposed specific measures to alleviate housing insecurity in the state. They recommend tackling housing scarcity by identifying potential "hot spots" for housing creation, such as areas within a half-mile radius of transit hubs, underutilized urban lots, and the addition of extra units to single-family homes.[7]

While the impact of high housing costs disproportionately affects certain racial and socioeconomic groups, there is also a noticeable generational divide. The scarcity of affordable housing near employment opportunities, coupled with mounting student debt, has resulted in a net worth for young households that is 20 percent lower than that of baby boomers in 1989 and 40 percent lower than that of Generation X families in 2001. Additionally, homeownership is increasingly unattainable for younger generations, with millennials being 8 percent less likely to own homes compared to baby boomers and Gen Xers.[8] Nearly half of households aged 18-34 are considered rent-burdened. The Urban

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[2] Casita Coalition and Reuben, Junius & Rose LLP: AB1033 – How to Implement New State ADU Condominium Law, p.1 https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf

[3] Casita Coalition and Reuben, Junius & Rose LLP: AB1033 – How to Implement New State ADU Condominium Law, p.1 https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf

[4] California's High Housing Costs, Causes and Consequences (2015) Legislative Analyst's Office. https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx

[5] 2015-2023 Berkeley Housing Element (2014). City of Berkeley. https://cityofberkeley.app.box.com/s/x7cfk49voo9hr56iw3exsqogx0w7e6y3

[6] Home Values (2024) https://www.zillow.com/home-values/

[7] Woetzel,J., Mischke, J., Peloquin, S., and Weisfield, D. (2016, October). A Toolkit to Close California's Housing Gap: 3.5 Million Homes by 2025. McKinsey Global Institute: https://www.mckinsey.com/~/media/mckinsey/industries/public%20and%20social%20sector/our%20insights/closing%20californias%20housing%20gap/closing-californias-housing-gap-full-report.pdf

[8] Grabar, Henry. (2019). I Got Mine. Slate Magazine.

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E-Mail: rkesarwani@cityofberkeley.info

Institute conducted an extensive study on the barriers to millennial homeownership and recommended a series of policy changes, with a key recommendation being the alteration of land use and zoning restrictions, particularly in areas with rigid housing supply.[9]

Furthermore, moderate-income earners often find themselves unable to access Below Market Rate (BMR) housing, exacerbating the issue. Naturally affordable housing options, such as ADUs, often offer a pathway to more affordable living. An analysis by the Terner Center revealed that 58 percent of ADU owners rented their units at below-market-rate rent. Due to their smaller size and/or cost-effective construction, ADUs frequently provide more affordable options for both owners and renters compared to single-family homes.[10]

FISCAL IMPACT

Staff time to amend the Berkeley Municipal Code to eliminate mention of sales restrictions as they pertain to ADUs and to prepare an ordinance allowing ADU sales separate from the main unit(s).

ENVIRONMENTAL SUSTAINABILITY

The recommendation to promote ADUs has significant implications for environmental sustainability, particularly through the concept of infill housing, especially near transit hubs. By encouraging the construction of ADUs, cities can capitalize on existing infrastructure and minimize urban sprawl by using underutilized parcels within established neighborhoods. This approach to infill housing not only optimizes land use but also reduces the need for further development on undeveloped land, preserving natural habitats and open spaces.[11] Moreover, situating ADUs near transit promotes alternative modes of transportation, such as walking, biking, or public transit, thus reducing reliance on cars and lowering greenhouse gas emissions associated with commuting. Overall, the strategic implementation of ADUs as infill housing near transit contributes to a more sustainable urban environment, aligning with efforts to combat climate change and promote eco-friendly living practices.

Expanding housing options plays a crucial role in addressing environmental concerns, aligning with the City of Berkeley's Climate Action Plan. Researchers from the University of California have developed a climate policy tool for local governments to evaluate policies'

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https://slate.com/business/2019/05/californiahousing-crisis-boomer-gerontocracy.html

[9] Choi, j., Zhu, J., Goodman, L., Ganesh, B., and Strochak, S. (July 2018). Millennial Homeownership. The Urban Institute. https://www.urban.org/sites/default/files/publication/98729/millennial_homeownership.pdf

[10] Garcia, D. (2017). ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes. Terner Center for Housing Innovation. https://ternercenter.berkeley.edu/research-and-policy/adu-update-early-lessons-and-impacts-of-californias-state-and-local-policy-changes/

[11] The Environmental Center September 24, 2020 Blog Post: Accessory Dwelling Units: A Sustainable Housing Solution: https://envirocenter.org/accessory-dwelling-units-a-sustainable-housing-solution/#:~:text=Since%20these%20units%20tend%20to,more%20sustainable%20and%20livable%20community.

effectiveness in reducing carbon footprints. Their study of 700 cities revealed that infill housing has the most significant impact.[12]

CONTACT PERSON

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

Attachments:
Casita Coalition and Reuben, Junius & Rose LLP: AB 1033 - How to Implement New State ADU Condominium Law. Pages 3-5 include required text in ADU condominium ordinances – Cal. Govt. Code Section 65852.2(a)(10)

[12] Jones, C, Wheeler, S, and Kammen, D. (2018) California Local Government Climate Policy Tool. Cool Climate Network. https://coolclimate.berkeley.edu/ca-scenarios/index.html

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E-Mail: rkesarwani@cityofberkeley.info

AB1033 – HOW TO IMPLEMENT NEW STATE ADU CONDOMINIUM LAW

Today, nearly 20% of housing units built in California are accessory dwelling units ("**ADUs**"). According to the California Association of Realtors Housing Affordability Index, only 17% of households can afford a single-family home, less than half of the national average. In many States across the country, ADU condo conversion projects are re-enabling a generation of home buyers to live in the communities of their choice near work and family. The State of Washington recently required all local agencies to allow conversions of a primary unit and ADU to condominiums for sale. Consequently, in Seattle and Portland 40% to 50% of ADUs constructed are sold as condominiums to new homebuyers, where they are bought for approximately half the value of a stand-alone single-family home. Such ADU condo conversion purchases are eligible for federally guaranteed mortgages, making them easy to finance for ordinary homebuyers.

The California State Legislature recently adopted a new law, AB1033, that creates affordable options for homeownership by allowing ADU's to be sold separately from a primary unit. AB1033 removes the previous State law prohibition against mapping and selling a single-family home and its ADU as condominiums. Even though this prohibition on condo conversion has been eliminated, it is up to Local Agencies to amend their codes to allow these entry-level home ownership opportunities.

WHAT NEEDS TO BE DONE TO ALLOW SALE OF ADUS?

Respecting local control, the Legislature left it up to Local Agencies to amend their municipal code(s) to allow these entry-level home ownership opportunities through the sale of ADUs. The Casita Coalition and Reuben, Junius, and Rose, LLP have developed this guidance to encourage your Local Agency to make the following changes to your code(s), procedures and policies to re-enable Californians priced out of many of our communities to once again have a dream of buying a home by enabling more naturally-affordable condominiums for sale.

RECOMMENDED STEPS TO IMPLEMENT SALE OF ADUS

1. **Eliminate Sale Restrictions.** Remove all provisions in your municipal code that prohibits the sale or other conveyance of an ADU. These restrictions are typically included in local Condominium Codes and Zoning Codes.

2. **Adopt Legislation Expressly Allowing ADU Sales.** To align local rules with State law, adopt changes to the municipal code that allow conversion of a home and its ADU into condominiums subject to the requirements of the Davis-Stirling Common Interest Development Act (Cal. Civ. Code Sec. 4400-6150.) Appropriate amendment text will differ depending on the existing municipal code, but AB1033 requires a list of express provisions be included in such local ordinance, attached at the end of this document.

3. **Publish ADU Checklists.** Provide a comprehensive checklist for any ADU building permit and for ADU condominium/subdivision projects, indicating Subdivision Map Act compliance and lender subordination information.

4. **First Right of Offer to Owner Occupants.** To further encourage new homeownership, consider including a condition of approval for establishing condominiums of a primary unit and ADU giving a first right of offer for a period of 45 days on publicly accessible databases, e.g., MLS, to buyers indicating an intent to live in the property (either themselves or their immediate family). To avoid issues with lenders, however, do not require owner occupancy.

5. **Create "Grow Homeownership" Program**. Establish a program with dedicated staff that expedites ADU condominium processing with first comments to be issued within 45 days of submission of a complete application.
   - Consider waiving or reducing application and impact fees otherwise applied to condominiums.
   - The Grow Homeownership Program could be paired with other funding programs your jurisdiction may have, e.g., through SB2 (2017) funds.

If you have any questions or would like to discuss any of the above, please do not hesitate to reach out to Justin A. Zucker from Reuben, Junius & Rose, LLP at 415.656.6489 or jzucker@reubenlaw.com.

AB1033 – Required Text in ADU Condominium Ordinances – Cal. Govt. Code Sec. 65852.2(a)(10)

(A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(C) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(D) (i) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(I) A lienholder may refuse to give consent.

(II) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(ii) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(iii) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(I) The lienholder's signature.

(II) The name of the record owner or ground lessee.

(III) The legal description of the real property.

(IV) The identities of all parties with an interest in the real property as reflected in the real property records.

(iv) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(E) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

> *"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.*
>
> *In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:*
>
> *(a) Paying off your current lender.*
>
> *You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.*
>
> *(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.*
>
> *(c) Securing your lender's consent to the details of any construction loan or ground lease.*
>
> *This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."*

(F) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(G) (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(ii) For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(H) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to Section 65852.26.

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STAFF REPORT
March 5, 2025

TO: Members of the Planning Commission

FROM: Branka Tatarevic, Associate Planner

SUBJECT: Accessory Dwelling Unit (ADU) Ordinance Amendments

RECOMMENDATION

Staff recommends that the Planning Commission review the staff report, receive the staff presentation, consider public comments, and provide feedback to staff on potential amendments to the ADU Ordinance.

BACKGROUND

The consideration of updates to the ADU ordinance has been prompted by a number of factors including a City Council referral for implementation of Assembly Bill (AB) 1033, the California Department of Housing and Community Development's (HCD) review of Berkeley's ADU Ordinance, and changes to state law pertaining to ADUs.

Assembly Bill 1033 (ADU Condominiums)

AB 1033 (Gov. Code § 66340 – 66342), which took effect on January 1, 2024, allows ADUs to be sold separately from the primary residence as condominiums, creating new opportunities for entry-level homeownership. Prior to AB 1033, California law prohibited the separate conveyance of ADUs, requiring them to remain under the same ownership as the primary dwelling unit. AB 1033 lifts this restriction, but local jurisdictions must opt-in by adopting an ordinance to enable separate ADU sales.

On May 14, 2024, the Berkeley City Council approved a referral (***Attachment 1***) directing the City Manager to implement AB 1033 by amending the Berkeley Municipal Code to eliminate restrictions on the sale of ADUs and adopt an ordinance allowing their separate sale. The referral emphasizes the potential of ADU condominiums to increase homeownership opportunities for moderate-income households, help existing homeowners generate equity, and expand naturally affordable housing options in the city.

As of today, the City of San José remains the only jurisdiction in California to have adopted an ADU condominium ordinance (***Attachment 4***). Staff have met with the San José team to discuss their approach to AB 1033 implementation, as well as their processing procedures. San José's ADU Condominium Ordinance is separate from its existing ADU, subdivision or other land use regulations and applies only to the creation of ADU condominiums. The ordinance limits ADU condo projects to a maximum of four

units, as subdivisions with four nor fewer units can be processed ministerially as Parcel Maps, rather than through the discretionary process required for Tentative Tract Maps. Unlike Berkeley, San José does not have its own policies to disincentivize condo conversions or mitigate the impacts of condo conversions on the affordability of the rental housing market.

ADU Letter from California Housing and Community Development Department
As part of its oversight of local ADU regulations, HCD issued a letter to the City of Berkeley on May 3, 2024 (***Attachment 2***), reviewing the Berkeley Municipal Code Chapter 23.306 (Accessory Dwelling Units)[1], which was adopted on October 10, 2023. In the letter, HCD asserted that several provisions of BMC Chapter 23.206 do not align with state ADU law and must be amended.

The City responded to HCD's letter on June 3, 2024 (***Attachment 3***). The City's letter determined that:

- a number of the HCD's suggested changes were minor. These minor changes were included in the State Law and Technical Edits package the Planning Commission recommended in June 2024;
- a select number of findings did not require any changes; and
- an additional set of findings required policy consultation with the City Council. These are the findings included in this report for policy recommendations from the Planning Commission.

California Government Code Section 66323 includes types of ADUs that the City must approve ministerially. Generally speaking, these are ADUs that are 800 square feet or less, meet specified height requirements, and comply with specified rear and side setback requirements. While the City can adopt development standards and regulations for larger ADUs, cities are limited in the regulation of these "Section 66323 ADUs"

Senate Bill 1211
Senate Bill 1211 (SB 1211) was signed into law in on September 19, 2024. SB 1211 contains two provisions which could require amendments to the BMC.

Previously, state law allowed only two detached ADUs on a multifamily lot. SB 1211 now permits up to eight detached ADUs on a multifamily lot, or a number equal to the existing units on the lot, whichever is less. BMC Chapter 23.206 is proposed to be amended to comply with SB 1211 as part of the annual State Law and Technical Edits (STLE) package which the Planning Commission will review in the spring.

Additionally, SB 1211 includes a provision which prohibits the City from imposing objective development or design standards on Section 66323 ADUs beyond what is authorized in state law.

DISCUSSION

[1] https://berkeley.municipal.codes/BMC/23.306

Assembly Bill 1033 and ADU Condominiums

AB 1033 Local Ordinance Requirements
AB 1033 allows a city to adopt a local ordinance permitting separate sale of the primary dwelling and one or more ADUs as condominiums. To do so, the local ordinance **must** include the following components:

- Compliance with:
  - the Subdivision Map Act;
  - the Davis-Stirling Act (the state law that regulates condominiums); and
  - the City's Subdivision Ordinance (Title 21).
- A procedure to obtain lienholders' consent (i.e., the property owner must get the mortgage lender's sign-off before a separate sale would be permitted).
- A process to conduct and verify a safety inspection. Obtaining a Certificate of Occupancy from the city, or obtaining an inspection report from a HUD-certified inspector are two of the most common approaches to meeting this requirement.
- Mandatory consumer disclosures regarding lender requirements.

If an ADU is tenant-occupied and the property owner seeks to sell the ADU as a separate condominium under an AB 1033 ADU Condominium Ordinance (once the city adopts it), the city may require that a tenant receive a right of first refusal. If the city were interested in implementing an ordinance with a right of first refusal requirement, an AB 1033 ADU Condominium Ordinance could treat ADU condos the same as typical condos under the city's own Condo Conversion Ordinance (BMC Chapter 21.28)[2], or it could include different requirements for the conversion of ADUs to condos.

Existing City Regulations Governing Condominiums

Existing Subdivision Ordinance (BMC Title 21 (Subdivisions))[3]

BMC Title 21 (Subdivisions) was enacted for the purpose of adopting regulations to implement and supplement the State's Subdivision Map Act. Title 21 includes:

- A ministerial process for the creating a Parcel Map for four or fewer parcels or condo units;
- A discretionary process for Tentative Maps for creating five or more parcels or condo units;
- Condo conversion regulations; and
- Design requirements, procedures for lot line adjustments and subdivision improvement requirements.

Existing Condominium Conversion Ordinance (BMC Chapter 21.28)[4]

[2] https://berkeley.municipal.codes/BMC/21.28
[3] https://berkeley.municipal.codes/BMC/21
[4] https://berkeley.municipal.codes/BMC/21.28

Berkeley's Condominium Conversion Ordinance lays out the procedures, fees, and required tenant protections for applicants proposing to convert existing dwelling units into condominiums. It also includes the city's annual limit on allowable condo conversions.

Generally, BMC Chapter 21.28 requires:

- Payment of a Condo Conversion Mitigation Fee;
- Tenant protections, including notice, relocation assistance, and right of first refusal.

Since 1992, the City of Berkeley has imposed a Condo Conversion Housing Mitigation Fee. Revenues from the fee accrue to the Berkeley Housing Trust Fund to help finance construction and rehabilitation of permanently affordable housing in Berkeley.

The fee is calculated by dividing the difference between the costs of owning the unit as a condominium less the rental costs by the current fixed mortgage rate. The following is an example of a fee calculation from the city's *Residential Condominium Conversion Packet.*[5]

- Rental Costs = $1,500 per month x 12 months/year = $18,000 annually
- Ownership Cost (including principal, interest, taxes, insurance, and homeowners' association dues) = $2,700 per month x 12= $32,400
- Assume a mortgage rate of 6.5 percent.
- Increased housing cost due to ownership conversion of the unit = $32,400 - $18,000 = $14,400
- Mitigation Fee = $14,400/0.065 = $221,538

In addition, Berkeley's Condo Conversion Housing Mitigation Fee is designed to encourage property owners to extend protections to their tenants. Owners providing additional tenant protections specified in the Condo Conversion Ordinance receive a decrease in the amount of the fee, which is capped at 8% of the total sales price, or 4% of the total sales prices for 2-unit properties.

Berkeley Rent Ordinance (BMC Chapter 13.76)[6]

Under Berkeley's Rent Stabilization Ordinance, units with a Certificate of Occupancy issued after June 30, 1980, are generally exempt from rent ceiling controls. Most ADUs

[5] City of Berkeley, *Residential Condominium Conversion Packet*, Updated: July 1, 2022. https://berkeleyca.gov/sites/default/files/documents/Condo%20Packet%2007-01-2022_Posted%20Online.pdf
[6] https://berkeley.municipal.codes/BMC/13.76

fall into this "new construction" exemption, though they still must follow just-cause eviction rules (BMC § 13.76.130).

Policy Questions for Planning Commission Discussion

1) *Regulation of ADU Condos.*

Should ADU condos be treated as any other condominium under Chapter 21.28—including payment of the Condominium Conversion Mitigation Fee, tenant protections, and discretionary approval for five or more units—or should the city create a streamlined path for ADU condominiums (as San Jose does)?

2) *Right of First Refusal.*

Should an AB 1033 ordinance require a right of first refusal for any tenant occupying an ADU that is being sold as a separate condominium? If so, should the right be the same as the current Condo Conversion Ordinance (i.e., one year to respond) or should it include a different timeline for ADU condominiums?

ADU Letter from California Housing and Community Development Department

On May 3, 2024, HCD sent a letter regarding the ADU Ordinance (***Attachment 2***), and the city responded on June 3, 2024 (***Attachment 3***). The letter included a set of findings which called for policy consultation with the Planning Commission, which are included below.

Number of ADUs Permitted

In its letter of May 3, 2024, HCD found that BMC Chapter 23.306 did not permit as many Section 66323 ADUs as required under state law. Currently, Table 23.306-1 (Unit Allowance) permits one ADU and one Junior ADU on a parcel with an existing single-family dwelling. HCD asserted that Government Code Section 66323 permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU, for a total of three Section 66323 ADUs.

This is consistent with the latest *HCD ADU Handbook (January 2025)*[7], which explains that on single-family lots specifically, local agencies must allow Category (a)(1) (converted ADU) and Category (a)(2) (detached ADU) together, plus one JADU (also described in Gov. Code § 66323(a)(1)).

Originally, BMC Section 23.306.020(B) was drafted based on HCD's *December 2020 ADU Handbook*, which stated that the two new ADU/JADU categories under former

[7] California Housing and Community Development Department, *Accessory Dwelling Unit Handbook*, January 2025. https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf

subdivision (e) “are not required to be combined.” At that time, it appeared an applicant seeking to build both an ADU and a JADU would have to choose between a single-family ADU+JADU “conversion configuration” or “detached configuration,” rather than do both. However, in July 2022, HCD updated its guidance to clarify that the four statutory categories of ADUs “may be combined”—meaning a local government “must allow (A) and (B) together or (C) and (D) together.”

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to clearly allow up to three units on a single-family property: one interior/converted ADU, one detached new-construction ADU, and one JADU?

Conversion of Accessory Structures

In its letter of May 3, 2024, HCD found that the city must amend the BMC to remove the words “legally established” from BMC Section 23.306.030(A)(3), related to the conversion of accessory structures.

BMC Section 23.306.030(A)(3) states “An ADU converted from a legally established accessory building or accessory structure is allowed to maintain non-conformity to the same location and dimensions of the existing accessory building or accessory structure….”

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to remove the requirement that an accessory building or structure be “legally established” to be eligible for conversion to an ADU?

JADUs and Enclosed Uses

BMC Section 23.306.030(B) allows JADUs “within an existing or proposed single family dwelling or its attached garage….” It is later defined in Section 23.502.020(A)(4)(a) as, “A unit that is contained entirely within the walls of an existing or proposed single family dwelling, or a single-family dwelling unit’s attached garage.”

In its letter of May 3, 2024, HCD found that Government Code Section 66333 provides a broader allowance, stating “For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence,” and that the BMC must allow JADUs in other enclosed uses not limited to the single-family residence and an attached garage.

City staff interprets the existing BMC language to already include other enclosed areas of the single-family dwelling. Specifically, the BMC definition of “accessory uses” (BMC Section 23.502.020(B)(2)(a)) is broad and extends beyond just the attached garage (e.g., storage rooms, basements). There is no instance staff could envision where an enclosed space would be excluded from conversion under the current definition.

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to explicitly expand eligibility to all “enclosed uses”?

Deed Restriction

BMC Section 23.306.040 states that "A completed [ADU] application must include evidence of compliance with this Chapter, including development standards, deed restrictions, and neighborhood noticing."

In its letter of May 3, 2024, HCD found Government Code section 66317, states, "No local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this section," and therefore the city may not condition approval of an ADU application on the recordation of a deed restriction.

Under the ADU Ordinance, the requirement that a deed restriction be recorded is not a condition of approval; it is a requirement for a completed application. City staff does not interpret this provision as allowing the city to delay or deny a permit solely for lack of a recorded deed restriction.

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to remove the deed restriction requirements for a completed application?

JADU Rental Term

BMC Section 23.306.040(C)(3) states that a JADU cannot be rented for a term that is shorter than 30 days. In its letter of May 3, 2024, HCD found that while Government Code section 66333 allows the city to adopt an ordinance to provide for the creation of JADUs, and includes the provisions that can be included in the ordinance, the provisions do not include requiring a minimum rental term of 30 days. Therefore, HCD states that the 30-day rental term minimum for JADUs must be removed. The current 30-day minimum rental term for ADUs complies with state law.

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to remove the 30 days minimum rental term for JADUs?

Senate Bill 1211

SB 1211 (signed on September 19, 2024) allows up to eight detached ADUs on a lot with an existing multifamily dwelling (subject to certain limits). Staff intends to incorporate this statutory update into the upcoming State Law and Technical Edits (SLTE) Zoning Amendments package that will come before the Planning Commission for public hearing this Spring.

SB 1211 also includes a provision which prohibits the City from imposing objective development or design standards on Section 66323 ADUs beyond what is authorized in state law. There are two provisions in the BMC which may conflict with this provision.

1) *ADUs in the Front Setback*: BMC Chapter 23.306.030(A)(4) prohibits the placement of ADUs in the front setback unless the only location on a lot that can accommodate an

800 square foot ADU is within the front setback. The section also includes specific front setback requirements that apply only to ADUs that qualify to be located within the front setback. State law currently permits only the establishment of side and rear setbacks for Section 66323 ADUs, not front setbacks. SB 1211 could be interpreted to limit the city's ability to prohibit Section 66323 ADUs in the front setback even if an ADU could be located elsewhere on a lot.

2) *ADU Building Separation*: BMC Chapter 23.306.030(A) includes basic development standards for ADUs, which include building separation standards. State law currently only permits the establishment of side and rear setbacks for Section 66323 ADUs. There is no provision for the establishment of building separation standards, nor is there any explicit prohibition. The building separation requirement was adopted by the City Council to address concerns about fire safety and firefighter access to buildings on a property. State law provides the establishment of side and rear setbacks "for fire safety," but does not specifically mention building separation requirements for Section 66323 ADUs.

Question for the Planning Commission: Should BMC Chapter 23.306.030 be amended to remove the front setback and building separation provisions for Section 66323 ADUs, or should those provisions be removed for all ADUs?

ENVIRONMENTAL REVIEW

There are no identifiable environmental effects or opportunities associated with this informational report.

NEXT STEPS

Staff is currently reviewing HCD's comments and exploring policy options to meet state requirements, particularly regarding separate ADU conveyance and other statutory changes. With Planning Commission's input, we will incorporate them into draft amendments, solicit public feedback, and move forward with the required steps for final adoption of any Zoning Ordinance amendments.

CONTACT PERSON

Branka Tatarevic, Planning and Development Department, 510-981-7472

ATTACHMENTS

1. Referral to Implement AB 1033
2. HCD ADU Ordinance Review Letter
3. City's Response to HCD's Letter
4. San Jose ADU Condominium Ordinance

ATTACHMENT 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

AMENDMENTS TO TITLE 21 (SUBDIVISIONS) TO ALLOW SEPARATE SALE OF ACCESSORY DWELLING UNITS

The public may participate in this hearing by remote video or in-person.

The Department of Planning and Development is proposing an Ordinance to adopt proposed amendments to Title 21 (Subdivisions Ordinance) to implement Assembly Bill (AB) 1033 to establish local regulations for the separate sale of ADUs as condominiums.

The hearing will be held on December 2, 2025 at 6:00 pm in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 20, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Branka Tatarevic, Associate Planner at 510-981-7472.

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: November 21, 2025 – The Berkeley Voice
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 November 20, 2025.

_____

Mark Numainville, City Clerk

Office of the City Manager

INFORMATION CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Economic Impact Study: *Berkeley's Creative Economy and Assessment of Pandemic Relief Investments*

SUMMARY

This report transmits two economic analyses commissioned by the City of Berkeley and conducted by CVL Economics: (1) *Berkeley Creative Economy Economic Impact Analysis*, which examines the current state and contributions of Berkeley's arts sector, and (2) an *Assessment of Berkeley Arts & Culture Pandemic Relief and Recovery Funding*, which evaluates the City's investments in the cultural sector from 2020 to 2022 (Attachments 1 and 2).

The creative economy refers to industries whose primary purpose is cultural expression, artistic content, design, and creativity, such as visual and performing arts; architecture and design; entertainment and digital media; publishing and printing; communication design; arts education; and other creative fields. The City's $3 million pandemic relief investment during the years of 2020-2022 was essential, as organizations reported that these funds prevented closures and layoffs during the crisis, it is estimated that every dollar of pandemic relief funding distributed leveraged approximately $5.64 in sustained economic activity for arts and culture in Berkeley.

CURRENT SITUATION AND ITS EFFECTS

Supporting Berkeley's creative economy advances our Strategic Plan goals to foster a dynamic, sustainable, locally based economy, and champion and demonstrate social and racial equity. The City of Berkeley is home to over 150 active arts and culture *nonprofits* offering diverse theater, music, festivals, dance, visual arts, and more. These nonprofits vary significantly in size, educational offerings, and creative disciplines, and include nationally recognized theaters, music venues, galleries, dance studios, and maker spaces. The City of Berkeley is also home to a wide range of independent artists and artisans operating on smaller scales, producing fine arts and crafts. Berkeley has long recognized the importance of arts and culture to the economic health, vitality, and diversity of the local economy and commercial districts, as local arts and cultural organizations generate revenue, create jobs, and improve quality of life, which in turn generates business revenue and tourism.

From 2020 to 2024, Berkeley's cultural sector was severely impacted by the pandemic. The creative economy, which grew 16% from 2014 to 2018 (outpacing San Francisco and Oakland), contracted sharply during the pandemic. In response to the pandemic, the City of Berkeley provided more than $3 million in relief and recovery grants for arts organizations, festivals, and artists. These funds helped prevent permanent venue closures, sustained creative practices, and ultimately helped Berkeley's cultural sector weather the acute impacts of the pandemic. However, of the 88 arts organizations that received relief funding from the City of Berkeley between 2020 and 2022, 17 have since closed, including two major institutions with budgets over $3 million.

Despite these losses, the arts sector remains important to Berkeley's economic vitality and civic identity today. Berkeley's creative economy accounts for 7.6% of total city employment and when multiplier effects are included, is much higher than Oakland (4.2%), San Jose (2.5%), and the statewide average (4.8%). The sector's structure reflects both its social benefit orientation and economic vulnerability: about 30% of Berkeley's 650 creative economy businesses are nonprofits (compared to 11% across all industries), and nearly 70% of the creative workforce is self-employed or gig workers.

BACKGROUND

In December 2024, Council authorized a contract with CVL Economics in an amount not to exceed $119,300 for analysis of pandemic arts recovery investments and the economic impact of the arts in Berkeley (Resolution No. 71,612-N.S.). CVL Economics was selected through a competitive Request for Proposals process, and the contract was funded entirely with a portion of the American Rescue Plan Act (ARPA) funds that Council had designated for the arts in 2021.

In response to the COVID-19 pandemic's economic impacts on the arts sector, the City of Berkeley made two substantial funding allocations totaling $3 million dollars:

1. ***Arts Continuity Grants*** (April 2020): The City allocated $1 million from the catastrophic reserve fund to create the *Arts Continuity Grant Program*, awarding emergency relief grants to arts organizations whose revenues were significantly impacted by the pandemic.

2. ***Berkeley Arts Recovery Grants*** (December 2021-February 2022): Council allocated $2 million in ARPA dollars to support Berkeley's arts sector recovery, with the *Berkeley Arts Recovery Grant Program (BARG)* distributing grants to organizations, festivals, and individual artists to help them sustainably recover from negative economic impacts of the pandemic.

Economic Impact Study Findings

In 2025, CVL Economics conducted a comprehensive economic impact analysis of Berkeley's creative economy, updating the 2017 *Economic Impact Report* that was developed in conjunction with the *Arts and Culture Plan Update 2018-2027*. The current

study examines the economic impact of Berkeley's "creative economy" comprising eight creative subsectors: Visual & Performing Arts (56% of creative jobs), Architecture & Design (11%), Entertainment & Digital Media (10%), Publishing & Printing (7%), Communication Design (6%), Post-Secondary Arts Education (5%), Creative Goods & Decorative Arts (4%), and Fashion (2%).

Key findings include:

- **Direct employment**: Berkeley's creative economy directly employs 8,186 workers, accounting for 7.3% of its total workforce of 111,640 jobs

- **Visitor spending**: A sample of 37 Berkeley arts organizations attracting 1.4 million annual visitors generates an estimated $56 million in ancillary spending at local businesses ($30 million at food and drink establishments, $7.6 million at retail, $7.2 million on transportation, $3.5 million on lodging)

The study also shows that Berkeley's creative economy declined year-over-year since 2020, despite pre-pandemic growth. Berkeley's arts sector is especially vulnerable due to its high concentration of Visual & Performing Arts organizations and gig workers and hosting a larger share of nonprofits than other industries in Berkeley.

Pandemic Relief Assessment Findings
Between 2020 and 2022, the City of Berkeley awarded over $3 million in pandemic relief and recovery grants through five distinct programs: two rounds for organizations (Arts Continuity Grants 2020: $954,543 to 63 organizations; Berkeley Arts Recovery Grants (BARG) 2022: $1,532,345 to 74 organizations) and three rounds for artists (East Bay/Oakland Relief Fund 2020: $64,500 to 47 Berkeley artists; Berkeley Art Works Projects 2021: $182,339 to 32 artists; BARG for Artists 2022: $276,250 to 114 artists).

Key findings include:

- **Critical funding**: Nearly 90% of BARG and 83% of Arts Continuity Grant recipients rated Berkeley pandemic relief and recovery grants as either "very helpful" or "essential."

- **Critical timing**: Arts Continuity Grants served as an immediate lifeline in April 2020, often arriving before federal, state, or county programs, helping organizations avoid layoffs (85%) and closures (84%) and BARG offered stabilization helping organizations with longer-term planning and adaptation with (48%) crediting the funds with helping them stabilize and make strategic changes.

- **Equity outcomes**: These grants not only addressed economic precarity, but also advanced racial and cultural equity by centering investments in artists and organizations that have been historically excluded from opportunities and are working with communities disproportionately impacted by the pandemic.

- **Economic preservation**: Every $1 of pandemic relief leveraged at least $5.64 in sustained arts and culture economic activity locally, helping safeguard local economic activity that otherwise would have been lost.

In 2025, surviving arts organizations in Berkeley continue to face challenges five years after the start of the pandemic. Median revenue is 9% below pre-pandemic levels and larger institutions report revenues that are 33% below 2019 benchmarks. Financial sustainability, rising costs, and competition for limited funding remain top concerns of Berkeley's arts organizations. Of the 17 arts organizations that closed between 2020 and 2025, both small and large budget organizations were affected, indicating no segment was fully insulated from pandemic impacts. Currently, Berkeley's arts and culture sector faces higher costs and reduced audiences, with some nonprofits operating at a loss. Ongoing challenges include inflation, decreased subscription sales, and continued audience reluctance to return to venues due to COVID-19 concerns.

Additional City Support for Art

Beyond Civic Arts Grants, the City provides substantial investment in the arts through its Public Art Program, funded mainly through "Percent for Art" or Public Art ordinances that dedicate portions of capital project budgets and in-lieu fees from private developers to public art in Berkeley. Annual expenditures on public art projects funded in this manner have ranged from $276,656 to $923,475 per year over the past five years. Because these allocations are tied to specific artworks and capital improvements rather than flexible operating support, they are not included in the return on investment analyses presented in Attachments 1 and 2 of this report.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental or climate impacts were identified in these studies.

POSSIBLE FUTURE ACTION

These analyses offer evidence to inform future policy decisions regarding but not limited to:

- **Sustained investment**: Recognizing the creative economy as essential economic sector requiring ongoing support, not just emergency intervention
- **Structural vulnerability mitigation**: Addressing affordability challenges, gig workforce precarity, and declining audiences
- **Program Allocations**: Leveraging past demonstrated return on investment to inform resource allocation decisions in the future

The results of these studies will guide Berkeley's future investments and program design for artistic and cultural support in the years to come.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

This is an informational report with no immediate fiscal impact. Future policy actions based on these studies will likely require further detailed fiscal analysis.

CONTACT PERSON
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Attachments:
1. *Berkeley Creative Economy Economic Impact Analysis* (CVL Economics, 2025)
2. *Assessment of Berkeley Arts & Culture Pandemic Relief and Recovery Funding* (CVL Economics, 2025)

Berkeley Creative Economy Economic Impact Analysis

DECEMBER 2025



CVL ECONOMICS



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KEY FINDINGS

The City of Berkeley's creative economy represents a vital economic force that extends far beyond traditional notions of arts and culture. The creative economy consists of industries whose primary purpose is to produce or enable cultural expression, artistic content, design, and other creative goods and services.

It spans across eight distinct subsectors: Visual & Performing Arts, Architecture & Design, Entertainment & Digital Media, Publishing & Printing, Communication Design, Post-Secondary Arts Education, Creative Goods & Decorative Arts, and Fashion. Despite facing significant pandemic-related challenges, these subsectors continue to generate substantial economic activity, support thousands of jobs, and contribute meaningfully to Berkeley's fiscal health. This analysis examines how the sector has weathered the pandemic's disruptions and quantifies its current economic contributions. The findings summarized below provide essential data for policymakers, arts organizations, and community stakeholders working to chart a sustainable path forward for the arts and culture sector in Berkeley.

BUSINESS COUNTS

As of 2025, there are approximately 650 creative economy businesses in Berkeley (out of 12,800 total businesses), about 30% of which are nonprofit organizations.

There are 193 creative economy nonprofit organizations in the City of Berkeley. This share is notably high compared to the share of nonprofits across all industries (11%) in the city.

EMPLOYMENT TRENDS

In 2024, Berkeley's creative economy directly employed 8,186 workers, accounting for 7.3% of its total workforce of 111,640 jobs.[1]

Visual & Performing Arts is by far the largest subsector, accounting for more than half of all jobs (4,567 jobs, or 55.8% of the creative economy workforce). Other significant subsectors include Architecture & Design (908 jobs; 11.1%), Entertainment & Digital Media (791 jobs; 9.7%), and Publishing & Printing (562 jobs; 6.9%). Communication Design (495 jobs; 6.0%), Post-Secondary Arts Education (377 jobs; 4.6%), Creative Goods & Decorative Arts (325 jobs; 4.0%), and Fashion (161 jobs; 2.0%), comprise smaller shares but are still notable.

Nearly 70% of Berkeley's 8,186 creative economy workers are self-employed or gig-based, underscoring the sector's reliance on non-traditional work arrangements.

While project-based creative work fosters innovation and independence, it also often comes with irregular income and limited protections. This pattern is most pronounced in the Visual & Performing Arts subsector, where 84% of jobs are self-employed or gig-based, while fields like Architecture & Design and Entertainment & Digital Media lean more on salaried roles with more dependable hours and predictable schedules.

Berkeley's creative economy employment surged in the years before the pandemic, but current employment levels remain 17% below the 2018 peak. Berkeley's creative economy employment has declined year after year, while other neighboring cities have regained some ground.

After peaking with 9,850 creative economy jobs in 2018, Berkeley's 2024 total of 8,186 jobs has fallen back to roughly its 2013 level of 8,160 jobs.

Between 2014 and 2018, Berkeley's creative economy employment grew 16%, outpacing industry growth in San Francisco (12%), San Jose (10%), and Oakland (4%). That momentum, however, was abruptly cut short in early 2020. While all Bay Area creative economies contracted with the onset of the pandemic, Berkeley's downturn has proven far more persistent. San Francisco and San Jose have since regained some of their losses, but Berkeley's creative economy employment has continued to decline through 2024.

1 Job count includes salaried (full- and part-time), self-employed, and gig workers. Within this, Berkeley's salaried workforce accounted for 2,574 jobs in the creative economy and 68,126 jobs across the overall economy in 2024.

Berkeley's creative economy decline also sits in contrast to the city's overall economy, which, on average, has mostly recovered from the pandemic.

The city's overall economy sits about 3% above its 2019 employment level. By contrast, the city's creative economy remains 13% below its pre-pandemic baseline.

This divergence reflects the unique composition of Berkeley's creative economy, which comprises a relatively high concentration of Visual & Performing Arts employment, a sector that relies heavily on live, in-person activity, gig and contract work, and nonprofit structures—factors that made it more vulnerable to prolonged disruption.

Berkeley's creative sector is heavily concentrated in Visual & Performing Arts (56%), reflecting a reliance on live, in-person activity and gig or contract work within a nonprofit-heavy structure. By contrast, San Francisco leans more toward Entertainment & Digital Media (38%), driven by streaming, software publishing, and broadcasting.

Still, today, Berkeley maintains a greater share of creative economy employment relative to its total workforce than Oakland, San Jose, and California overall, and is only slightly below San Francisco.

Berkeley's 7.3% creative economy share of its total workforce is a higher concentration than in Oakland (4.2%), San Jose (2.5%), and California overall (4.8%), but trails San Francisco (7.6%).

THE ECONOMIC AND FISCAL IMPACT OF BERKELEY'S CREATIVE ECONOMY

Berkeley's creative economy is an essential part of the city's economy.

Even in a weakened state, Berkeley's creative economy remains a critical driver of the City's economic activity. Its impact ripples throughout the economy as arts organizations purchase goods and services, and workers spend their earnings locally, sustaining activity across many industries **(multiplier effect)**. Some of this spending "leaks" beyond city borders to suppliers and markets in other parts of the East Bay (Alameda and Contra Costa Counties), where the total impact grows even larger **(regional spillover effect)**. Together, these multiplier and spillover effects underscore the creative sector's role as both a local driver and a regional economic force.

In 2024, including multiplier effects in other industries, Berkeley's creative economy generated a total impact of 8,437 jobs (7.6% of total jobs), $537.5 million in labor income (5.7% of total labor income), and $1.0 billion in contributions to city gross regional product (value added), or approximately 7.9% of the total citywide.

In other words, each creative job in Berkeley generated about $66,000 in labor income, and $125,000 in value added (contributions to Berkeley's gross regional product) citywide.

An additional 5,605 jobs were supported by Berkeley's creative economy in other parts of the East Bay beyond city limits. This represents the spillover effect of Berkeley's creative economy—spending that originates in Berkeley but flows outward to suppliers, contractors, and consumer markets elsewhere in the region.

In 2024, every $1 of Civic Arts Grant funding to Berkeley's organizations, festivals, and individual artists catalyzed $197 in total economic activity across the city.

In FY2024, the City of Berkeley awarded $698,782 to 97 Berkeley arts and culture organizations, festivals, and individuals. This support underpinned the operations of 86 organizations and festivals (collectively generating over $130 million in operating revenue), as well as 11 artists through arts works projects.

Overall, the City's investments helped drive about 7.5% of the total economic activity ($1.8 billion) generated by Berkeley's creative economy.

Based on data from 37 Berkeley arts and culture nonprofit organizations, visitors to these institutions generate approximately $56 million in additional local spending each year across other sectors of the city's economy.

These 37 arts and culture organizations collectively attract about 1.4 million attendees annually, whose event-related spending extends well beyond tickets to these institutions—including nearly $30 million at nearby food and drink establishments, $7.6 million at retail stores, $7.2 million on local transportation, and $3.5 million on lodging.

In 2024, Berkeley's creative economy had a hand in generating $10.7 million in tax revenues, representing 3.9% of the City's tax base.

In FY2024, Berkeley's creative economy, including the impact of multiplier effects, contributed $4.6 million in property taxes, $2.9 million in sales taxes, and $3.2 million in various other taxes to the City.



INTRODUCTION

Berkeley's creative economy is central to local prosperity, but it also stands at a critical juncture. While creative industries nationwide continue to demonstrate remarkable resilience and growth, Berkeley's own arts and culture sector faces significant headwinds that threaten its role as both an economic driver and a cornerstone of the city's cultural identity.

The COVID-19 pandemic took a significant toll on Berkeley's creative economy, and its recovery has diverged from the growth patterns that once positioned Berkeley as a regional creative economy leader. Understanding both the current contributions and the emerging challenges facing this sector is essential for arts administrators, policymakers, arts organizations, and community stakeholders working to chart a sustainable path forward.





DEFINING THE CREATIVE ECONOMY

The creative economy refers to the industries whose primary purpose is to produce or enable cultural expression, artistic content, design, and other creative goods and services. The creative economy encompasses a wide range of industries that fall within eight subsectors where cultural expression, design, and creative innovation are central to economic value. As defined in Figure 1, these subsectors are Visual & Performing Arts, Architecture & Design, Entertainment & Digital Media, Publishing & Printing, Communication Design, Post-Secondary Arts Education, Creative Goods & Decorative Arts, and Fashion.[2]

FIGURE 1: CREATIVE ECONOMY SUBSECTORS

SUBSECTOR	DESCRIPTION
VISUAL & PERFORMING ARTS	Entities engaged in services such as dance and theater companies, art dealers, museums, and activities involving independent artists, writers, and performers.
ARCHITECTURE & DESIGN	Entities providing architectural, drafting, interior design, industrial design, and landscape design services.
ENTERTAINMENT & DIGITAL MEDIA	Entities engaged in motion picture and video production, post-production services, sound recording studios, radio broadcasting, and digital streaming platforms.
PUBLISHING & PRINTING	Entities producing commercial printing, book printing, and publishing of books, periodicals, newspapers, directories, and mailing lists.
COMMUNICATION DESIGN	Entities engaged in graphic design, advertising agencies, photography studios, and commercial photography services.
POST-SECONDARY ARTS EDUCATION	Entities providing arts instruction in dance, drama, music, and visual arts (excluding institutions that grant diplomas or degrees).
CREATIVE GOODS & DECORATIVE ARTS	Entities producing ceramics, household furniture, rugs, decorative objects, toys, and games.
FASHION	Entities engaged in textile and apparel manufacturing, jewelry and silverware production, and related fashion goods and services.

Source: CVL Economics.

2 See Appendix A.1 for detailed list of industry classification codes.



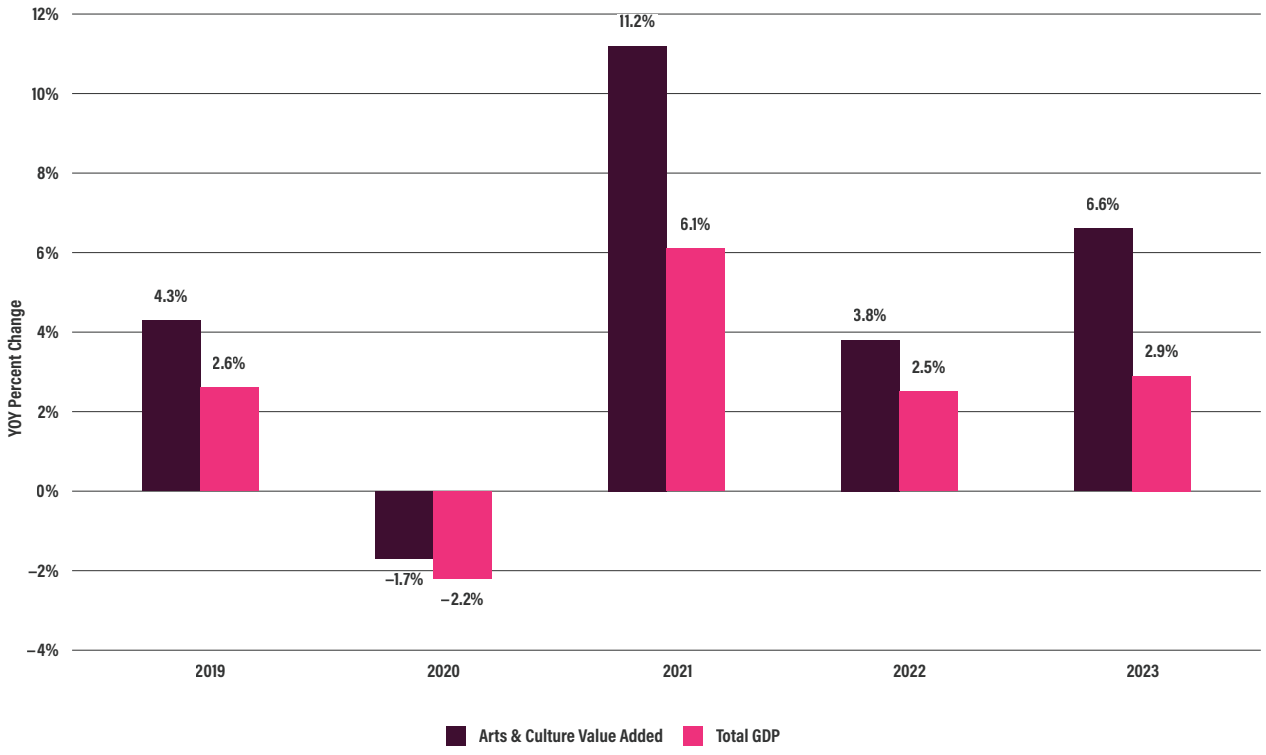
ECONOMIC CONTEXT: THE NATIONAL AND STATE PICTURE OF THE CREATIVE ECONOMY

The creative economy has emerged as one of the most dynamic and resilient sectors in the U.S. economy, consistently demonstrating its capacity to drive growth and innovation. Far from being peripheral to economic development, the creative industries have proven themselves to be fundamental engines of prosperity, generating substantial employment, income, and economic output across communities nationwide—often outpacing the broader economy.

In fact, nationwide growth of real value added (contribution to gross domestic product) generated by the Arts & Culture sector[3] has consistently outperformed that of the overall U.S. economy each year since 2019 (Figure 2). In 2019, the sector grew 4.3% compared to the year prior, well ahead of the 2.6% increase in total U.S. gross domestic product (GDP). Even at the onset of the pandemic in 2020, nationwide Arts & Culture value added declined by just 1.7%, less than the overall economy's 2.2% contraction. The rebound that followed was especially striking: in 2021, Arts & Culture surged by 11.2%, nearly double the growth rate of total GDP. Growth continued in subsequent years, expanding by 3.8% in 2022 and 6.6% in 2023, again outpacing the national economy.

3 "Arts & Culture" as defined by the U.S. Bureau Economic Analysis.

FIGURE 2: NATIONWIDE YEAR-OVER-YEAR PERCENT CHANGE IN ARTS & CULTURE CONTRIBUTION TO GROSS DOMESTIC PRODUCT (REAL VALUE ADDED) VS. TOTAL U.S. GROSS DOMESTIC PRODUCT (GDP)

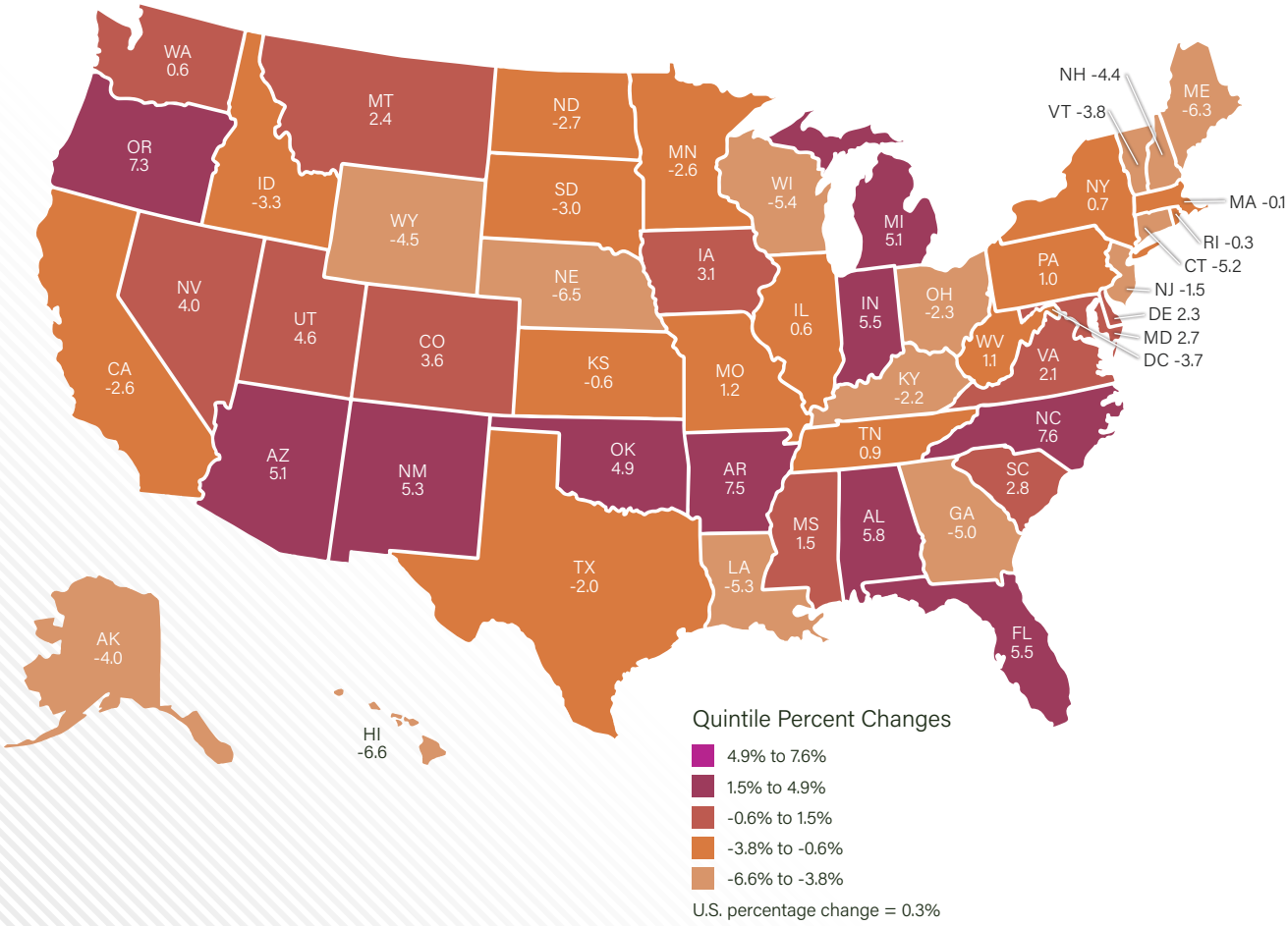


Source: U.S. Bureau of Economic Analysis Arts and Culture Satellite Account, CVL Economics.

While the national picture underscores the strength of the overall Arts & Culture sector, only some states are reaping the benefits—and California is not one. Many states posted strong gains in arts and cultural employment between 2022 and 2023 (Figure 3). North Carolina (+7.6%), Oregon (+7.3%), Florida (+5.5%), and New Mexico (+5.3%) were among the top performers, with other states like Arizona, Nevada, and Colorado showing decent growth. Washington and New York experienced minimal, but still positive growth in Arts & Culture employment.

California, by contrast, saw a 2.6% decline in Arts & Culture employment. This relative decline is striking for a state often regarded as a global hub for creativity and culture, and it signals a growing disconnect between California's reputation and its current trajectory. Historically, the arts and creative industries have been central to California's rise as a global economic powerhouse—anchored by industries like film, music, design, theatre, and digital media that helped define the state's economic strength. Yet today, the very sector that once symbolized California's competitive edge faces mounting challenges: high costs of living and doing business, policy barriers, outmigration of talent, and increasing incentives (e.g., tax breaks) offered by other jurisdictions.

FIGURE 3: PERCENT CHANGE IN ARTS & CULTURE EMPLOYMENT BY STATE | 2022–2023



Source: U.S. Bureau of Economic Analysis.

This broader statewide decline provides an important backdrop for understanding Berkeley's own creative economy. As California struggles with high costs, policy hurdles, and growing competition from other states, local communities are feeling these pressures acutely—and Berkeley is no exception.

CREATIVE ECONOMY LANDSCAPE ANALYSIS

Berkeley's creative economy is both broad in scope and deeply embedded in the city's identity. As of September 2025, the City of Berkeley recorded 650 active business licenses in the creative sector industries, accounting for about 5% of all active licenses (12,783) in the city.[4] [5] These counts include private and nonprofit corporations, sole-ownerships, partnerships, and cooperatives.

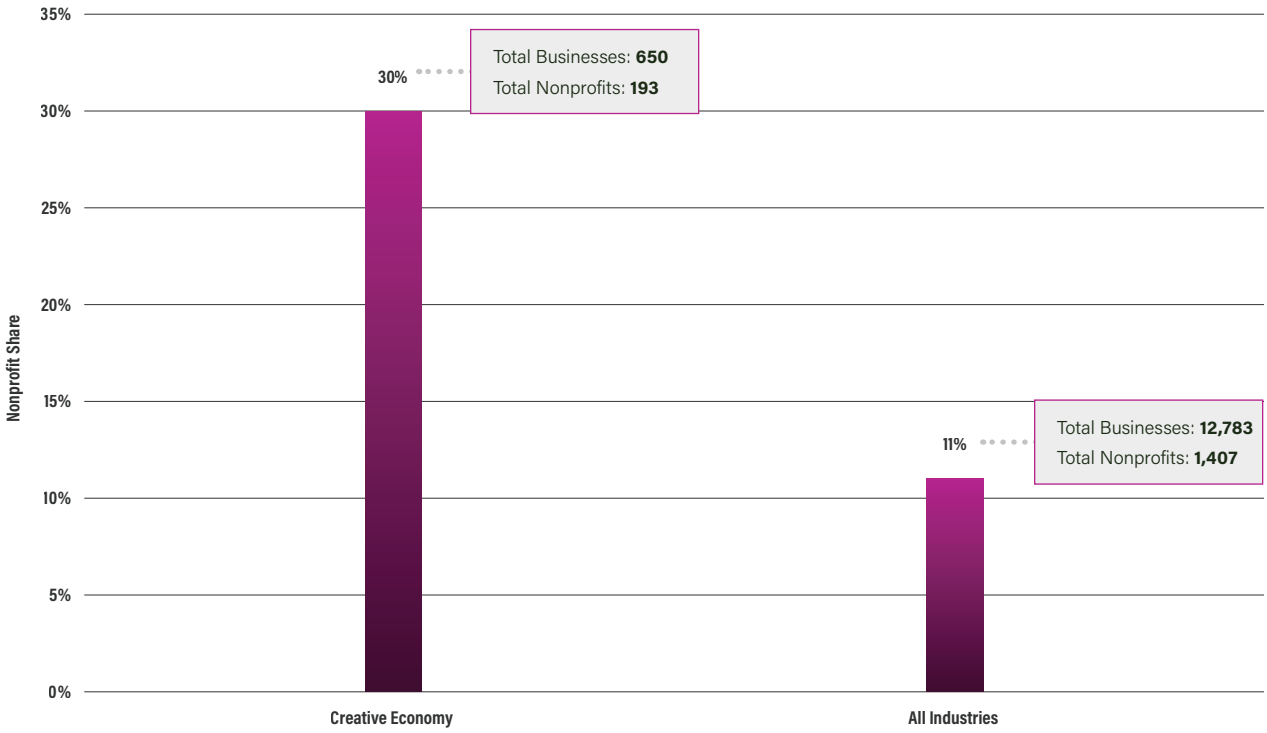
The nonprofit sector plays a particularly prominent role in Berkeley's creative economy compared to other industries. Analysis of Internal Revenue Service tax-exempt filings alongside local business license data shows that creative fields have a significantly higher share of nonprofit organizations than the citywide average across all industries (Figure 4). In total, nonprofits account for roughly 30% of Berkeley's creative economy organizations, compared to 11% of all businesses citywide.[6] **This structure has important implications: while it reflects the strong civic and cultural mission of Berkeley's creative sector, it also underscores the sector's reliance on contributed income, philanthropy, and public funding.**

4 City of Berkeley. *Business Licenses*. Accessed September 2025. https://data.cityofberkeley.info/Business/Business-Licenses/rwnf-bu3w/about_data.

5 See Appendix A.2 for further details on business count methodology.

6 See Appendix A.2 for further details on business count methodology.

FIGURE 4: SHARE OF NONPROFIT ORGANIZATIONS IN BERKELEY'S CREATIVE ECONOMY VS. ALL INDUSTRIES | 2025



Source: City of Berkeley Active Business License Data, Internal Revenue Service, CVL Economics.

CREATIVE ECONOMY EMPLOYMENT

In 2024, Berkeley's creative economy employed 8,186 jobs (Figure 5). Within the creative workforce, Visual & Performing Arts is by far the largest subsector, accounting for more than half of all jobs (55.8%). Other significant subsectors include Architecture & Design (11.1%), Entertainment & Digital Media (9.7%), and Publishing & Printing (6.9%). Smaller subsectors include Communication Design (6.0%), Post-Secondary Arts Education (4.6%), Creative Goods & Decorative Arts (4.0%), and Fashion (2.0%). Together, these fields form a dynamic ecosystem that extends well beyond traditional arts organizations—supporting innovation, attracting talent, and fueling the city's broader economic vibrancy.

Forms of Employment

The composition of Berkeley's creative workforce reflects not only the city's sectoral diversity but also the different ways people participate in creative work. As Figure 5 shows, jobs in the creative economy are distributed across three primary categories: salaried (W-2 employees), self-employed workers, and gig-based roles, as defined below.

- **Salaried Employment (W-2)**: Full-time and part-time jobs on payroll who receive a W-2 form, including both those covered by unemployment insurance (UI) programs (captured in the Bureau of Labor Statistics' Quarterly Census of Employment and Wages, or QCEW) and those not covered by UI programs (non-QCEW, such as certain small nonprofits, religious organizations, and others).

  Examples: *a full-time museum administrator, or a part-time stage manager employed by a theater.*

- **Self-Employed:** Individuals who work for themselves and are not on a payroll. This category is measured using IRS tax filings and Bureau of Economic Analysis proprietorship data and includes sole proprietors, freelancers, and independent contractors who typically file Schedule C income.

  Examples: *a freelance graphic designer running their own studio, or an independent architect who takes on client projects as their main source of income.*

- **Gig Employment:** A separate measure drawing from additional IRS non-employer filings that fall outside the standard self-employment category. This often includes freelancers, independent contractors, and sole proprietors who take on multiple short-term or project-based jobs. This category captures more contingent or supplemental work activity, often part-time or secondary. Including gig work is essential to understanding Berkeley's creative economy, where it represents a significant share of the arts and culture workforce.

  Examples: *an artist selling work occasionally on Etsy while holding another job, or a musician performing in one-off gigs or short-term productions while holding another source of employment.*

Each type of work carries its own opportunities and challenges, and together they form the backbone of Berkeley's cultural and creative ecosystem. In Berkeley, this dynamic is particularly visible in the Visual & Performing Arts subsector, where over 84% of jobs are self-employed or gig-based. By contrast, fields like Architecture & Design or Entertainment & Digital Media lean more heavily on salaried employment, providing relatively greater stability. Sectors such as Publishing & Printing, Communication Design, and Post-Secondary Arts Education fall in between, with a mix of W-2, self-employed, and gig roles that together illustrate the hybrid nature of creative work.

FIGURE 5: CREATIVE ECONOMY SUBSECTOR EMPLOYMENT COUNT BY WORKER TYPE IN BERKELEY | 2024

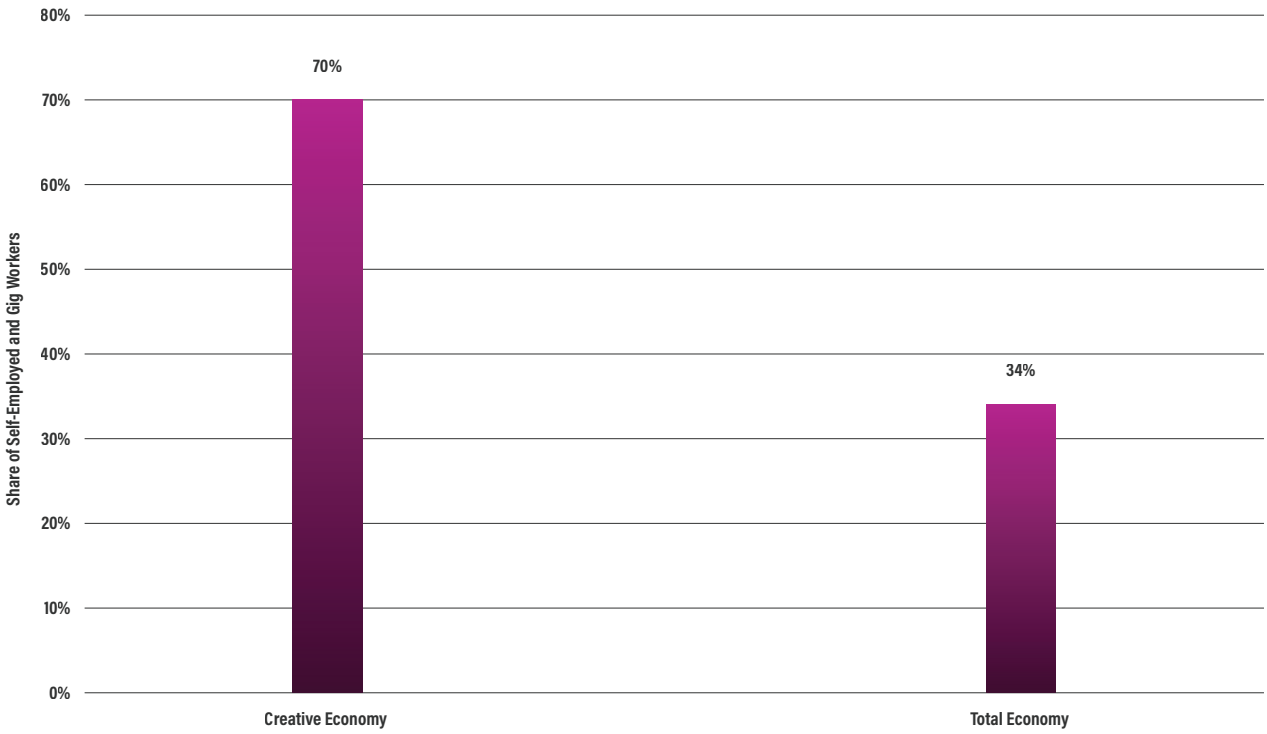
CREATIVE ECONOMY SUBSECTOR	SALARIED (W-2)	SELF-EMPLOYED	GIG	TOTAL	SHARE OF CREATIVE ECONOMY TOTAL
Visual & Performing Arts	718	827	3,022	**4,567**	**55.8%**
Architecture & Design	534	138	236	**908**	**11.1%**
Entertainment & Digital Media	478	159	154	**791**	**9.7%**
Printing & Publishing	193	43	326	**562**	**6.9%**
Communication Design	105	101	289	**495**	**6.0%**
Post-Secondary Arts Education	174	74	130	**377**	**4.6%**
Creative Goods & Decorative Arts	283	26	16	**325**	**4.0%**
Fashion	89	23	49	**161**	**2.0%**
Total Creative Economy	**2,574**	**1,391**	**4,222**	**8,186**	**-**

Note: Employment counts reflect the number of unique jobs and not individuals. In that sense, one individual can hold multiple jobs and therefore be counted more than once. This dynamic is especially prevalent in the "Gig" work category, where organizational models in industries like Visual & Performing Arts rely heavily on short-term, project-based, or seasonal hiring, and artists and performers often piece together income through multiple jobs.

Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

Unlike many other industries where traditional W-2 employment (salaried, with benefits) dominates, the creative economy is notable for its reliance on non-traditional work arrangements. Artists and creative workers are far more likely than the general workforce to be self-employed or gig-based (Figure 6). In Berkeley, nearly 70% of creative economy workers are self-employed or gig workers compared to 34% across the total economy. This reflects both the flexibility and precarity of the sector: while project-based and freelance work can create room for innovation and independence, it also often comes with irregular income, limited benefits, and less access to worker protections.

FIGURE 6: SHARE OF SELF-EMPLOYED AND GIG EMPLOYMENT FOR CREATIVE ECONOMY AND ALL INDUSTRIES IN BERKELEY | 2024



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

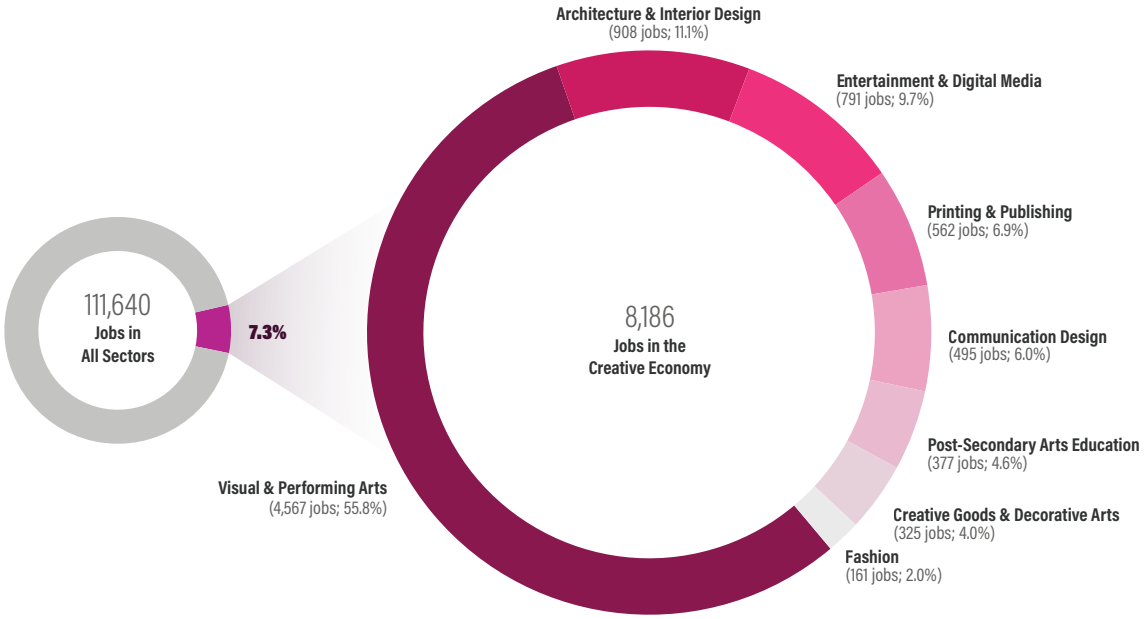
Berkeley's Creative Economy in the City's Broader Economic Landscape

Berkeley's creative economy is a critical part of the city's economic landscape, accounting for a significant share of total employment. While creative economy businesses accounted for 5% of all enterprises, they supported 7.3% of all employment citywide in 2024—8,186 out of the 111,640 total jobs across industries (Figure 7).[7]

Creative economy employment today has been declining year over year since the pandemic, following a period of strong growth in the years prior. From 2010 to 2018, Berkeley's creative sector expanded steadily, adding more than 2,300 jobs and peaking at nearly 9,850 positions (Figure 8). That momentum ended abruptly in 2020, when the pandemic caused steep job losses that erased much of the previous decade's gains. While employment has stabilized somewhat in recent years, 2024 levels remain just over 8,100 jobs—roughly on par with 2013.

7 See Appendix A.3 for detailed documentation of employment counts.

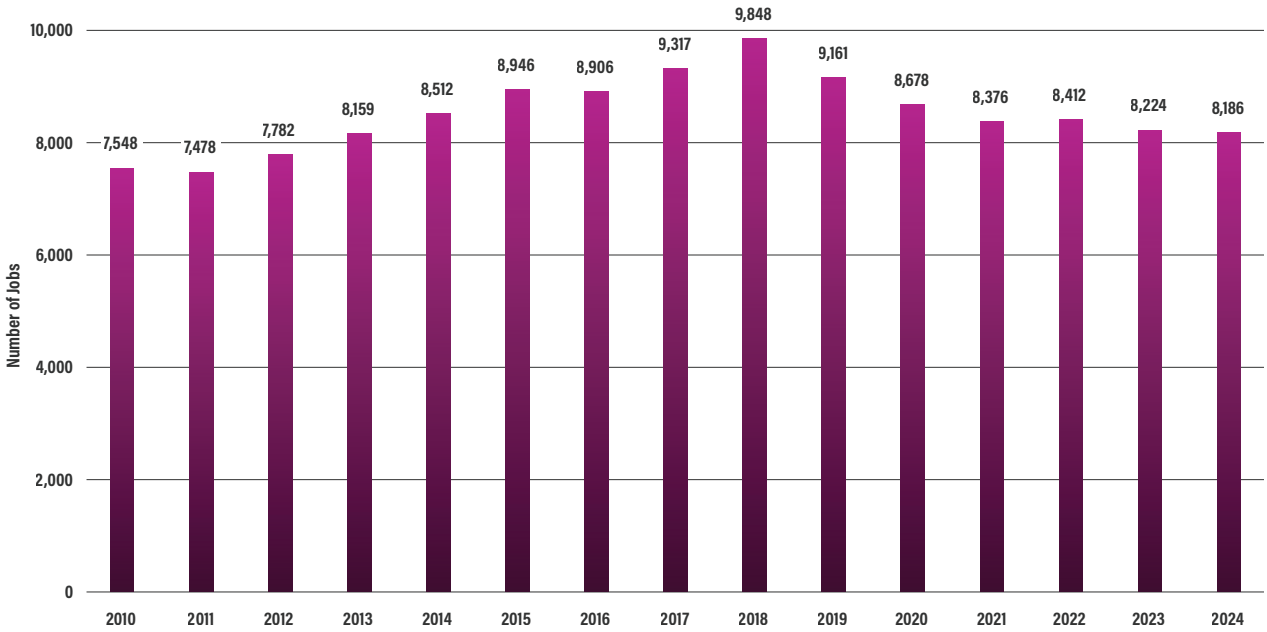
FIGURE 7: COMPOSITION OF CREATIVE SECTOR WORKFORCE IN BERKELEY | 2024



Note: Includes salaried, self-employed, and gig jobs in the creative economy and across all sectors. Employment counts reflect the number of unique jobs and not individuals. In that sense, one individual can hold multiple jobs and therefore be counted more than once. Berkeley salaried (QCEW) jobs total 2,574 in the creative economy and 68,126 in the overall economy.

Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

FIGURE 8: CREATIVE ECONOMY EMPLOYMENT IN BERKELEY | 2010–2024



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

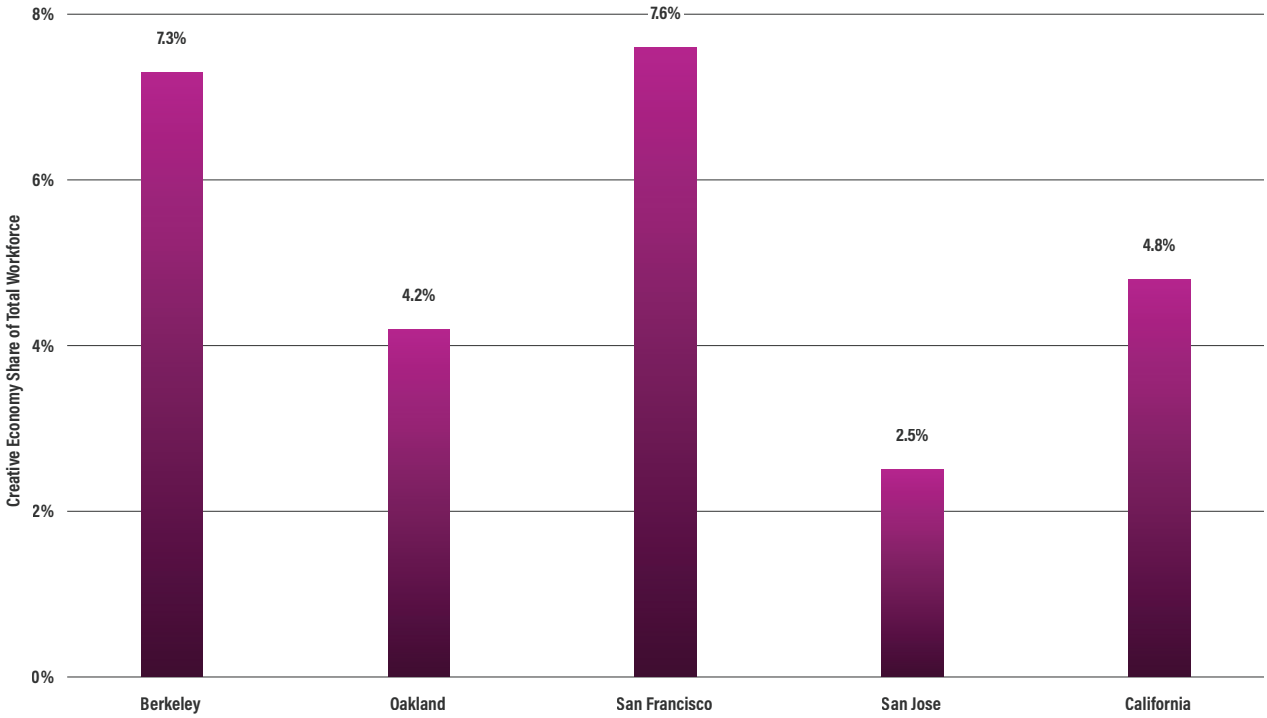


REGIONAL COMPARISONS

When compared to neighboring regions in the San Francisco Bay Area and the state as a whole, Berkeley's creative economy stands out. In 2024, it accounted for 7.3% of the city's total workforce—a larger share than in Oakland, San Jose, and California overall, though slightly trailing San Francisco (Figure 9).

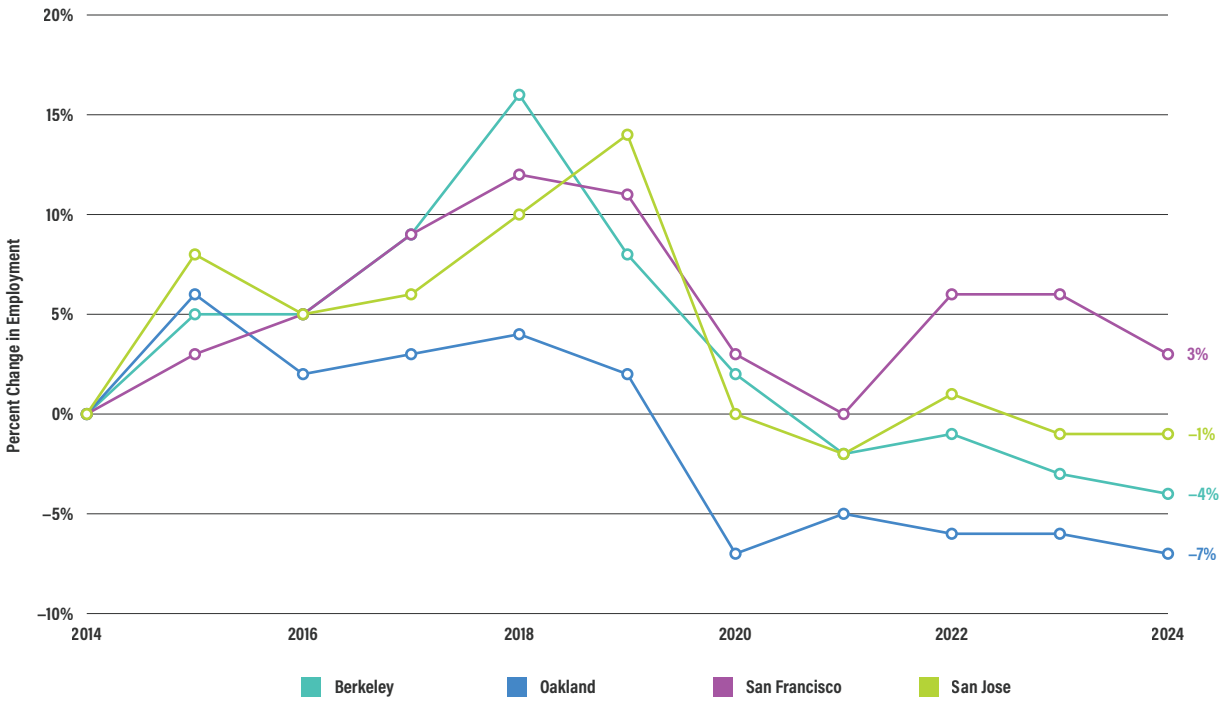
In the years leading up to the pandemic, Berkeley's creative economy was outperforming even San Francisco's sector in terms of job growth. Between 2014 and 2018, creative employment in Berkeley expanded 16%, outpacing industry growth in neighboring cities (Figure 10). Although all regional creative economies experienced steep declines with the onset of the pandemic in 2020, Berkeley's recovery has especially lagged behind. San Francisco and San Jose have seen partial rebounds, regaining some of their lost ground, but Berkeley's creative economy has remained flat or slightly negative through 2024.

FIGURE 9: CREATIVE ECONOMY EMPLOYMENT AS A SHARE OF TOTAL WORKFORCE BY REGION AND STATE | 2024



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

FIGURE 10: COMPARATIVE CREATIVE ECONOMY REGIONAL EMPLOYMENT GROWTH RATE | 2014–2024



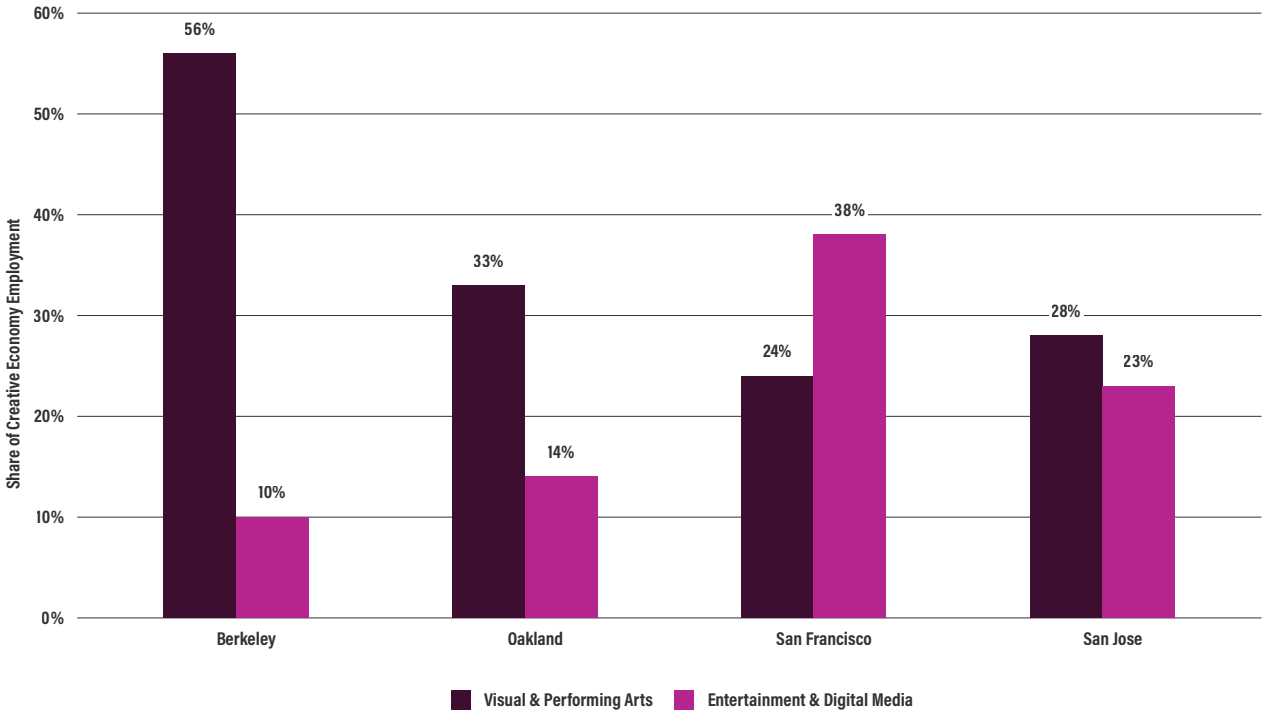
Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

The result is a sector that was once leading the region in growth but now sits well below its pre-pandemic trajectory, underscoring the depth of the disruption and the ongoing challenges to full recovery.

One factor behind Berkeley's slower recovery is the composition of its creative economy relative to other cities. More than half of Berkeley's creative sector jobs are concentrated in Visual & Performing Arts (56%), **making the city far more dependent on live, in-person activity than its regional peers** (Figure 11).

San Francisco, by contrast, has a much larger share in Entertainment & Digital Media (38%), led by industries such as media streaming, software publishing (e.g., video game development), and broadcasting. These segments not only proved more resilient during shutdowns but in many cases expanded as digital content consumption surged. San Jose and Oakland fall between these two poles, with stronger mixes across both the Performing Arts and Digital Media industries.

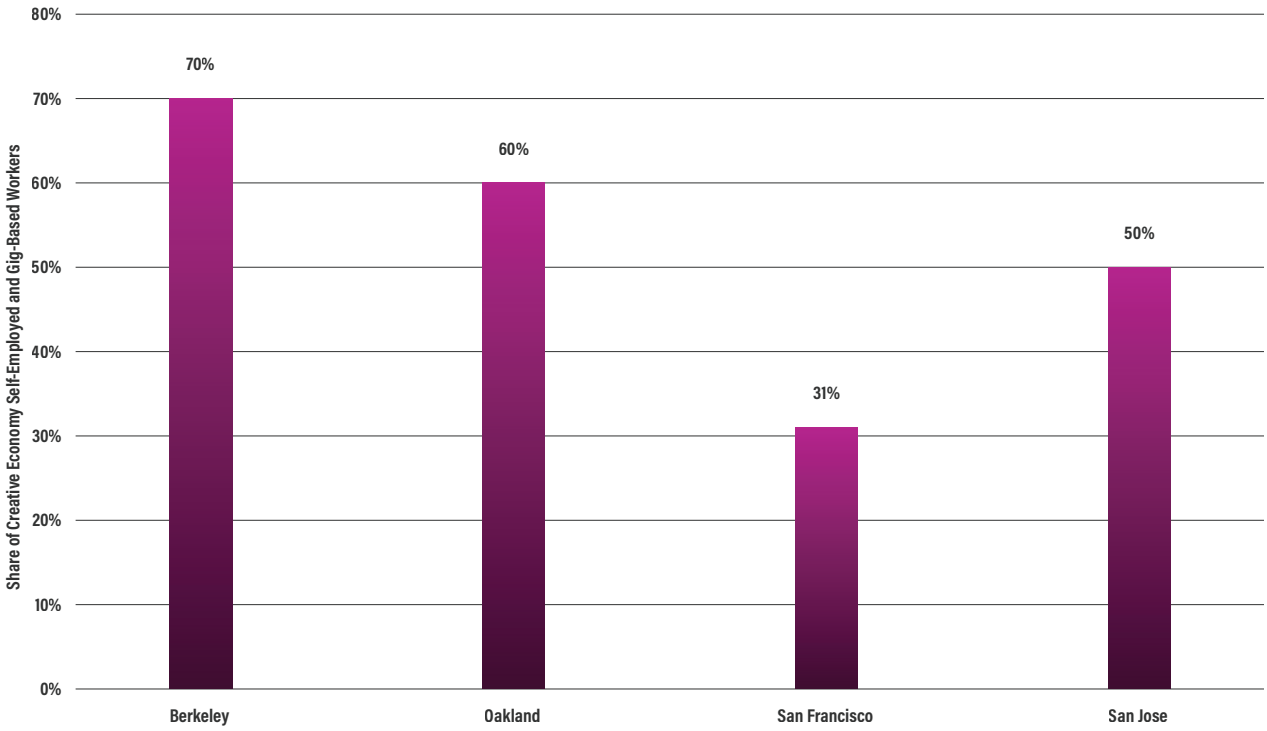
FIGURE 11: REGIONAL CREATIVE ECONOMY COMPOSITION: VISUAL & PERFORMING ARTS VS. ENTERTAINMENT & DIGITAL MEDIA | 2024



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

With a significant percentage of Performing Arts industry employment comes other struggles tied to the sector's reliance on gig and contract work, as well as its nonprofit-heavy structure. **In Berkeley, the estimated 70% of the creative workforce that is self-employed or gig-based is driven largely by the city's Visual & Performing Arts sector, which alone accounts for 3,850 workers (827 self-employed and 3,022 gig-based)**. By comparison, only 31% of San Francisco's creative workforce falls into these categories (Figure 12). Oakland and San Jose also have higher shares of self-employed and gig workers (60% and 50%, respectively), but are not as high as Berkeley's.

FIGURE 12: SHARE OF CREATIVE ECONOMY SELF-EMPLOYED AND GIG-BASED WORKFORCE BY CITY | 2024



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

At the same time, Performing Arts is among the industries with the highest share of nonprofit organizations. For instance, in Alameda County, over 25% of Performing Arts jobs are in nonprofits, compared to just 9.4% across all industries countywide (Figure 13). The county's nonprofit share in the Performing Arts is also notably higher than the statewide average of 15.8%.

FIGURE 13: SHARE OF NONPROFIT EMPLOYMENT IN BOTH COUNTY AND STATE: PERFORMING ARTS VS. ALL INDUSTRIES | 2024

REGION	SHARE OF PERFORMING ARTS EMPLOYMENT IN NONPROFITS*	SHARE OF TOTAL EMPLOYMENT (ALL INDUSTRIES) IN NONPROFITS
Alameda County	25.1%	9.4%
California	15.8%	7.8%

*Includes employment in NAICS 711 (Performing Arts, Spectator Sports, and Related Industries).

Source: U.S. Bureau of Labor Statistics Nonprofit Establishment Employment and Wage Estimates, CVL Economics.

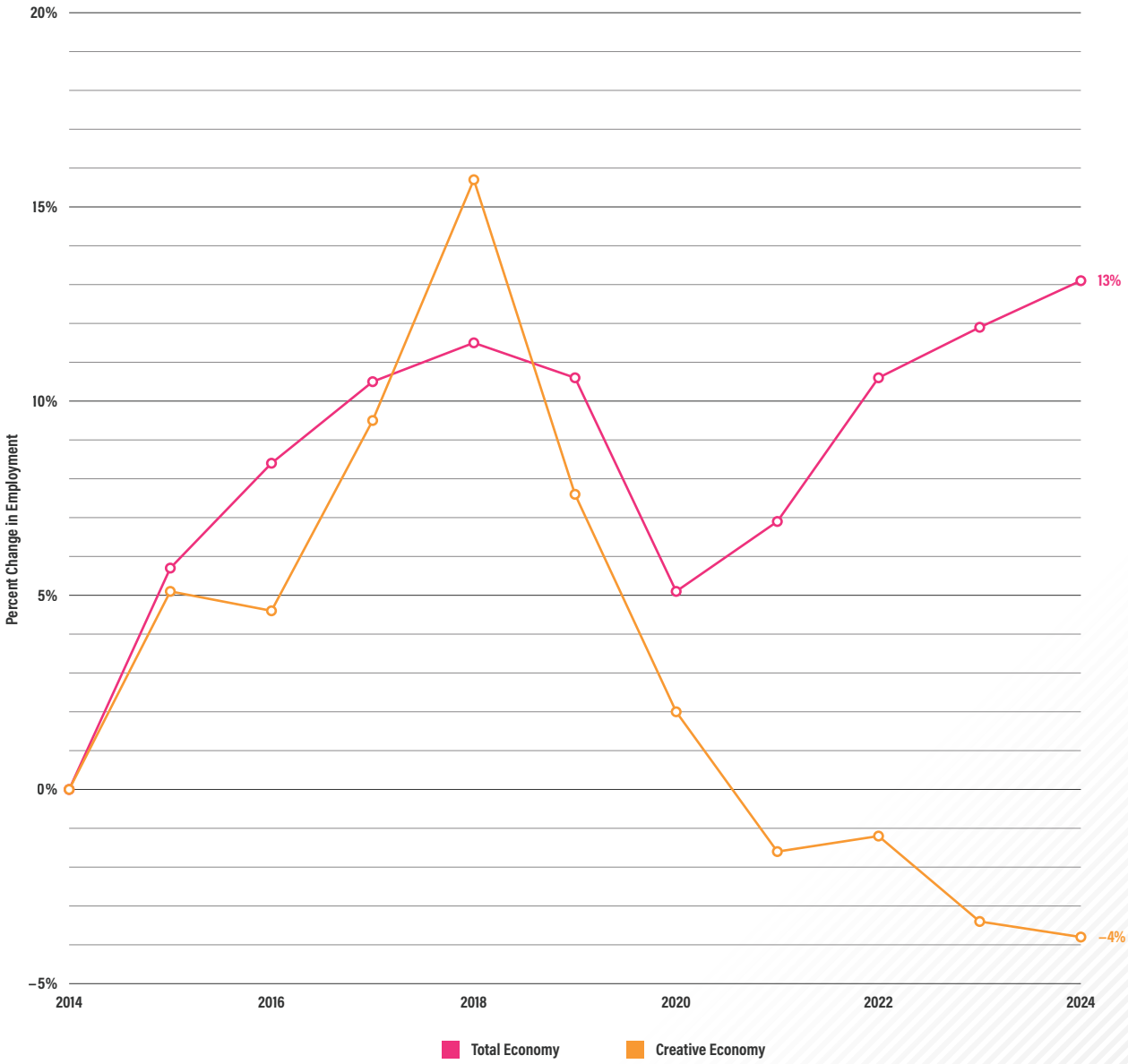


COMPARISON TO THE OVERALL ECONOMY IN BERKELEY

The picture becomes even more stark when comparing Berkeley's creative economy to the city's overall employment base (Figure 14). Before the pandemic, the creative workforce grew faster than Berkeley's overall economy. Between 2014 and 2018, creative employment surged nearly 15%, compared to about 11% growth in the total workforce. This momentum underscored the sector's potential as one of the city's most dynamic economic drivers, suggesting that, absent disruption, it might have continued to anchor local growth.

The pandemic, however, set the creative economy in Berkeley on a very different trajectory than the overall local economy. While total employment in Berkeley dipped briefly in 2020, it has since resumed a steady upward climb, reaching new highs by 2024. The creative workforce, as noted earlier, has remained stagnant or declined since 2020, and is currently registering at levels observed back in 2013, more than a decade ago. This divergence makes clear that while Berkeley's broader economy has expanded and rebounded, its creative economy, which relies on the Performing Arts industry, has been left behind—changing from a leading growth engine into a sector struggling to regain its footing.

FIGURE 14: CREATIVE ECONOMY EMPLOYMENT GROWTH RATE VS. GROWTH RATE FOR ALL SECTORS IN BERKELEY | 2014–2024



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

Berkeley's heavy reliance on the Performing Arts—among the hardest-hit and slowest-recovering industries nationwide—has left its creative economy especially vulnerable. **The sector's dual reliance on gig and contract work, alongside its nonprofit-heavy structure, compounds this fragility by tethering organizational stability to fluctuating audience demand, shifting philanthropic priorities, and uncertain public funding.** As a result, Berkeley's creative economy remains more exposed to the ongoing challenges of rebuilding sustainable audiences than many of its regional peers.

Yet despite the sector's slower recovery compared to the broader economy, Berkeley's creative economy remains an essential economic engine. The following economic impact analysis highlights just how significant this activity is for Berkeley and the region—underscoring why the sector's recovery is not simply a cultural priority, but an economic imperative.



CREATIVE ECONOMY ECONOMIC IMPACT ANALYSIS

Entities in the creative economy are part of a broader ecosystem, constantly interacting with other businesses in other industries and consumers. While it is directly composed of the eight defined subsectors outlined earlier (see Figure 1), its reach extends well beyond these boundaries.

Arts organizations and creative firms rely on a wide array of goods and services—purchasing materials, contracting with marketing agencies, and engaging professional services—thereby generating demand across many other industries. At the same time, the people who work in creative jobs—whether performers, designers, technicians, or administrators—spend their earnings on everyday needs like groceries, rent, and childcare. These purchases further help sustain local businesses across many different sectors.

Economic impact analysis is a tool that helps us measure all of these effects—not just the direct output of an industry, but also the chain reaction it sets off across the broader economy, also known as the "multiplier effect." To do this, we break the total impact into three parts: direct, indirect, and induced impacts, the latter two of which constitute the multiplier effect.[8] Together, these layers show the total economic impact of the creative economy through its role in a much larger ecosystem.

- **Direct effect** includes the economic activity that happens within the creative economy sector itself—like sector employee wages, business revenue, and taxes paid.
- **Indirect multiplier effect** captures the activity supported by the creative economy sector's suppliers. For example, a theater might rely on a local costume shop, which in turn buys fabric from a regional wholesaler.
- **Induced multiplier effect** refers to the ripple effect of household spending. When creative economy sector employees or those in related businesses spend their paychecks locally, they help generate jobs and income in industries like food service, retail, and transportation.

To assess the contribution of arts and culture to the local and regional economy, several key indicators are analyzed:

- **Employment impact:** This refers to the total number of jobs supported by the creative economy—both directly (within arts organizations themselves) and indirectly (at supporting businesses), as well as jobs created through household spending by those workers (induced impact).
- **Labor income impact:** This captures the total wages, salaries, and benefits earned by workers across the direct, indirect, and induced layers of activity. It reflects how the sector supports livelihoods throughout the community.
- **Value added impact:** This measures the creative economy's direct contribution to Gross Regional Product (GRP) in Berkeley. Value added reflects the net new wealth created by the sector, including labor income (wages and salaries), taxes on production, and business profits.
- **Fiscal impact:** This measures the tax revenue generated by businesses and workers associated with the creative economy. Tax revenue is broken down by city, county, and state levels.

8 See Appendix A.4 for IMPLAN input-output methodology.



BASELINE IMPACT

The baseline impact reflects the economic impact that originates from creative economy activity within the City of Berkeley's boundaries. These impacts are generated by Berkeley-based entities and include the employment, labor income, and value added that flow directly from activity located in the city.

In 2024, the 8,186 direct jobs in Berkeley's creative economy supported an additional 251 jobs through multiplier effects (indirect and induced), for a total of 8,437 jobs supported citywide tied to the sector (Figure 15). Altogether, Berkeley's creative economy generated $537.5 million in labor income (wages, salaries, and benefits) and contributed more than $1.0 billion to the city's gross regional product (value added). Put another way, **each creative job in Berkeley generated about $66,000 in labor income and $125,000 in value added (contributions to Berkeley's gross regional product).**

These impacts are significant in scale: Berkeley's creative economy accounted for 7.6% of the city's total employment, 5.7% of labor income, and 7.9% of value added across the city in 2024. This underscores the sector's role not only as a major source of jobs and income but also as a key component of the city's overall economic base.

FIGURE 15: CITYWIDE ECONOMIC IMPACT OF BERKELEY'S CREATIVE ECONOMY | 2024

	EMPLOYMENT (JOBS)	LABOR INCOME	VALUE ADDED
DIRECT EFFECT	8,186	$519.6 Million	$979.7 Million
INDIRECT EFFECT	213	$15.3 Million	$22.6 Million
INDUCED EFFECT	38	$2.5 Million	$19.2 Million
TOTAL ECONOMIC IMPACT	**8,437**	**$537.5 Million**	**$1,021.4 Million**
SHARE OF BERKELEY TOTAL	**7.6%**	**5.7%**	**7.9%**

Note: Totals may not be exact due to rounding. Includes impacts associated with private and non-profit entities in Berkeley's creative economy.

Source: IMPLAN, U.S. Bureau of Labor Statistics, U.S. Bureau of Economic Analysis, CVL Economics.

REGIONAL SPILLOVERS ACROSS THE EAST BAY

While the city-level results capture the impacts that occur strictly within Berkeley, creative economy activity doesn't stop at the city's boundaries. Widening the lens to look at the East Bay (Alameda and Contra Costa counties) as a whole, the impact grows because of "leakages," or spillovers—spending that originates in Berkeley but flows outward to suppliers, contractors, and consumer markets located elsewhere in the two-county region as a result of the multiplier effect.

As such, in addition to the 8,437 jobs supported by the creative economy in Berkeley (citywide total employment impact from Figure 15), the sector supported an additional:

- 3,784 indirect jobs by supply-chain spending in other parts of the East Bay. For example, a Berkeley theater company might contract with a fabrication shop in Oakland or Richmond, or a design studio in Berkeley might purchase printing services from a vendor in Hayward or Concord. These transactions represent spillovers out of the city that become economic activity elsewhere in the East Bay.
- 1,821 induced jobs in other parts of the East Bay when creative workers spend their earnings on household needs. A Berkeley-based musician's paycheck might go towards childcare in Alameda or Albany, groceries in San Leandro or Orinda, or shopping in Oakland or Walnut Creek. Those everyday expenditures ripple outward, supporting additional jobs and income across the region.

This means an additional 5,605 jobs were supported by Berkeley's creative economy in other parts of the East Bay (elsewhere in Alameda and Contra Costa Counties) (Figure 16).

FIGURE 16: SPILLOVER ECONOMIC IMPACT OF BERKELEY'S CREATIVE ECONOMY INTO OTHER PARTS OF THE EAST BAY | 2024

	EMPLOYMENT (JOBS)	LABOR INCOME	VALUE ADDED
DIRECT EFFECT	-	-	-
INDIRECT EFFECT	3,784	$307.9 Million	$426.4 Million
INDUCED EFFECT	1,821	$138.6 Million	$254.7 Million
TOTAL ECONOMIC IMPACT	**5,605**	**$420.8 Million**	**$624.0 Million**

Note: As this analysis measures only creative economy activity originating within the City of Berkeley, direct effects occur only within Berkeley, as shown in Figure 15. Totals may not be exact due to rounding. Includes impacts associated with private and non-profit entities in Berkeley's creative economy.

Source: IMPLAN, CVL Economics.

A DEEPER LOOK:
UNDERSTANDING THE MULTIPLIER EFFECT

The multiplier effect (indirect and induced impacts) captures how the impact of the creative economy extends beyond the organizations and workers directly involved in creative activity. Every creative job in Berkeley generates additional activity across a wide range of other industries, through business-to-business (supply-chain) transactions and household spending by industry workers. Because Berkeley is deeply interconnected with the surrounding East Bay economy, these multiplier effects also have a geographic dimension. While some of the secondary activity remains inside city boundaries, much of it naturally flows to nearby communities such as Oakland, Emeryville, Richmond, Albany, El Cerrito, and San Leandro where many vendors are located and workers live.

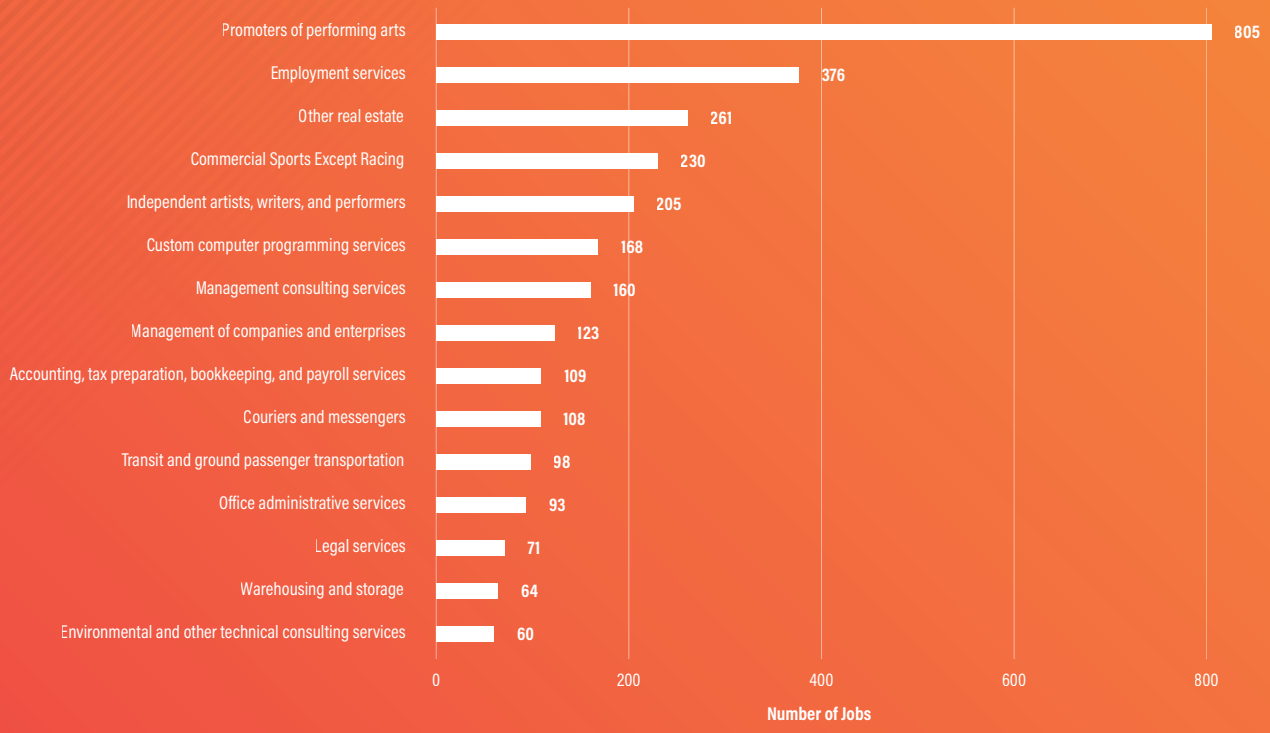
The multiplier effect of Berkeley's creative economy is evident in the diverse range of industries supported through supply-chain linkages (indirect effects) and household spending (induced effects) (Figure 17). On the supply-chain side, the largest employment impacts occur in industries directly tied to arts and culture production. Promoters of performing arts (i.e., organizations that organize and manage live shows, concerts, theatres, or festivals) (805 jobs) and independent artists, writers, and performers (205 jobs) illustrate how creative activity sustains related fields within the broader arts ecosystem.[9] At the same time, significant spillovers occur in various professional and technical service industries: employment services (376 jobs), other real estate (261 jobs), custom computer programming (168 jobs), and management consulting (160 jobs) all benefit from the demands of creative organizations and firms. Even industries like warehousing and storage (64 jobs), couriers and messengers (108 jobs), and commercial sports (230 jobs) are strengthened through their connections to Berkeley's creative sector.

On the household spending side, induced effects spread the benefits in a different way. Creative workers spend their earnings on everyday needs that sustain jobs in restaurants (175 jobs across full- and limited-food service), family services (103 jobs), and healthcare (55 hospital jobs and 48 in physicians' offices). Retail is also a major beneficiary, with creative economy earnings supporting employment in food and beverage stores (51 jobs), general merchandise stores (43 jobs), and other retail outlets. Additional gains are seen in education (37 jobs in other educational services), personal care services (42 jobs), and even auto repair and maintenance (32 jobs).

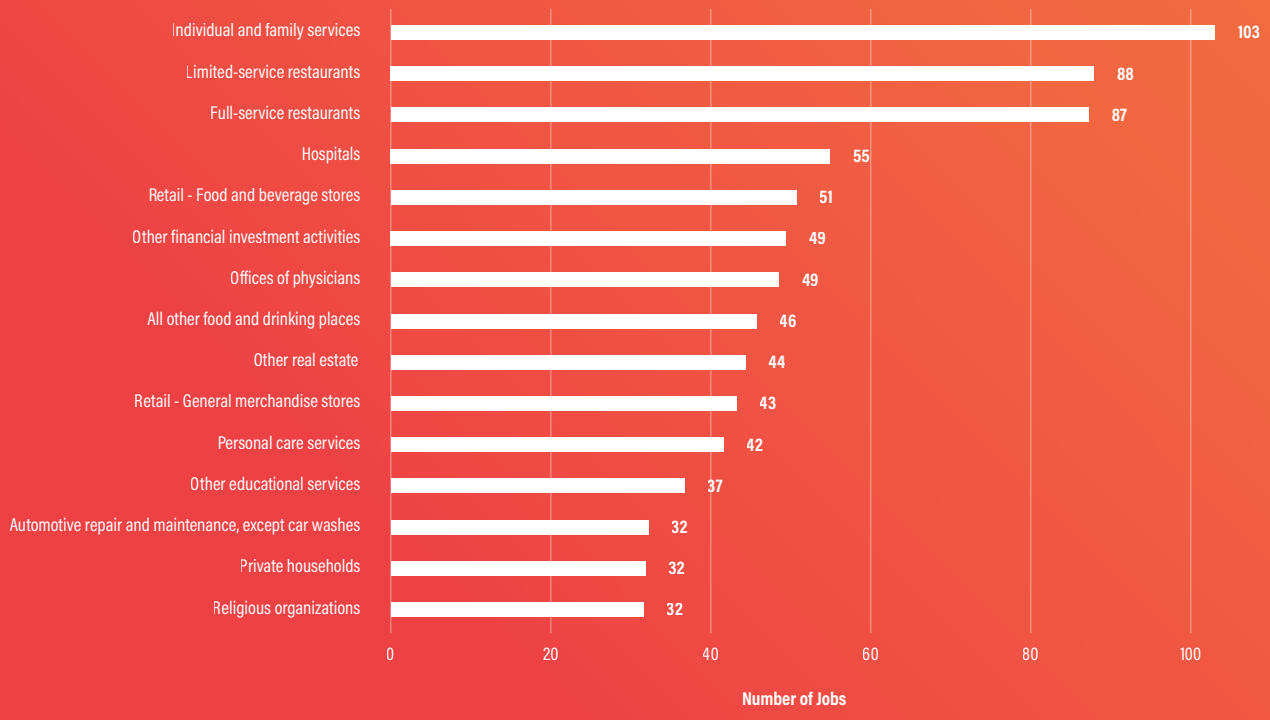
9 Industry titles are reported using IMPLAN's sectoring scheme, which is mapped to the North American Industry Classification System (NAICS).

FIGURE 17: RIPPLE EFFECT OF EAST BAY EMPLYOMENT SUPPORTED BY THE BERKELEY CREATIVE ECONOMY | 2024

A) Indirect Effect (Supply Chain)



B) Induced Effect (Household Spending)



Source: IMPLAN, CVL Economics.

BEYOND THE TICKET:

ARTS AND CULTURE ATTENDEE SPENDING

In considering the broader role of the creative economy, it is important to account for the additional activity generated by visitors to arts and culture establishments. Audiences at performances and visitors to museums often turn their outings into fuller experiences—grabbing a meal at a restaurant, stopping at a café or bar, or browsing nearby shops. This ancillary spending amplifies the value of arts and culture by circulating dollars into multiple sectors and sustaining the vitality of surrounding commercial corridors. The presence of continued arts and culture programming drives foot traffic that sustains nearby businesses and keeps commercial corridors vibrant.

To quantify this effect, CVL Economics used the SMU DataArts Cultural Data Profile database to compile attendance figures for an available sample of Berkeley arts and culture organizations. **Together, the 37 arts and culture venues in Berkeley in this sample group attract roughly 1.4 million attendees annually.**[10]

Spending estimates were drawn from *Arts & Economic Prosperity 6* (Americans for the Arts), which provides audience spending patterns for local regions. While no Berkeley-specific profile exists, spending data from Walnut Creek and San Francisco were averaged to approximate Berkeley's position—more urbanized than Walnut Creek, yet less dense (and with lower associated costs) than San Francisco. Similarly, the average mix of local and nonlocal attendees was applied to get an estimate of spending in Berkeley. This distinction is important because local attendees, who live in the city, generate less new spending when they attend a performance than their nonlocal counterparts. **In total, the average Berkeley local attendee spends $35.76 on additional activities per artistic/cultural event, and the average (nonlocal) attendee from outside Berkeley spends $48.83.**

Applying these patterns to the Berkeley sample group shows **that arts and culture audiences for these organizations generate an estimated $56 million in annual spending at other local businesses** (Figure 18). This includes nearly $30 million at food and drink establishments, $7.6 million at retail stores, $7.2 million on local transportation, and $3.5 million on lodging.

10 SMU DataArts Cultural Data Profile (2017–2024).

FIGURE 18: ANNUAL ARTS AND CULTURE ATTENDEE SPENDING BY CATEGORY FOR 37 ARTS AND CULTURE ORGANIZATIONS IN BERKELEY | 2024

SPENDING CATEGORY	LOCAL ATTENDEES	NONLOCAL ATTENDEES	TOTAL ATTENDEES
Food and Drink	$17.6 Million	$11.8 Million	$29.2 Million
Retail Shopping	$4.5 Million	$3.1 Million	$7.6 Million
Overnight Lodging	$0.6 Million	$3.0 Million	$3.5 Million
Local Transportation	$3.5 Million	$3.7 Million	$7.2 Million
Clothing and Accessories	$2.5 Million	$1.4 Million	$3.8 Million
Groceries and Supplies	$1.8 Million	$0.8 Million	$2.6 Million
Childcare	$0.5 Million	$0.4 Million	$0.9 Million
Other/Miscellaneous	$0.6 Million	$0.5 Million	$1.2 Million
Total Spending	**$31.3 Million**	**$24.6 Million**	**$56.0 Million**

Source: SMU DataArts, Americans for the Arts, CVL Economics.

FISCAL IMPACT

Creative economy activity within the City of Berkeley also generates meaningful public revenues that flow across multiple levels of government. While these activities take place strictly within city boundaries, California's layered tax system distributes the resulting revenues among the City of Berkeley, Alameda County, and the State of California. This means that a single dollar of creative economy activity in Berkeley contributes to multiple jurisdictions simultaneously.

Creative activity contributes to several types of taxes that fund distinct public services (Figure 19). The following are major sources of creative economy tax revenue:

- **Property tax (shared by City of Berkeley and Alameda County)** revenues come from the assessed value of land and buildings occupied by creative organizations and businesses—such as theaters, studios, galleries, or design offices—whether paid directly by the property owner or indirectly through commercial leases. These revenues fund a broad range of public services, from public safety to county-administered programs, including road maintenance and transit services.
- **Sales tax (shared by City of Berkeley, Alameda County, and California)** in the creative sector is typically tied to ancillary transactions like food and beverage concessions, merchandise, or purchases of supplies and equipment. Ticket sales are not included because they are not subject to California sales tax. These revenues are distributed across all three levels of government—supporting the City's general fund, countywide systems administered by Alameda County, and the State's General Fund, which finances education, health and human services, and other statewide priorities.
- **Personal income taxes (California only)** are generated by the wages and self-employment earnings of workers employed in the creative economy, including W-2 employees, freelancers, and gig workers. They are a major source for the State of California's General Fund.
- **Corporate income taxes (California only)** apply to the net profits of for-profit creative firms, such as design practices, production companies, or galleries, while nonprofit entities are generally exempt. These revenues also accrue to the State's General Fund and help sustain statewide systems and programs alongside income taxes.

FIGURE 19: SCENARIOS FOR UNDERSTANDING THE CREATIVE ECONOMY'S TAX REVENUE GENERATION

TAX TYPE & COLLECTOR	SCENARIO 1: NONPROFIT THEATER COMPANY	SCENARIO 2: PRIVATE DESIGN FIRM
PROPERTY TAX (City, County)	Theater company leases its space; tax is assessed on the property owner but is effectively built into rent.	Firm leases its space; tax is assessed on the property owner but is effectively built into rent.
SALES TAX (City, County, State)	Sales tax collected on concessions (food, drink), merchandise, and taxable rentals. Ticket sales exempt.	Core design services exempt. Sales tax applies to tangible goods (printed collateral, models, branded merchandise) and on taxable inputs purchased by the firm.
PERSONAL INCOME TAX (State)	Actors, stage crew, and set designers pay income tax on wages or self-employment income.	Designers, administrative staff, and contractors pay state income tax on wages or self-employment income.
CORPORATE INCOME TAX (State)	Exempt as a nonprofit.	Corporate profits taxed at the state level.

Source: CVL Economics.

DIRECT TAX BENEFITS

Creative economy activity in Berkeley generates tax dollars that flow into the City's General Fund, which provides flexible revenues that are budgeted to core municipal services, such as public safety and personnel. Unlike special district revenues that are legally restricted to specific purposes, General Fund revenues represent the City's discretionary pool.

In fiscal year 2024, the City of Berkeley's General Fund was budgeted at $273.4 million.[11] Of this, based on the IMPLAN modeling described above which includes the impact of multiplier effects, the creative economy generated an estimated $10.7 million in tax revenues (Figure 20), equal to nearly 4% of the City's discretionary tax base. The largest contributions came from sales taxes, where creative sector activity accounted for more than 15% of total collections, and property taxes at 4%.

11 City of Berkeley, Adopted Budget for Fiscal Year 2025 & 2026 (PDF). Available at: https://berkeleyca.gov/sites/default/files/documents/FY-2025-2026-Proposed-Biennial-Budget.pdf.

FIGURE 20: CITY OF BERKELEY GENERAL FUND (GF) TAX REVENUE GENERATED BY BERKELEY'S CREATIVE ECONOMY | 2024

SOURCE OF REVENUE	CREATIVE ECONOMY GF TAX REVENUE	FY2024 EST. ACTUAL GF REVENUE (TOTAL GF REVENUE)	CREATIVE ECONOMY SHARE OF TOTAL GF REVENUE
PROPERTY TAX	$4.6 Million	$116.0 Million	4.0%
SALES TAX	$2.9 Million	$18.7 Million	15.6%
ALL OTHER TAXES*	$3.2 Million	$138.7 Million	2.3%
TOTAL GENERAL FUND TAX REVENUE	**$10.7 Million**	**$273.4 Million**	**3.9%**

Note: Totals may not be exact due to rounding. Includes impacts associated with private and non-profit entities in Berkeley's creative economy.

* "All Other Taxes" for the creative economy include Business License Taxes, Utility Users Taxes, Cannabis Taxes, and other smaller categories. For the City's total General Fund, this category also includes revenues not meaningfully generated by creative economy activity, such as Vehicle License Fees, Ambulance Fees, Interest Income, Franchise Fees, Indirect Cost Reimbursements, and Transfers.

Source: IMPLAN, City of Berkeley, CVL Economics.

SUPPORT FOR REGIONAL SYSTEMS THAT RETURN VALUE LOCALLY

Beyond the direct benefit to Berkeley residents through City revenues, the tax dollars generated by Berkeley's creative economy for county and state jurisdictions also strengthen the regional and statewide system that Berkeley's population depends on.

In 2024, Berkeley's creative economy generated $14.3 million in Alameda and Contra Costa County revenues (most is appropriated through Alameda County since that is where Berkeley activity is directly located) and $74.6 million in state revenues (Figure 21). County revenues flow into systems that the City does not operate directly, but that are critical for residents, including public health programs, social services, elections, courts, and jails. State revenues, meanwhile, are collected through income, sales, and corporate taxes and deposited into California's General Fund, which supports K–12 and higher education (the State General Fund is the largest source of public support for UC Berkeley), Medi-Cal, and other health programs. Though administered at the county and state levels, these dollars cycle back to Berkeley by funding schools, public universities, healthcare access, and regional services that residents use every day.

FIGURE 21: COUNTY AND STATE TAX REVENUE GENERATED BY BERKELEY'S CREATIVE ECONOMY | 2024

SOURCE OF REVENUE	REVENUE FOR ALAMEDA & CONTRA COSTA COUNTIES	REVENUE FOR THE STATE OF CALIFORNIA
STATE OF CALIFORNIA	-	$25.5 Million
PROPERTY TAX	$12.3 Million	
SALES TAX	$0.6 Million	$25.6 Million
CORPORATE TAX	-	$14.2 Million
OTHER TAX	$1.4 Million	$9.3 Million
TOTAL TAX REVENUE	**$14.3 Million**	**$74.6 Million**

Note: Totals may not be exact due to rounding. Includes impacts associated with private and non-profit entities in Berkeley's creative economy.

Source: IMPLAN, CVL Economics.



RETURN ON INVESTMENT

The City of Berkeley provides grant funding to arts and culture organizations, festivals, and individuals through its robust Civic Arts Grant Program, established in 1991.

The Civic Arts Grant Program aims to strengthen Berkeley's arts ecosystem by directly supporting individual artists, organizations, and festivals that expand cultural access, foster equity and inclusion, and contribute to the city's creative vitality and economic vibrancy.[12]

Over the past decade, the program has expanded significantly in scale, with annual direct investment increasing from $230,000 in fiscal year (FY) 2016 to approximately $700,000 annually since FY2022 (Figure 22).[13] Funding is distributed across three primary categories: Individual Artist Project Grants, Community Festival Grants, and General Operating Support for arts organizations.

12 For more information, visit the City of Berkeley's Civic Arts Grants page: https://berkeleyca.gov/community-recreation/civic-arts/civic-arts-grants.

13 City of Berkeley, *Civic Arts Grants Program – Improved Practices & Community Impact* (Work Session Item 01), March 21, 2023, https://berkeleyca.gov/sites/default/files/documents/2023-03-21%20WS%20Item%2001%20Civic%20Arts%20Grants%20Program.pdf.

FIGURE 22: BERKELEY CIVIC ARTS GRANTS ALLOCATIONS | FY2016–FY 2024

FISCAL YEAR	TOTAL GRANT AMOUNT AWARDED	NUMBER OF GRANTS	AVERAGE GRANT SIZE
FY2016	$229,100	53	$4,323
FY2017	$378,848	56	$6,765
FY2018	$497,510	61	$8,156
FY2019	$500,000	63	$7,937
FY2020	$650,199	90	$7,224
FY2021	$579,493	94	$6,165
FY2022	$714,470	104	$6,870
FY2023	$696,996	114	$6,114
FY2024	$698,782	97	$7,204

Source: City of Berkeley, CVL Economics.

In FY 2024, the City of Berkeley awarded $698,782 in Civic Arts Grants to 55 arts and culture organizations, 31 community festivals, and 11 individual artist projects (97 grants total).[14] This investment sustains year-round organizational programming in Berkeley, supports artists' livelihoods, and improves community access to diverse cultural experiences. To provide a better sense of the significance of this support, we estimate the City's return on investment using the following process outlined below.

In 2024, the organizations and festivals receiving Civic Arts Grants reported a combined operating revenue of $131 million. CVL Economics estimated the total operating revenue of grantee organizations by compiling financial data from the IRS Exempt Organizations Business Master File. For festivals, revenue was attributed to the organizing entity (unless the festival was an entity itself); in some cases, the same organization received both a grant for its annual programming and a separate grant to support a festival it manages. In aggregate, however, these awards represent funding to a single entity, and the reported revenues reflect the full scope of that organization's operations.

While most revenue data was available through IRS tax filings, there were a few data gaps in organizational revenue availability. Adjustments were made where necessary—for example, nonprofits with annual revenues under $50,000 are not required to submit total revenue figures to the IRS, and CVL Economics developed reasonable estimates recognizing the relatively small scale of these entities. In a few cases where 2024 revenue data was not yet available, 2023 filings were used as a proxy to ensure consistency across the analysis. In addition, in 2024 the program distributed $44,000 in project grants to individual artists, functioning as direct income in exchange for their creative work.

When accounting for both direct activity and the broader ripple effects across the local economy, **these organizations and individuals that received grants from the City of Berkeley together generated $137.4 million in economic activity within the City of Berkeley.** This estimate was developed using IMPLAN input–output modeling, capturing not only the direct contributions of grantees and their employees, but also the supply chain effects on local vendors, contractors, and service providers, along with the induced spending of households supported by arts-related jobs. In other words, every $1 of Civic Arts Grant funding supported nearly $197 in total economic activity across the City of Berkeley. Overall, the City's investments supported about 7.5% of the total economic activity generated by its creative economy.

14 City of Berkeley, Fiscal Year 2024 Civic Arts Grant Awards (Information Calendar), October 10, 2023, https://berkeleyca.gov/sites/default/files/documents/2023-10-10%20Item%2015%20Fiscal%20Year%202024%20Civic%20Arts%20Grant.pdf.

PUBLIC ART PROGRAM AND PANDEMIC RELIEF AND RECOVERY GRANTS

In addition to its Civic Arts Grants program, the City of Berkeley provides substantial support for the local creative economy through its Public Art Program. Unlike the Civic Arts Grants, which are allocated annually from the City's General Fund, Public Art funding is generated primarily through Berkeley's Public Art ordinances, which dedicate a portion of capital project budgets to commissioning, installing, and maintaining public artworks, as well as through in-lieu fees paid by private developers who opt to contribute funds rather than install art on their buildings. This structure means that funding levels are driven by the scale and timing of both municipal capital projects and private development activity, both of which can be cyclical, rather than a fixed appropriation. Because these allocations are tied to specific artworks and capital improvements—rather than to flexible operating support—they are not included in the ROI analysis, which focuses on General Fund dollars that flow directly into organizational capacity and community programming.

Public Art Program expenditures nevertheless represent a meaningful municipal investment in Berkeley's cultural landscape. Over the past five fiscal years, annual expenses have ranged from $276,656 in FY21 to nearly $923,475 in FY23. The spike in FY23 reflects one-time allocations from the City's T1 Infrastructure and Facilities Bond,[15] which funded new public art commissions and conservation projects in conjunction with broader civic improvements. More recent spending totaled $407,212 in FY24 and $624,035 in FY25.[16] The City maintains a digital catalog of its public art collection, including an interactive map that allows residents and visitors to explore artworks across the community.[17]

Furthermore, in rapid response to the widespread impacts of the COVID-19 pandemic on the local arts and culture sector, **the City of Berkeley awarded more than $3 million in emergency relief and recovery grants between 2020 and 2022.** This included $2.5 million to 88 arts and culture organizations and over $520,000 to 193 individual artists. Although these were one-time allocations, they were extraordinary in scale and helped many organizations withstand the most difficult periods of pandemic shutdowns. **Every $1 of the City's emergency investments spurred by the pandemic leveraged at least $5.64 in sustained arts and culture economic activity that might otherwise have been lost entirely.**[18] The impacts of these investments are detailed in the companion report (published concurrently), entitled *Assessment of Berkeley Arts & Culture Pandemic Relief and Recovery Funding.*



15 City of Berkeley, Measure T1: Infrastructure and Facilities Bond, https://berkeleyca.gov/your-government/our-work/bond-revenue-measures/measure-t1.

16 Jennifer Lovvorn, Chief Cultural Affairs Officer at City of Berkeley, email to CVL Economics, September 26, 2025.

17 City of Berkeley, City of Berkeley Public Art Collection, https://www.artworkarchive.com/profile/civicartscollection/portfolio.

18 City of Berkeley, Assessment of Berkeley Arts & Culture Pandemic Relief and Recovery Funding, prepared by CVL Economics, October 2025.





FINAL CONSIDERATIONS

PRE-PANDEMIC MOMENTUM LOST

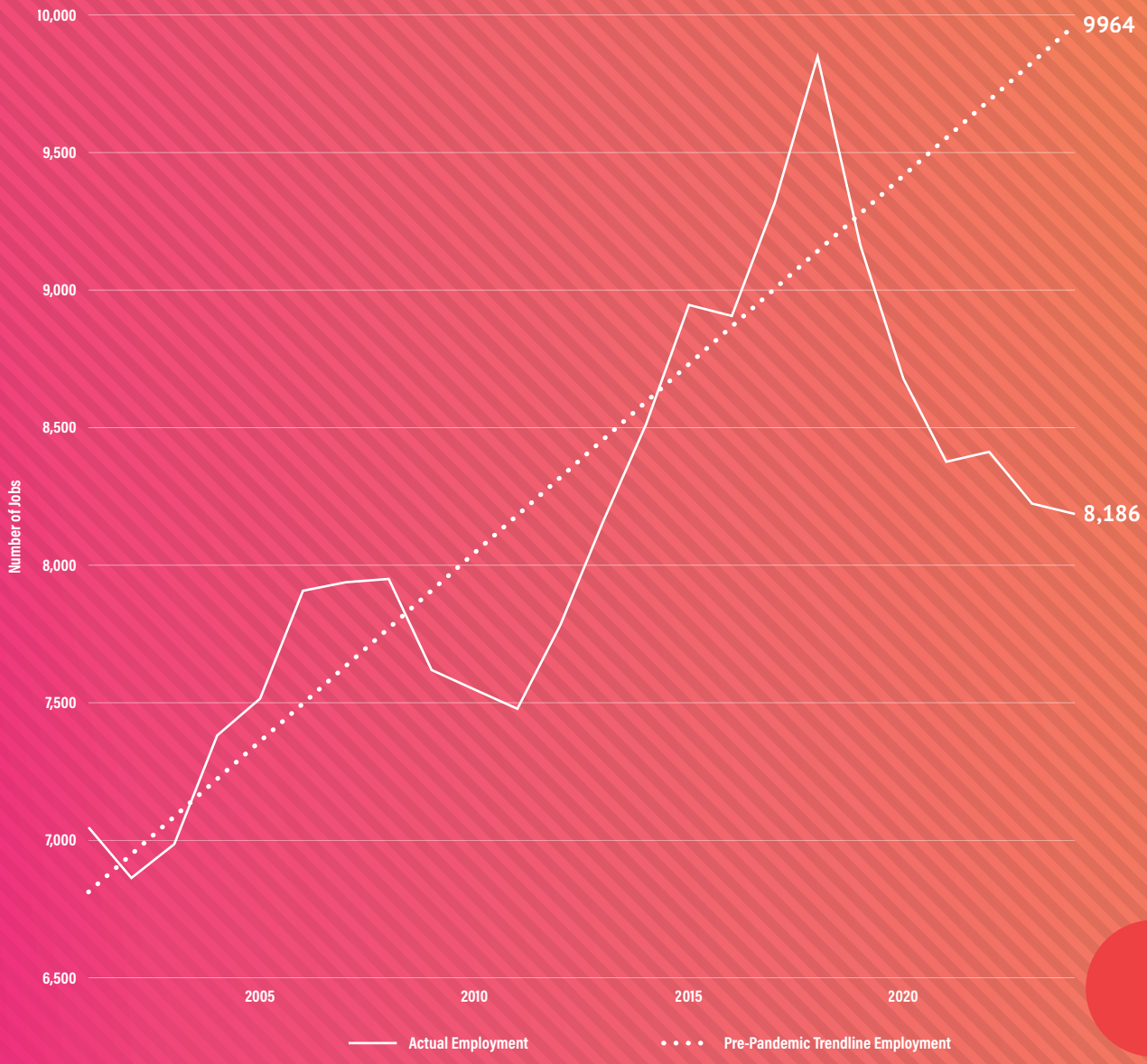
While the creative economy in Berkeley delivers significant impacts today, it is important to recognize the strength and momentum the sector had prior to the pandemic. In 2018, creative employment in Berkeley had climbed to a peak of nearly 9,850 jobs—growth that not only outpaced overall citywide employment, but also exceeded the expansion of creative sectors in neighboring regions. That momentum was abruptly halted when the pandemic hit. The shutdown of 2020 erased all of the gains built over the previous decade; today, Berkeley's creative sector sits 17% below its 2018 peak and is aligned with employment levels experienced in 2013.

What had long been one of Berkeley's greatest cultural strengths—its concentration of live performance venues and nonprofit arts organizations—quickly became a vulnerability when in-person gatherings were deemed unsafe. Live theater, music, and dance were among the first to close and the last to return, severing both earned and ancillary revenue streams. This challenge was compounded by Berkeley's high proportion of nonprofit organizations, which made the sector particularly reliant on philanthropic and public funding sources. As emergency relief and federal grant programs have wound down, many of these funding streams have diminished, leaving organizations with fewer resources to sustain operations.

Unlike other industries that have since rebounded, Berkeley's creative economy has continued to decline year after year, leaving a widening gap between its current scale and the trajectory it was once on. Its strength in live performance—one of the sectors hardest hit by shutdowns and slowest to recover—made the creative economy especially vulnerable, while reliance on gig work, high local costs, and cautious audiences further compound the challenges.

The divergence between actual outcomes and the projected pre-pandemic trend highlights what has been lost, including nearly 1,800 more jobs than what was observed in 2024 (Figure 23). Those unrealized jobs represent more than just employment—they translate into lost wages, reduced household spending, and diminished tax revenues. If the pre-pandemic trajectory had held, Berkeley's creative economy would not only employ more people, but also generate higher levels of labor income and value added (contributions to the City's gross regional product) than currently measured citywide.

FIGURE 23: ACTUAL CREATIVE ECONOMY EMPLOYMENT VS. PRE-PANDEMIC TRENDLINE IN BERKELEY



Source: U.S. Census Bureau, U.S. Bureau of Labor Statistics, Lightcast, CVL Economics.

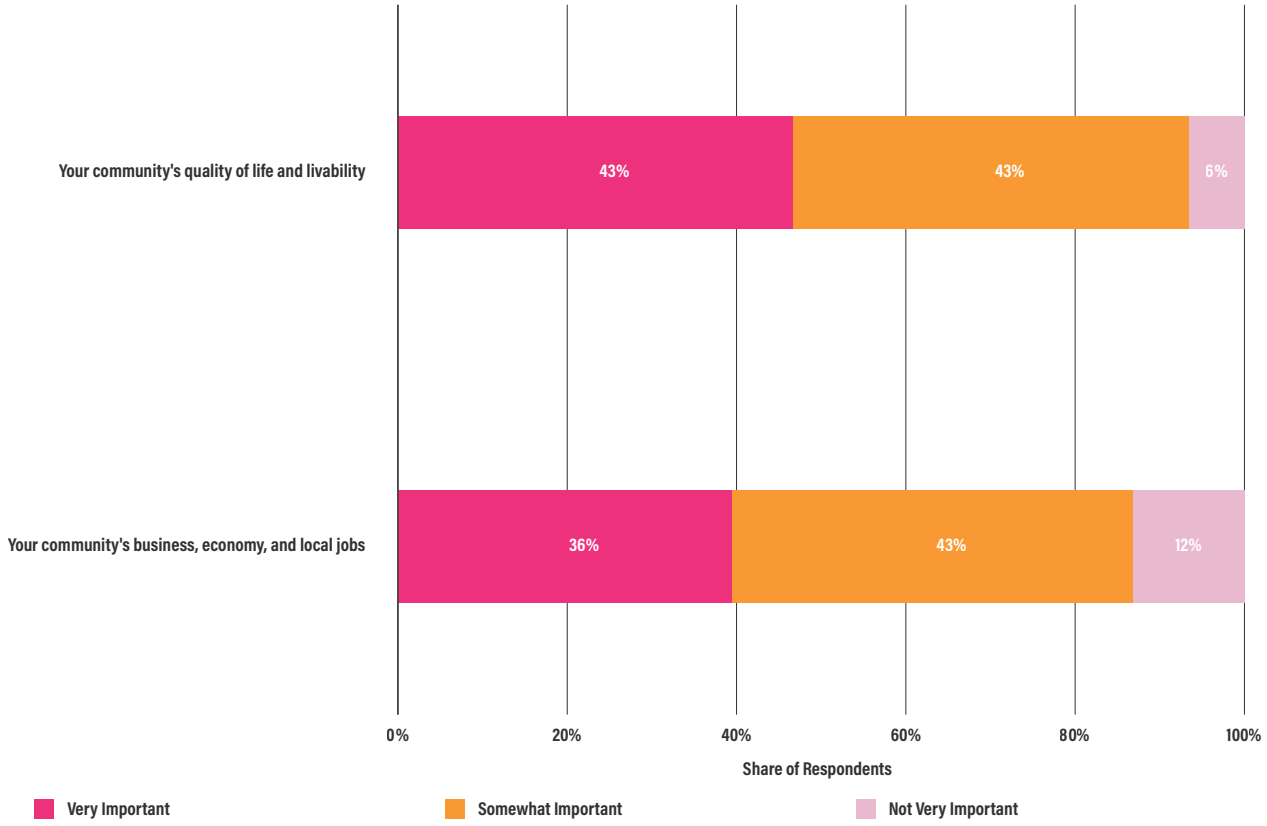
ARTS AND CULTURE AS ENGINES OF ECONOMIC VITALITY

Beyond the numbers, the creative economy plays a central role in shaping Berkeley's identity, quality of life, and appeal as a place to live and work. A strong creative sector enriches the city with performances, festivals, cultural institutions, and design-driven businesses that make Berkeley distinctive within the Bay Area and attractive to both residents and employers.

This connection between creativity and community wellbeing is not unique to Berkeley—it reflects a broader national understanding of the arts' role in civic life. A 2023 nationwide survey conducted by Americans for the Arts reveals that a vast majority of Americans share this view: 86% agreed that arts and culture are important to their community's overall quality of life and livability, and 79% affirmed the importance of arts and culture to supporting local businesses, the economy, and jobs (Figure 24).[19]

FIGURE 24: PUBLIC PERCEPTIONS OF THE ROLE OF ARTS AND CULTURE IN COMMUNITY WELLBEING IN THE U.S.

How important, if at all, do you think having arts and culture are to...



Source: Americans for the Arts.

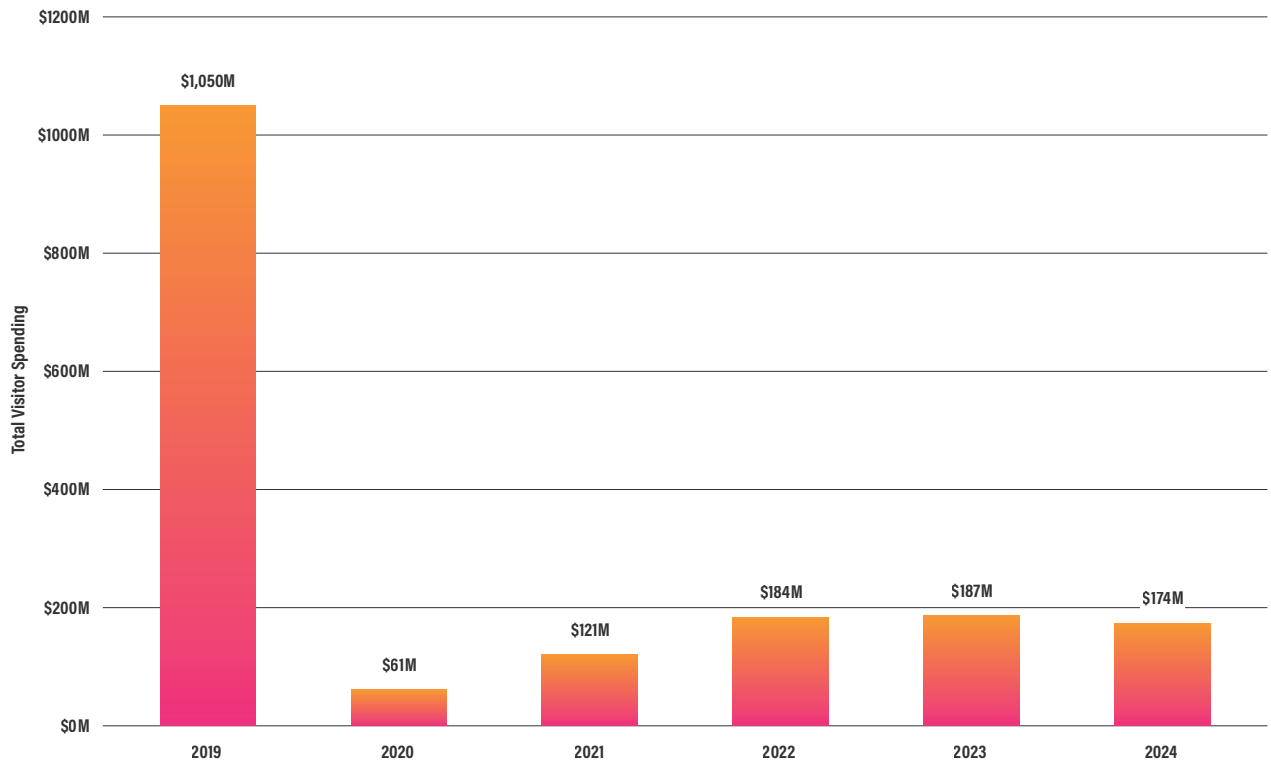
19 Americans for the Arts, Americans Speak Out About the Arts: An In-Depth Look at Public Perceptions and Attitudes About Arts & Culture in America in 2023, December 2024. https://www.americansforthearts.org/sites/default/files/AFTA_2023_Public%20Opinion%20Study_FINAL_12.4.24.pdf

The significance of arts and culture extends directly to the vitality of downtowns and commercial districts. Cultural venues—such as theaters, galleries, and music spaces—serve as anchors that drive foot traffic, activate public spaces, and generate demand for nearby restaurants, bars, and retail establishments. These dynamics not only support small businesses but also contribute to perceptions of safety and livability by ensuring that public areas remain active and inviting across a range of hours and days of the week. Investments in arts and culture have proven to be catalysts for broader downtown revitalization, sparking further private investment and creating a multiplier effect that benefits the entire local economy.

Berkeley itself has long recognized this connection. The establishment of the Downtown Arts District along Addison Street in the 1990s and early 2000s was a deliberate recognition of arts and culture's role in economic development as the city faced an 18% ground-floor vacancy rate downtown.[20] By clustering cultural venues along Addison Street and leveraging relatively modest public investment into tens of millions in private dollars, Berkeley transformed a struggling downtown corridor into a vibrant destination that continues to anchor the city's economic and cultural identity.

Berkeley's recent downward trends underscore what is at stake, threatening to erode the progress built from the 1990s through 2020. Visitor spending in the city fell from over $1 billion in 2019 to just $174 million in 2024 (Figure 25), while the Downtown Berkeley commercial vacancy rate (including office and retail spaces) sat at nearly 11% in 2024, more than double pre-pandemic levels in 2019 (Figure 26). Office vacancies have driven much of this increase as remote work has become more prevalent, but ground floor retail and restaurant spaces have also struggled.

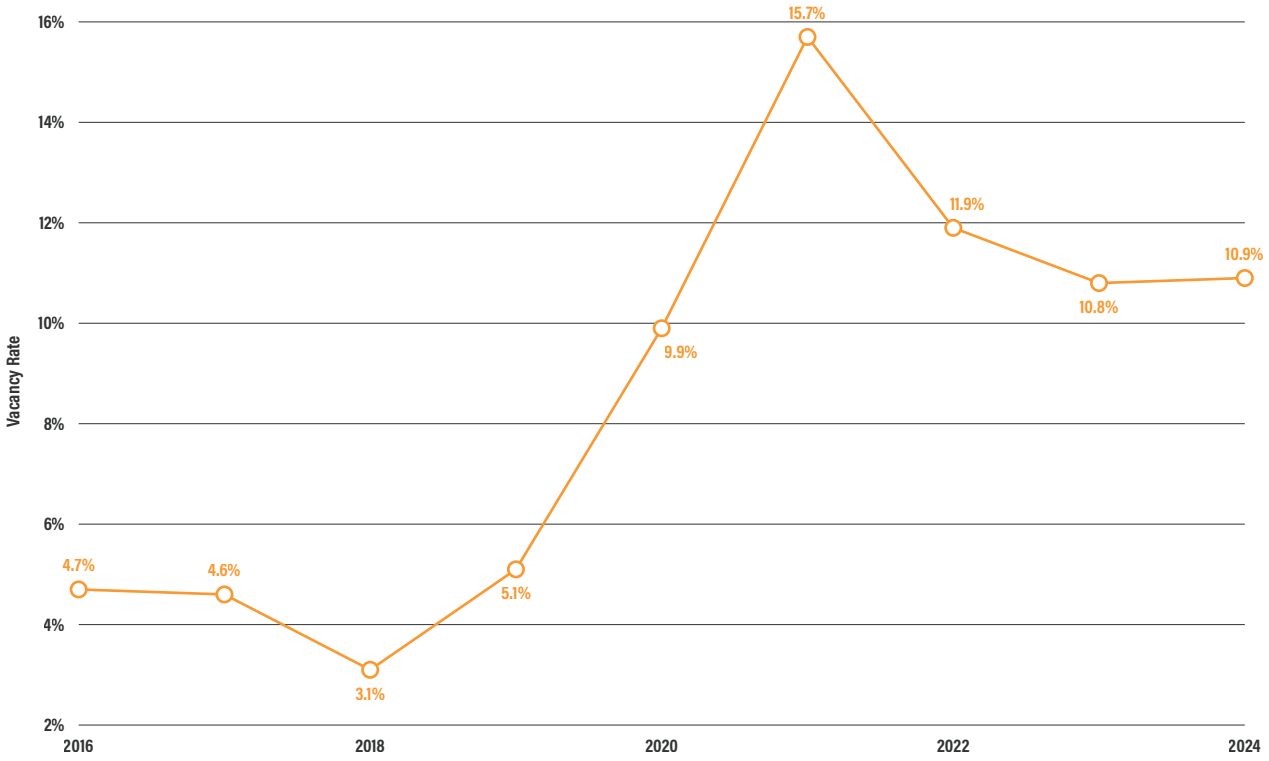
FIGURE 25: TOTAL SPENDING BY VISITORS TO BERKELEY | 2019–2024



Source: Visit Berkeley, Placer.ai, CVL Economics.

20 City of Berkeley, Arts as Economic Development, presented by M. Caplan at the U.S. Mayors Innovation Conference, August 2016. Available online: https://berkeleyca.gov/sites/default/files/2022-02/ArtsDistrict_Panel_CoB_8.27.2016.pdf.

FIGURE 26: DOWNTOWN BERKELEY GROUNDFLOOR COMMERCIAL VACANCY RATE | 2016–2024



Note: Includes office and retail properties.
Source: City of Berkeley Office of Economic Development, CVL Economics.

These findings can help shape practical solutions for Berkeley's long-term recovery and the resilience of its diverse economy. As work continues to shift from traditional 9 to 5 office schedules to flexible, remote arrangements, the daytime worker presence that once sustained downtown retail, hospitality, and cultural activity has diminished. The outmigration of higher-wage workers to places with lower costs of living has left central business districts in Bay Area downtowns more vulnerable to shrinking audiences and weaker engagement with arts and culture.

Revitalizing downtown does not mean reverting to pre-pandemic models. To counter falling visitor spending and rising vacancies, Berkeley must reimagine how investment in the creative economy can drive renewal. Orienting economic development around the creative and nighttime economies is one of the most effective strategies for sparking new energy, with efforts focused on leveraging existing arts, culture, and entertainment amenities to attract residents and visitors alike. Sustaining and growing Berkeley's creative economy—especially its artists, arts organizations, and festivals—is essential to preserving the qualities that make the city a place where people want to live, work, and visit.

APPENDIX

A.1: CREATIVE ECONOMY INDUSTRY CLASSIFICATION CODES

To ensure clarity and comparability, the definition of the creative economy is grounded in the North American Industry Classification System (NAICS), the federal standard used by the Bureau of Labor Statistics and Bureau of Economic Analysis. Using NAICS codes allows us to map creative industries consistently across geographies over time, and to model their economic contributions. While no single code fully captures the breadth of the creative economy, assembling a curated set of codes provides a robust picture of the industry.

FIGURE A.1 CREATIVE ECONOMY INDUSTRY CLASSIFICATION CODES

INDUSTRY CATEGORY AND DESCRIPTION	NAICS
ARCHITECTURE & DESIGN	
Ornamental and Architectural Metal Work Manufacturing	332323
Architectural Services	541310
Landscape Architectural Services	541320
Drafting Services	541340
Interior Design Services	541410
Industrial Design Services	541420
COMMUNICATION DESIGN	
Graphic Design Services	541430
Advertising Agencies	541810
Photography Studios, Portrait	541921
Commercial Photography	541922
ENTERTAINMENT & DIGITAL MEDIA	
Motion Picture and Video Production	512110
Motion Picture and Video Distribution	512120
Teleproduction and Other Postproduction Services	512191
Sound Recording Studios	512240
Software Publishers	513210
Radio Broadcasting Stations	516110
Television Broadcasting Stations	516120
Media Streaming Distribution Services, Social Networks, Other Media Networks and Content Providers	516210

INDUSTRY CATEGORY AND DESCRIPTION	NAICS
FASHION	
Fiber, Yarn, and Thread Mills	313110
Broadwoven Fabric Mills	313210
Narrow Fabric Mills and Schiffli Machine Embroidery	313220
Nonwoven Fabric Mills	313230
Knit Fabric Mills	313240
Textile and Fabric Finishing Mills	313310
Fabric Coating Mills	313320
Apparel Knitting Mills	315120
Cut and Sew Apparel Contractors	315210
Cut and Sew Apparel Manufacturing (except Contractors)	315250
Apparel Accessories and Other Apparel Manufacturing	315990
Footwear Manufacturing	316210
Other Leather and Allied Product Manufacturing	316990
Toilet Preparation Manufacturing	325620
Jewelry and Silverware Manufacturing	339910
Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	423940
Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	424310
Footwear Merchant Wholesalers	424340
Clothing and Clothing Accessories Merchant Wholesalers	424350
Other Specialized Design Services	541490
FINE ARTS SCHOOLS	
Fine Arts Schools	611610
FURNITURE, TOYS & DECORATIVE ARTS	
Carpet and Rug Mills	314110
Curtain and Linen Mills	314120
Textile Bag and Canvas Mills	314910
Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills	314994
All Other Miscellaneous Textile Product Mills	314999
Pottery, Ceramics, and Plumbing Fixture Manufacturing	327110
Other Pressed and Blown Glass and Glassware Manufacturing	327212
All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	327999
Wood Kitchen Cabinet and Countertop Manufacturing	337110
Upholstered Household Furniture Manufacturing	337121
Nonupholstered Wood Household Furniture Manufacturing	337122
Household Furniture (except Wood and Upholstered) Manufacturing	337126
Institutional Furniture Manufacturing	337127

INDUSTRY CATEGORY AND DESCRIPTION	NAICS
Wood Office Furniture Manufacturing	337211
Custom Architectural Woodwork and Millwork Manufacturing	337212
Office Furniture (except Wood) Manufacturing	337214
Showcase, Partition, Shelving, and Locker Manufacturing	337215
Mattress Manufacturing	337910
Blind and Shade Manufacturing	337920
Doll, Toy, and Game Manufacturing	339930
Furniture Merchant Wholesalers	423210
Home Furnishing Merchant Wholesalers	423220
Toy and Hobby Goods and Supplies Merchant Wholesalers	423920
PUBLISHING & PRINTING	
Commercial Printing (except Screen and Books)	323111
Commercial Screen Printing	323113
Books Printing	323117
Support Activities for Printing	323120
Book, Periodical, and Newspaper Merchant Wholesalers	424920
Newspaper Publishers	513110
Periodical Publishers	513120
Book Publishers	513130
Directory and Mailing List Publishers	513140
Greeting Card Publishers	513191
All Other Publishers	513199
Libraries and Archives	519210
VISUAL & PERFORMING ARTS	
Musical Instrument Manufacturing	339992
Art Dealers	459920
Theater Companies and Dinner Theaters	711110
Dance Companies	711120
Musical Groups and Artists	711130
Other Performing Arts Companies	711190
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	711410
Independent Artists, Writers, and Performers	711510
Museums	712110

*Note: In addition to the NAICS codes used to define Visual & Performing Arts, employment figures were adjusted to include three major arts and culture institutions at University of California, Berkeley, that would otherwise fall under the broader "colleges and universities" classification: Cal Performances, the Greek Theatre, and the Berkeley Art Museum and Pacific Film Archive. Employment data was provided by these entities directly.

A.2: BERKELEY BUSINESS COUNT METHODOLOGY

Data on Total Businesses is sourced from the City of Berkeley Active Business License (BL) dataset. Total Nonprofit data is sourced from the Internal Revenue Service Tax-Exempt Organizations Business Masterfile (IRS EO BMF).

Total Business Count

The BL file provides the most comprehensive and locally specific inventory of business establishments available, capturing sole proprietorships, small enterprises, and other entities that are often excluded from federal datasets. While we know the BL file omits some arts organizations noted above, the reported total of 12,783 businesses is likely only a modest undercount. Even with this limitation, the BL dataset remains the most robust and locally accurate source for understanding the full scope of business activity in the city.

We benchmark the BL dataset against two other common sources for business counts: the U.S. Census Bureau County Business Patterns (CBP), which captures only employer establishments with payroll (and thus undercounts small nonprofits) and carries a 2-year reporting lag; and the U.S. Bureau of Labor Statistics (BLS) Quarterly Census of Employment and Wages (QCEW), which provides establishment counts for payroll businesses at the county, metropolitan statistical area (MSA), and state levels (Figure A.2.2).

FIGURE A.2.1 TOTAL BUSINESS COUNT CROSS-REFERENCES IN BERKELEY

SOURCE	REGION	TOTAL BUSINESSES	TOTAL ARTS & CULTURE BUSINESSES
Berkeley Active BLs (2025)	Berkeley	12,783	650
CBP Establishments (2023)	Berkeley	4,279	139
QCEW Establishments (2024)	Alameda County*	71,737	2,335

*For reference, Berkeley employment accounts for about 10% of total Alameda County employment.

Nonprofit Organization Count

The IRS EO BMF is a national database of organizations recognized as tax-exempt under section 501(c) of the Internal Revenue Code. This dataset is updated monthly and serves as the most comprehensive listing of nonprofit entities in the U.S. It includes key information such as Employer Identification Number (EIN), ruling date, subsection designation, filing status, and industry. For analytic purposes, the IRS dataset is widely used to benchmark the size and scope of the nonprofit sector because it applies consistent classification standards across jurisdictions and time periods. For this analysis, arts-related nonprofits were identified using National Taxonomy of Exempt Entities (NTEE) codes in the "A" category (Arts, Culture, and Humanities), which map onto the industry NAICS codes used to define the creative economy.

CVL Economics uses the IRS file for nonprofit counts. The Berkeley BL dataset lists only 63 arts and culture nonprofits, which is a smaller number than what is present in the IRS findings. For example, several organizations known to be operational in Berkeley are not listed in the BL spreadsheet. In addition, the 2017 Arts and Culture Plan Update 2018–2027 indicates 152 arts nonprofits in Berkeley. In this context, the IRS count of 193 arts and culture nonprofits appears most consistent with the broader evidence presented in the table below (Figure A.2.2).

FIGURE A.2.2 NONPROFIT COUNT CROSS-REFERENCES IN BERKELEY

SOURCE	TOTAL NONPROFITS	TOTAL ARTS & CULTURE NONPROFITS
IRS Tax-Exempt Organization Masterfile (2025)	1,407	193
City of Berkeley Active Business Licenses (2025)	634	63
City of Berkeley Internal Compiled Arts & Culture Organization List (2025)*	n/a	187
Arts and Culture Plan Update - Economic Impact Report of the Arts in Berkeley (2017)**	n/a	152
City of Berkeley Pandemic Relief and Recovery Grant Recipients (2025)***	n/a	71

* An internal list of organizations compiled by the City of Berkeley that includes those listed in the City internal database (such as the Civic Arts Operating Grant program), organizations compiled by Visit Berkeley, and members of the Berkeley Cultural Trust.

** An economic impact report conducted in 2017 on the impact of Berkeley arts and culture nonprofit organizations, see section A.5 below.

***In 2020 and 2022, the City of Berkeley issued pandemic relief and recovery grants in response to the devastating toll of the COVID-19 pandemic. Grants were issued to 88 Berkeley-based nonprofit arts and culture organizations, of which 71 are still operating today.

Additional Data References on Berkeley's Arts and Culture Nonprofit Composition

Note that the methodology above estimates that 30% of creative economy businesses and 11% of total businesses (All Industries) are nonprofit organizations. To further benchmark this composition, we draw on the BLS Nonprofit Establishment Employment and Wage Estimates dataset. While that dataset is limited to state, county, or Metropolitan Statistical Area (MSA) geographies, offers limited NAICS detail, and the most recent data year is 2022, it supports benchmarking for the creative economy using NAICS 711 (Performing Arts)—Berkeley's largest creative sector. When we adjust the business-count methodology above to focus on Performing Arts (NAICS 711), about 28% of Berkeley's Performing Arts businesses are nonprofits. This is comparable to the shares shown in Figure A.2.3.

FIGURE A.2.3 BLS NONPROFIT ESTABLISHMENT EMPLOYMENT AND WAGE ESTIMATES (2022)

REGION	PERCENT TOTAL BUSINESSES NONPROFIT	PERCENT NAICS 711 BUSINESSES NONPROFIT	PERCENT TOTAL EMPLOYMENT NONPROFIT	PERCENT NAICS 711 EMPLOYMENT NONPROFIT
Alameda County	4%	22%	9%	25.1%
Bay Area MSA	4%	23%	9%	36.8%
California	2%	4%	8%	15.8%

Methodology Considerations

IRS nonprofit filings and City active business licenses are based on different reporting systems. IRS counts reflect the number of federally recognized nonprofit entities, whereas business license data reflects locally registered operations. The IRS EO BMF dataset is therefore a more standardized and comprehensive source for counting nonprofit organizations because it captures all federally recognized tax-exempt entities, regardless of local business-license status.

Some nonprofits may not appear in City records due to reporting gaps, classification issues, or exemptions from local registration requirements, yet they will still appear in the IRS file as long as their tax-exempt status is active. For measuring the nonprofit landscape—especially for standardization and comparisons across jurisdictions and time periods—the IRS dataset is the most reliable count, while City BL data remains valuable for the broader local business context. Although these measures are not perfectly interchangeable, together they provide useful benchmarks on the scale and structure of the City of Berkeley's creative economy.

A.3: CREATIVE ECONOMY EMPLOYMENT DOCUMENTATION

Measuring employment in the creative economy requires going beyond traditional payroll data sources. Standard datasets, such as the U.S. Bureau of Labor Statistics Quarterly Census of Employment and Wages (QCEW), provide a solid baseline for tracking salaried jobs, but they capture only part of the picture. Creative work often falls outside of conventional salaried employer–employee arrangements, relying instead on independent contracting, self-employment, and gig labor. To produce a more accurate account of the sector, our analysis incorporates multiple employment categories, each drawn from established federal datasets that are widely used in labor market research and economic modeling.

Salaried Jobs: QCEW is the most widely used dataset for measuring local employment. It is based on administrative records from unemployment insurance (UI) programs, which employers are legally required to file for most payroll workers. Additional salaried employment is derived from administrative and statistical adjustments that capture payroll jobs not covered by UI programs. These include W-2 employees at organizations exempt from UI reporting requirements, such as certain small nonprofits, charitable or community-based organizations, and religious institutions.

- **Includes:** Full- and part-time payroll jobs.

Self-Employed Jobs: Measured using IRS tax filings (Schedule C income) and Bureau of Economic Analysis (BEA) data on proprietorships. Represents individuals whose primary income comes from operating their own business.

- **Includes:** Sole proprietors, freelancers, and independent contractors whose primary source of income is generated from their own enterprises.

Gig Jobs: Derived from the U.S. Census Bureau Nonemployer Statistics (NES) dataset and supplemented by BEA adjustments. Represents secondary or contingent forms of work where individuals may earn supplemental income through short-term, project-based, or part-time activities.

- **Includes:** Freelancers, independent contractors, and sole proprietors engaged in gig-style or occasional work. Often counted in addition to a primary payroll or self-employed job.

Together, these categories ensure that creative employment is not undercounted and that the analysis captures the full scale and impact of the creative workforce.

A.4: ECONOMIC IMPACT METHODOLOGY

The foundational step in quantifying the economic impact of Berkeley's creative economy is the identification of the appropriate sectors that comprise the core—or "direct"—components of the industry (see industry classification in Appendix A.1).

Economic data are reported using the standardized North American Industry Classification System (NAICS), which allows for consistency and comparability across datasets. No single NAICS code wholly encapsulates the creative economy. As a result, a curated list of relevant sectors was assembled.

The Industry Economic Accounts produced by the Bureau of Economic Analysis (BEA) are a key foundational data source for all input-output models. The BEA's tables provide a summary of how industries produce and consume commodities at the national level. The economic impact analysis in this report utilizes the industry-standard IMPLAN (Impact Analysis for Planning) software. IMPLAN is an input-output modeling system used to build economic models at various levels of geography. IMPLAN is widely used and recognized by government organizations, nonprofits, economic development organizations, workforce planners, education institutions, and consultants across the U.S. and Canada.

For this analysis, CVL Economics tailored the modeling framework specific to the creative economy to build an Input-Output (I-O) model to better account for market transactions, capture supply chains across regions, and more accurately estimate regional industry leakages. The impact analyses were estimated using a Multi-Regional Input-Output (MRIO) model, which expands upon the traditional I-O system to include various additional socioeconomic variables including sub-regional trade and income flows, commuting patterns, and household spending patterns between the City of Berkeley and the East Bay (Alameda and Contra Costa Counties).

Additionally, because Berkeley's creative economy comprises a significant portion of self-employed and gig workers, we adjusted the model to reflect the differences between these job structures. Salaried jobs typically generate greater and more stable economic impacts (through higher wages, benefits, and payroll taxes) while self-employed and gig work tends to involve lower and/or variable earnings and different tax treatment. By accounting for these differences, our model avoids overstating independent work while still recognizing its importance to the sector.

Within this framework, the following impacts are generated:

- **Direct effects** capture the employment, labor income, and value added generated by creative economy organizations and workers located in Berkeley.
- **Indirect effects** reflect the activity supported through the supply chain. IMPLAN estimates these based on regional purchasing patterns—how much, on average, businesses in a given sector spend on inputs from other industries within the study area.
- **Induced effects** reflect household spending by workers employed and supported by the creative industries. These are modeled from regional averages of consumer expenditure data (sourced from the Bureau of Labor Statistics' Consumer Expenditure Survey), adjusted to the income distribution of the study region.

A.5: DATA METHODOLOGY COMPARISONS TO 2017 ECONOMIC IMPACT REPORT

A previous economic impact report, the *Arts and Culture Plan Update — Economic Report of the Arts in Berkeley* (2017), provided the last benchmark for understanding the role of arts and culture in Berkeley's economy.[21] It is important to note that there are key differences between the methodology used in the 2017 analysis and this report, which means direct comparisons should be approached with caution. Notably, the 2017 study examined a sample of 100 nonprofit arts and culture organizations, while the current analysis covers the broader creative economy, including nonprofits, private firms, individual artists, and other creative enterprises.

The following distinctions should be noted regarding the results reported in Table 6 (on page 18) of the 2017 study. This analysis modeled nearly $98 million in annual spending from the 100 nonprofits as the basis of its analysis. This produced estimates of 3,606 full-time equivalent (FTE) workers, $80.8 million in labor income, and $3.8 million in local tax revenue (including both City and County). By contrast, this current report captures the entire creative economy, counting 8,186 jobs (not converted to FTEs), which helps explain the larger overall economic contribution CVL Economics presents in the current report's findings.

The methodology behind these calculations of economic and fiscal impact also differs. The 2017 study used the Arts & Economic Prosperity Calculator 5 (AEP5), developed by Americans for the Arts. AEP5 measures the economic impact of nonprofit arts and cultural activity through a standardized input–output modeling framework. It combines locally reported organizational expenditures with audience spending data collected through on-site surveys, and then applies pre-set IMPLAN multipliers to estimate jobs, income, and local and state tax revenues. While this approach ensures consistency across participating communities, the calculator does not allow for adjustments to the unique structure of each local economy.

In comparison, the current study is modeled directly within the IMPLAN system, enabling customization to Berkeley's unique economic profile, including its composition of for-profit and non-profit organizations. This approach not only captures direct activity within Berkeley but also provides a breakout of the indirect and induced effects that ripple through the local economy and the broader East Bay as creative organizations and workers purchase goods and services and circulate income. This customization also allows for greater City-level detail on fiscal impact reporting.

Finally, the 2017 report added estimates of attendee spending on top of the modeled impact results, since they were able to capture attendee spending for their total sample of 100 organizations, using the SMU DataArts Cultural Data Profile and additional survey outreach. To ensure a process that can be standardized, we used the same approach to calculate visitor spending, but we treat these figures separately rather than folding them into the overall creative economy totals, recognizing that they represent only a sample of the wider ecosystem in this study.

21 See the 2017 report here: https://berkeleyca.gov/sites/default/files/2022-02/Berkeley%20Arts%20Economic%20Impact%20Report.pdf

Berkeley Creative Economy Economic Impact Analysis

DECEMBER 2025

ACKNOWLEDGMENTS

This report was made possible through the leadership and support of the City of Berkeley, including the Office of Economic Development and its Civic Arts Program, the Civic Arts Commission, and Berkeley City Council, whose commitment to advancing the city's creative and cultural vitality guided this work. We also extend our appreciation to the many nonprofit arts and culture organizations, creative practitioners, and community stakeholders who generously contributed their time, insights, and experiences.

PREPARED BY:

CVL Economics is an economic consulting firm that takes a data-driven, human-centric approach to equitable development and sustainable growth. Founded in 2021, CVL Economics partners with communities, municipalities, organizations, and institutions to address today's most complex challenges and foster bold action. Coupling robust economic models with innovative research methodologies, we provide decision-makers with the actionable insights needed to effect change, expand opportunity, and improve economic well-being.



Assessment of Berkeley Arts & Culture Pandemic Relief and Recovery Funding

DECEMBER 2025



CVL ECONOMICS



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CONTEXT

Between 2020 and 2022, the City of Berkeley awarded over $3 million in emergency relief and recovery grants to arts and culture organizations and individual artists in Berkeley facing severe financial hardship during the COVID-19 pandemic.

As one of the first municipalities to mobilize comprehensive support for the cultural sector, Berkeley's intervention provides a unique case study in crisis response for arts ecosystems operating in high-cost environments. Drawing on financial data, organizational surveys, and demographic analyses, this assessment examines both the immediate stabilization effects and longer-term outcomes of the City's emergency relief and sustained recovery investments, offering evidence-based insights into the effectiveness of targeted cultural relief strategies and the fundamental challenges facing creative communities during periods of economic disruption.

When the COVID-19 pandemic brought the Bay Area to a standstill in March 2020, the region's vibrant arts and culture sector—from intimate theaters and galleries to community festivals and independent artists—faced an unprecedented crisis as venues shutdown, events were cancelled, and revenue streams vanished overnight. Recognizing the essential role of arts and culture in the city's identity and economy, the City of Berkeley quickly mobilized a series of emergency grant programs to support local artists, nonprofit organizations, and cultural institutions facing acute financial strain. Over the course of three years, the City awarded $2.5 million to 88 organizations and $523,089 to 193 individual artists and cultural workers (Figure 1).[1] The City directed resources with a focus on equity and accessibility to sustain creative work, preventing organizational closures and ensuring underrepresented communities remained at the center of recovery.

1 To view the original documentation for these grants, see City of Berkeley, "Business and Arts Organization Continuity Grant Awards" (Off Agenda Report), April 27, 2020, https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2020/04/Business-and-Arts-Organization-Continuity-Grant-Programs-042720.docx-1.pdf; and City of Berkeley, "Civic Arts Grants Program—Improved Practices & Community Impact" (includes Berkeley Art Works Project and Berkeley Arts Recovery Grants,), March 21, 2023, https://berkeleyca.gov/sites/default/files/documents/2023-03-21%20WS%20Item%2001%20Civic%20Arts%20Grants%20Program.pdf.



Figure 1: Summary of Berkeley Pandemic Relief Funding Programs

	PROGRAM YEAR	NUMBER OF GRANTEES	AVERAGE GRANT AWARDED	RECIPIENT TYPE	TOTAL AMOUNT AWARDED
ARTS ORGANIZATION CONTINUITY GRANTS	2020	63	$15,151 organization	Nonprofit or fiscally-sponsored arts and culture organizations	$954,543
EAST BAY/OAKLAND RELIEF FUND FOR INDIVIDUALS IN THE ARTS*	2020	47	$1,372 per individual	Individual artists and arts workers	$64,500
BERKELEY ART WORKS PROJECT (BAWP)	2021	32	$5,698 per individual	Individual artists, performers, and community members	$182,339
BERKELEY ARTS RECOVERY GRANTS (BARG) FOR ARTS ORGANIZATIONS AND FESTIVALS	2022	74	$20,707 per organization	Nonprofit or fiscally-sponsored arts and culture organizations and festivals	$1,532,345
BERKELEY ARTS RECOVERY GRANTS (BARG) FOR ARTISTS AND CULTURAL PRACTITIONERS	2022	114	$2,423 per individual	Individual artists, culture bearers, teaching artists	$276,250
			Total Amount Awarded to Arts & Culture Individuals (2020-2022)		**$523,089**
			Total Amount Awarded to Arts & Culture Organizations (2020-2022)		**$2,486,888**
			Total Berkeley Pandemic Relief and Recovery Funding (2020-2022)		**$3,009,977**

* The East Bay/Oakland Relief Fund was a regional grant program administered by the Center for Cultural Innovation that provided grants to 515 artists and cultural workers across Alameda and Contra Costa counties. The table includes only the portion awarded to 47 individual Berkeley artist residents leveraged with City of Berkeley funds.

Source: City of Berkeley, CVL Economics.

These investments, totaling over $3 million, were extraordinary in scale. By comparison, the City's annual Civic Arts Grants program distributes nearly $700,000 to arts and culture organizations, festivals, and individuals in a typical year. The pandemic-era funding programs for arts and culture organizations and individuals granted more than $1 million in 2020 and over $1.8 million in 2022, more than doubling its Civic Arts Grants investment in a typical year. For many Berkeley organizations and individual artists, the pandemic relief and recovery programs were more than simply helpful—they meant the difference between shuttering permanently and surviving long enough to rebuild.

SCALE OF COVID-19 DISRUPTION

The COVID-19 pandemic resulted in a wave of regionally mandated closures that reshaped daily life and severely disrupted arts and cultural activity. Berkeley is just one of three cities in California that operates its own public health department separate from the county, with an independent Health Officer who has the authority to issue local health orders.[2] During the pandemic, this meant that while the City often issued orders in alignment with Alameda County, it also at times acted earlier, leaving city residents and businesses subject to mandates that on occasion differed from neighboring cities and counties.

On March 17, 2020, Berkeley joined Alameda County and five other Bay Area counties to issue shelter-in-place orders, two days before Governor Newsom's statewide order on March 19. Under these orders, residents were required to remain in their places of residence except to perform essential activities. All non-essential business—like retail, entertainment, cultural, and recreational facilities—had to close to the public. This marked the beginning of what would become one of the most disruptive periods of widespread closures and halted activity in recent history.

In this environment of sudden and prolonged shutdowns, the timing of Berkeley's pandemic support for arts organizations and individuals was especially critical (Figure 2). The first round of funding (Arts Organization Continuity Grants) for organizations distributed in May 2020 arrived at the height of shutdowns and, for many organizations, served as their first—and in some cases only—source of external aid. In parallel, the City also contributed to the East Bay/Oakland Relief Fund for Individuals in the Arts, a regional effort launched in May 2020 to provide direct cash assistance to artists and cultural workers. These local dollars often reached grantees before county, state, or federal relief programs such as the California Arts Council's Cultural Organizations Emergency Relief Fund, Shuttered Venue Operators Grants, Alameda County Arts Relief Grants, and the Paycheck Protection Program.

It wasn't until October 2020 that the City of Berkeley, along with Alameda County, cautiously began reopening a wider range of businesses and community spaces to the public under strict capacity limits. New health order protocols could now allow businesses like museums, galleries, personal care services, libraries, places of worship, restaurants, and movie theaters to operate indoors at 25% capacity. These steps marked the first time many cultural and social gathering spaces could invite the public back, albeit in highly restricted forms.

However, this momentum was short-lived. In December, a resurgence of COVID-19 cases strained intensive care unit capacity to below 15%, which in turn triggered a new regional stay-at-home order and the closure of nearly all indoor sectors across Berkeley and Alameda County once again. As cases eased in early 2021 and vaccines became widely available, cultural and recreational facilities were gradually permitted to return in stages: first at 25% capacity, then 50%, and by the spring of 2021 up to 75%. By May 2021, many museums, galleries, and other indoor spaces were operating under these expanded limits. It was not until June 15, 2021—fifteen months after the first shutdown—that nearly all restrictions were finally lifted, and businesses across California could fully reopen.

Recognizing the toll of lost work opportunities on local

[2] Sara Kassabian, "Berkeley is unusual in having its own public health division. How does that work during a pandemic?," Berkeleyside, April 15, 2020, https://www.berkeleyside.org/2020/04/15/berkeley-is-unusual-in-having-its-own-public-health-division-how-does-that-work-during-a-pandemic.



artists throughout this period, the City of Berkeley launched the Berkeley Arts Works Project (BAWP) in 2021, funded through the City's Cultural Trust Fund (Fund 148).[3] Modeled in spirit after the New Deal–era Works Progress Administration, which employed artists during the Great Depression to create public works, the program provided paid opportunities for artists, performers, and community members to produce temporary public artworks. These projects not only offered much needed income, but also fostered community healing by addressing themes of public health, resilience, and belonging at a time when many cultural venues were only beginning to reopen.

While the statewide June 2021 reopening marked a turning point for most cultural and recreational facilities, performing arts venues had endured some of the longest closures. Classified as among the highest-risk settings, they were the last to reopen, allowed to return only when the rest of the economy was cleared to resume operations. The Berkeley Repertory Theatre offers a vivid example of just how long the road back was for performing arts institutions. Despite the state's reopening in June, Berkeley Rep remained dark until November 12, 2021, when it finally welcomed audiences back with its production of Wintertime—a nearly 20-month closure from March 2020.

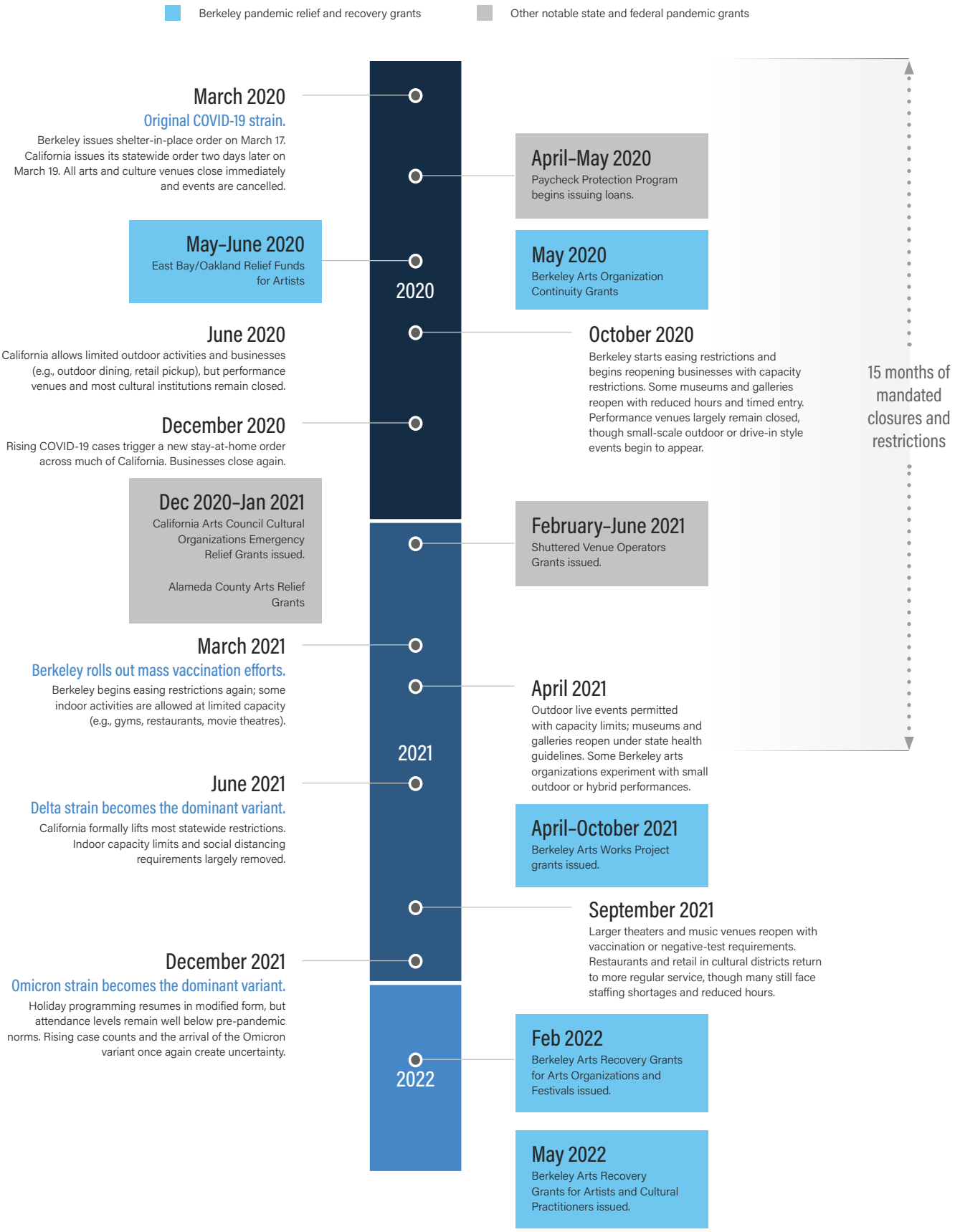
The City's next major rounds of recovery funding came through the Berkeley Arts Recovery Grants (BARG) two years later in 2022 (funded with American Rescue Plan Act dollars).[4] This program was available to both arts and culture organizations and individuals. The BARG program arrived at a moment when federal and state programs wound down and organizations were confronting new pressures: inflation, workforce shortages, and lower levels of consumer engagement that had not fully recovered since the pandemic.

Together, the launch of these programs over three years created a phased response that moved from emergency relief to longer-term recovery. This approach helped preserve Berkeley's cultural ecosystem and sustain its creative workforce during one of the most disruptive periods in recent history.

[3] The Cultural Trust Fund is a dedicated pool of City revenues that supports Berkeley's arts ecosystem through grants, public art, and cultural programming.

[4] The American Rescue Plan Act (ARPA), a $1.9 trillion federal stimulus package enacted in March 2021, provided local governments with flexible State and Local Fiscal Recovery Funds (SLFRF) to address public health and economic impacts of the pandemic, with a focus on disproportionately impacted communities. The City of Berkeley allocated a portion of these funds to support arts and culture organizations and individual cultural practitioners.

Figure 2: Timeline of COVID-19 Pandemic Relief & Recovery Grant Distribution

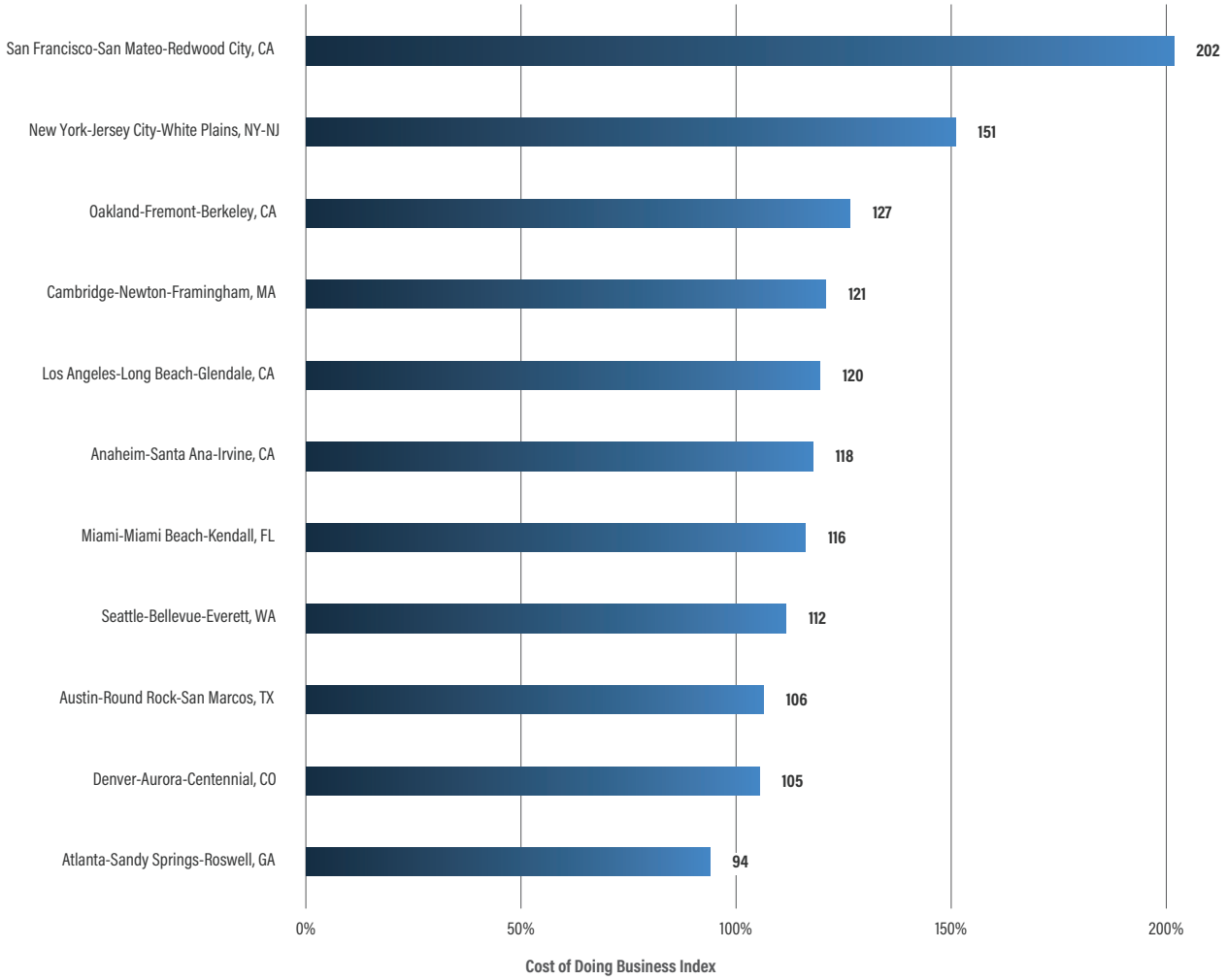


Source: CVL Economics.

At the same time, these prolonged closures exacerbated Berkeley's already exceptionally high-cost environment (Figure 3). The East Bay (comprising Alameda and Contra Costa counties, also known as the Oakland-Fremont-Berkeley metropolitan division) consistently ranks among the most expensive regions in the country—not just for households but also for employers. Berkeley arts and culture organizations must contend with some of the nation's highest commercial rents, utility costs, and taxes.

For nonprofit cultural organizations, the in-person experience is central to their survival. Earned income streams—such as ticket sales, performances, classes, festivals, gallery admissions, and space rentals—depend almost entirely on people gathering in shared physical spaces. When COVID-19 forced those spaces to close, the entire business model of many arts groups collapsed overnight. Unlike some industries that could pivot to remote operations, much of Berkeley's arts and culture sector remained tied to in-person engagement. While many organizations worked hard to provide online content and cultural experiences, virtual substitutes could not replicate the community connection of live experiences nor meaningfully make up for revenue shortfalls. Moreover, many organizations continued to shoulder fixed costs, such as leases, insurance, and baseline staffing. The inability to shed these expenses during more than a year of shutdown meant reserves were rapidly depleted, forcing some organizations to suspend operations entirely.

Figure 3: Cost of Doing Business Index by Metropolitan Division | 2022



Note: The Cost of Doing Business Index is a Moody's Analytics calculation factoring in labor costs, energy costs, office rent, and tax burden in a given metropolitan division.

Source: Moody's Analytics, CVL Economics.

KEY FINDINGS

IMPACT OF BERKELEY'S PANDEMIC RELIEF AND RECOVERY FUNDING FOR ARTS & CULTURE ORGANIZATIONS

Two rounds of Berkeley pandemic relief and recovery grant programs were administered to 88 arts and culture organizations, totaling almost $2.5 million.

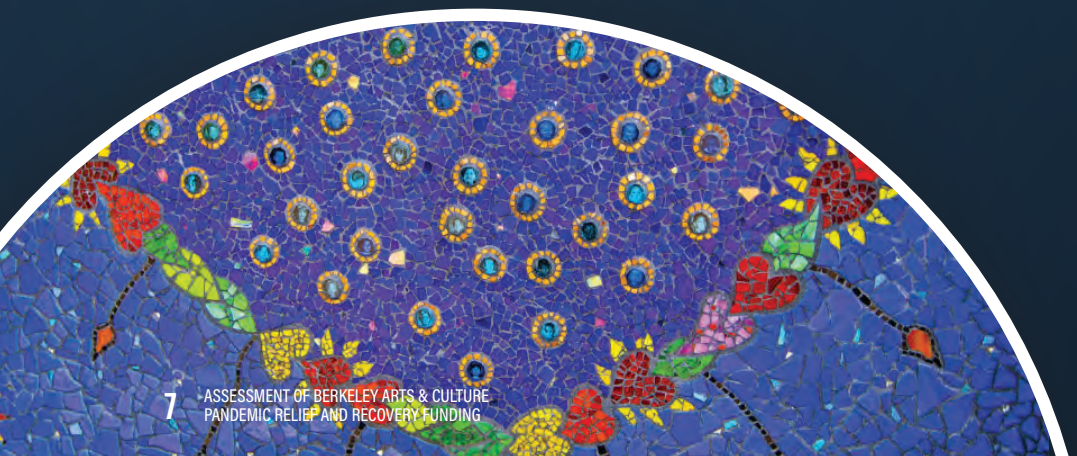
The two rounds were the Arts Organization Continuity Grants ($954,543) in 2020 and the Berkeley Arts Recovery Grants (BARG) for Arts Organizations and Festivals ($1.5 million) in 2022.

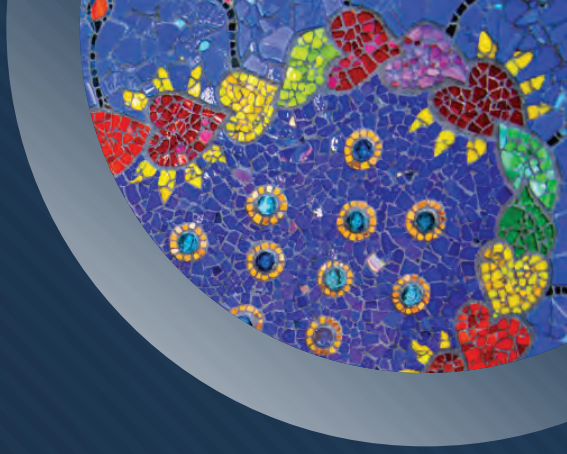
Smaller organizations were the most vulnerable to initial pandemic disruptions.

At the onset of the pandemic, organizations with annual budgets of $500,000 or less saw their revenues drop by nearly 50% on average, compared to a 30% decline among mid-sized organizations ($500k–$1M) and about a 40% decline among large organizations (over $1M). This sharper decline highlights how limited reserves and thinner margins left smaller organizations far more vulnerable to the initial shock.

Relief and recovery funding was broadly seen as critical, helping most organizations avoid layoffs and business closure entirely.

Nearly 83% of Arts Organization Continuity Grant (2020) and 90% of BARG (2022) recipients rated their Berkeley pandemic relief and recovery grant(s) as either "very helpful" or "essential." The remaining organizations, which were larger in size, described the funding as "moderately helpful." Importantly, the vast majority of grantees (up to 84%) credited the grants with preventing both organizational shutdowns and employee layoffs during the most acute months of the pandemic.





Arts Organization Continuity Grants (2020) served as an immediate lifeline.

Issued at the height of uncertainty in May 2020, these grants kept doors open during the first wave of shutdowns. Arts Organization Continuity Grants reached organizations before many other federal, state, and local relief programs. However, their impact tended to be short-term: most grantees (84%) stated funds sustained operations for less than six months, 11% said funds lasted 6-12 months, and just 5% stated funds lasted a year or more. Even so, the immediacy of this funding was critical; more organizations attributed the Arts Organization Continuity Grant as helping them avoid layoffs (85%) and closures (84%) than the BARG (2022) program. Over half of the recipients stated the grants helped them survive the pandemic period but left no lasting impact.

Berkeley Arts Recovery Grants (2022) offered stabilization and transformation.

Distributed in a more stable but still challenging environment in 2022, BARG enabled longer-term planning and adaptation. 22% of recipients stated the funding lasted 6–12 months, and 11% reported funding lasting a year or more. Nearly one in five (19%) described the grants as transformative—compared to just 5% of Arts Organization Continuity grantees—and almost half (48%) credited the funds with helping them stabilize and make strategic changes. 70% of BARG recipients credited the grant for avoiding layoffs and 74% for avoiding business closure.

Many arts & culture organizations received both rounds of funding, which extended impact beyond any single cycle.

A majority of grantees (49 of 88) benefited from receiving both the 2020 Arts Organization Continuity Grant and the 2022 BARG. This sequencing mattered: the first round provided a lifeline in the immediate aftermath of shutdowns, while the second arrived during a difficult reopening phase marked by inflation, workforce shifts, and lagging consumer engagement. Taken together, the two rounds of support compounded one another, allowing organizations not only to survive the immediate crisis but also to weather the prolonged and unpredictable recovery period. In this way, limited local dollars stretched across multiple years of disruption, amplifying their effect far beyond what a single grant cycle could have achieved.

IMPACT OF BERKELEY'S PANDEMIC RELIEF AND RECOVERY FUNDING FOR ARTS & CULTURE INDIVIDUALS[5]



Three Berkeley pandemic relief and recovery grant programs were administered to arts and culture individuals residing and practicing in Berkeley, totaling over $520,000.

The three programs were the East Bay/Oakland Relief Fund ($64,500 to Berkeley residents) in 2020, the Berkeley Art Works Project (BAWP; $182,339) in 2021, and the BARG for Artists and Cultural Practitioners ($276,250) in 2022.

While the East Bay/Oakland Relief Fund (2020) and BARG (2022) programs provided unrestricted funds to Berkeley's arts and culture workers, BAWP (2021) supported paid temporary visual and performing arts projects in public spaces. Instead of serving as direct stimulus assistance, BAWP (inspired by the Depression-era Works Progress Administration) functioned more like traditional income, employing artists who might otherwise have been working locally in theaters or other cultural venues, and redirecting their talents into community-based creative projects.

Individual grants covered the equivalent of up to nearly four months of housing costs.

Grants provided immediate relief for artists facing significant reductions in income, often covering essential living costs like rent, groceries, and medical bills. When measured against the median individual housing cost in Berkeley ($1,100/month), the impact becomes clear: East Bay/Oakland Relief Fund awards covered over one month of housing, BARG awards covered more than two months, and BAWP awards stretched nearly four months. Even this short-term coverage of basic living expenses mattered enormously for artists, and in some cases represented the difference between staying in Berkeley or being displaced.

Relief and recovery programs advanced equity and reached those most impacted.

Grants were mostly awarded to historically underrepresented artists, including Black, Latinx, Indigenous, and multi-racial cultural workers. More than half of grantees reported losing at least 50% of their arts-related income in 2020, with nearly one-quarter losing 90–100%, showing funding reached those in greatest need.

[5] While pandemic relief funding supported both organizations and individuals, this assessment focuses primarily on organizations. Relief to individual artists in Berkeley was important, and a high-level assessment is included, however the anonymity of individual grant awards limited the availability of detailed data. In addition, organizations serve as anchors for artists and the community and are more deeply established within communities, making their stability a clearer lens into the overall health of the creative ecosystem.



LONG-TERM OUTCOMES FOR ARTS & CULTURE ORGANIZATIONS

Every $1 in City funding leveraged at least $5.64 in ongoing arts and culture economic activity.

> The City's $2.5 million investment in arts and culture organizations during the years spanning 2020 to 2022 helped safeguard more than $12.9 million in arts and culture revenue that otherwise would have been lost. This translates to every $1 of City pandemic emergency funding having leveraged at least $5.64 in arts and culture economic activity. This return captures not only the direct operations of arts and culture organizations, but also the ripple effects through local suppliers, contractors, and service providers.

17 of the 88 grantee organizations or 19% (of both relief and recovery programs to arts and culture organizations) closed permanently between 2020–2024, the majority of which were very small organizations.

> Nine of the 28 grantee organizations with operating budgets under $100,000 closed, the highest number of any group. But large organizations were also not immune; two of the 13 institutions with revenues between $1M-$2M also shut down, as did two of the 11 organizations with operating budgets over $2 million. This pattern shows that while scale and resources provided some resilience, no segment of the sector was fully insulated. The loss of larger organizations—typically those with the broadest audiences or consumer base, most extensive programming, and greatest fundraising capacity—underscore the vulnerability of even the city's established cultural institutions.

Revenue for the 71 surviving grantees sits 9% below pre-pandemic levels, though the 62 smaller surviving organizations, with budgets less than $2 million, fared relatively better over time.

> In 2024, grantee median revenue sat 9% below the 2019 benchmark. That said, smaller grantee organizations that are still operational have fared relatively better over time than their larger peers. For many of these groups, Berkeley's relief and recovery funds represented a substantial share of their annual budgets—sometimes covering the bulk of operating revenue in a given year. This scale of support often made the difference between survival and closure, allowing small organizations not only to stay afloat but also to begin rebuilding sooner than larger institutions, which in some cases remain more deeply destabilized.

The 9 larger organizations with budgets over $2 million that received grant funding faced deeper structural challenges, with current revenues sitting 33% below pre-pandemic levels.

For larger organizations, City relief and recovery grants accounted for a smaller share of overall budgets, limiting their ability to offset the steep financial shocks of the pandemic. As a result, for organizations with operating budgets over $1 million, funding was often described as moderately helpful rather than transformative. By 2024, revenues at these larger organizations remained one-third below 2019 benchmarks—far below the average 9% decline across all grantees.

Broader economic challenges are compounding strain across Berkeley arts organizations of all sizes.

Expenses have risen much faster than income, and earned revenue has been slow to rebound, leaving organizations more reliant on contributed income. Additionally, performing arts venues in particular continue to struggle with reduced attendance and shrinking subscriber bases. As a result of both of these factors, and a changed federal funding for the arts landscape, competition for public sector and philanthropic support has intensified, making recovery uneven, precarious, and difficult for arts organizations. Compounding these challenges, downtown revitalization struggles—including empty storefronts, reduced foot traffic, and heightened safety and transportation concerns—have made it more difficult for some arts venues to fully reestablish themselves as hubs of community life.

Together, these findings illustrate that while the pandemic-era grants were not sufficient in resolving every financial challenge for Berkeley's artists and arts organizations, they served as a lifeline. For many organizations, relief and recovery funding was the difference between survival and closure during unprecedented times, ensuring that Berkeley's arts and culture ecosystem remained intact long enough to begin navigating the long road to recovery.

PANDEMIC RELIEF AND RECOVERY FOR ARTS & CULTURE ORGANIZATIONS

Eighty-eight arts and culture organizations received at least one of the two pandemic relief and recovery grants, with 49 organizations receiving both the Arts Organization Continuity Grant in 2020 and BARG in 2022 (Figure 4). Together, these programs directed nearly $2.5 million in emergency support to the sector, which provided targeted financial assistance to help organizations weather immediate losses, retain staff, and adapt to rapidly changing conditions.

ARTS ORGANIZATION CONTINUITY GRANTS (2020)

In response to the immediate financial crisis faced by arts organizations during the onset of the COVID-19 pandemic, the City of Berkeley launched the Arts Organization Continuity Grants program in March 2020. This program was funded directly by the City of Berkeley's General Fund Catastrophic Reserve. The program ultimately awarded $954,53 in emergency funding to 63 local nonprofit arts organizations. Grants of up to $25,000 (with an average award of approximately $15,150) were distributed in May 2020 to organizations that demonstrated a loss of at least 25% in earned revenue, such as ticket sales, class fees, or venue rentals.

The program was designed as emergency gap funding to stabilize organizations experiencing acute financial hardship. Eligibility was limited to Berkeley-based organizations with a mission focused on the development or presentation of arts and culture, including fiscally sponsored entities. In keeping with the City's 2018 Arts & Culture Plan and commitment to cultural equity, applications were evaluated not only on financial need but also on equity-centered criteria, such as whether the organization worked primarily with artists from historically marginalized communities, served underrepresented audiences, operated in geographically underserved parts of Berkeley, or had a staff and board composition reflective of diverse communities.

BERKELEY ARTS RECOVERY GRANTS FOR ARTS ORGANIZATIONS AND FESTIVALS (2022)

In 2022, the City of Berkeley distributed over $1.5 million in one-time Berkeley Arts Recovery Grants (BARG) to 74 nonprofit arts organizations and recurring festivals as part of its broader pandemic recovery strategy. Funded by American Rescue Plan Act (ARPA) dollars, the BARG program was designed to support sustainable recovery for Berkeley's arts sector after nearly two years of widespread disruption in the sector as a result of the COVID-19 pandemic. Award amounts ranged from $3,000 to $33,000, with an average award of approximately $20,700 per organization.

Eligible applicants included Berkeley-based nonprofit or fiscally sponsored arts organizations and recurring festivals that had experienced a decline in revenue between 2019 and 2020. Awards were determined through a scoring system that prioritized organizations serving or led by historically marginalized communities, with 70% of the evaluation focused on cultural equity factors such as programming by or for BIPOC, LGBTQIA+, low-income, disabled, senior, or unhoused populations. Funds could be used to offset lost revenue, support safe reopening efforts, or invest in long-term sustainability through marketing, consulting, or business planning.

Figure 4: Summary of Berkeley Pandemic Relief and Recovery Grants for Arts & Culture Organizations

	PROGRAM YEAR	RECIPIENT TYPE	NUMBER OF GRANTEES	TOTAL AMOUNT AWARDED	AVERAGE GRANT AWARDED
ARTS ORGANIZATION CONTINUITY GRANTS	2020	Nonprofit or fiscally-sponsored arts and culture organizations	63	$954,543	$15,151
BERKELEY ARTS RECOVERY GRANTS (BARG) FOR ARTS ORGANIZATIONS AND FESTIVALS	2022	Nonprofit or fiscally-sponsored arts and culture organizations and festivals	74	$1,532,345	$20,707

Source: City of Berkeley, CVL Economics.



PANDEMIC RELIEF AND RECOVERY GRANT IMPACT FOR ARTS & CULTURE ORGANIZATIONS

Although grantees varied in focus, size, and diversity, all Berkeley organizations faced acute financial hardships resulting from the pandemic, and for many, this persists into the present day. The scale of these challenges is underscored by the grantees themselves, who reported widespread disruptions to programming, facilities, and core revenue streams as the pandemic unfolded.

To better understand how Berkeley's pandemic relief and recovery funding shaped the local arts ecosystem, CVL Economics surveyed grantee organizations. Of the 88 organizations that received support through the Arts Organization Continuity Grant (2020) or the Berkeley Arts Recovery Grant (BARG; 2022), 30 completed the survey, providing valuable insights into both the immediate and lasting effects of the City's investment.[6]

COVID-19 Disruptions

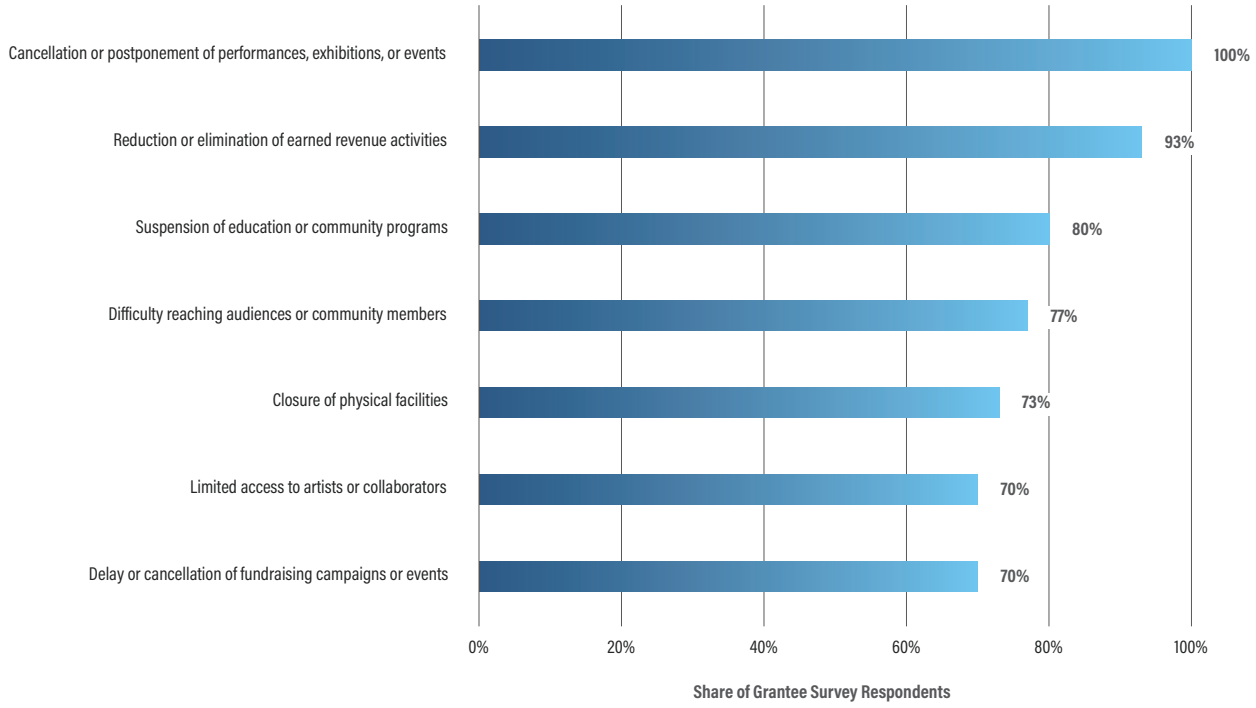
At the onset of the pandemic in mid-March 2020, every grantee organization had to cancel or postpone performances, exhibitions, or events. In a survey of grant recipients conducted five years later, in June 2025, 80% reported suspended education or community programs; and more than 73% were forced to close their physical facilities, resulting in the reduction or elimination of key earned revenue activities (Figure 5). Another 70% reported having to delay or cancel critical fundraising campaigns, cutting off vital revenue streams at a moment when operational expenses remained constant or, in some cases, increased due to safety measures.

Community connection was also severely disrupted by the pandemic in Berkeley. Nearly 77% of respondents reported difficulties reaching audiences or community members, a challenge compounded by the digital divide and the learning curve associated with pivoting to online programming. Limited access to artists, collaborators, and essential partners was cited by 70% of organizations, underscoring how the pandemic fractured the networks that sustain creative production.

The employment landscape in Berkeley in this sector shifted dramatically as well (Figure 6). Forty-three percent (43%) of arts organizations implemented temporary layoffs or furloughs, 40% imposed hiring freezes, and 13% faced permanent position eliminations. These staffing impacts not only affected the livelihoods of arts workers but also reduced organizational capacity, making recovery more difficult even after restrictions eased.

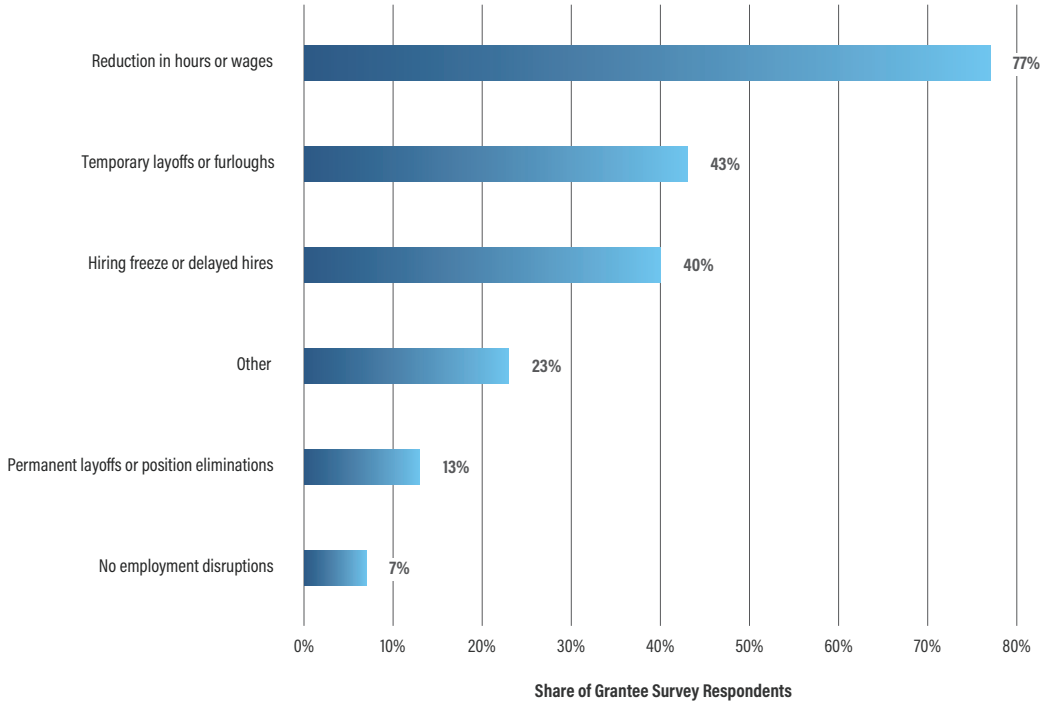
[6] See Appendix A.1 for more details on survey methodology.

Figure 5: Immediate COVID-19 Disruptions Experienced by Berkeley Arts Organizations



N=30
Source: CVL Economics Survey (2025).

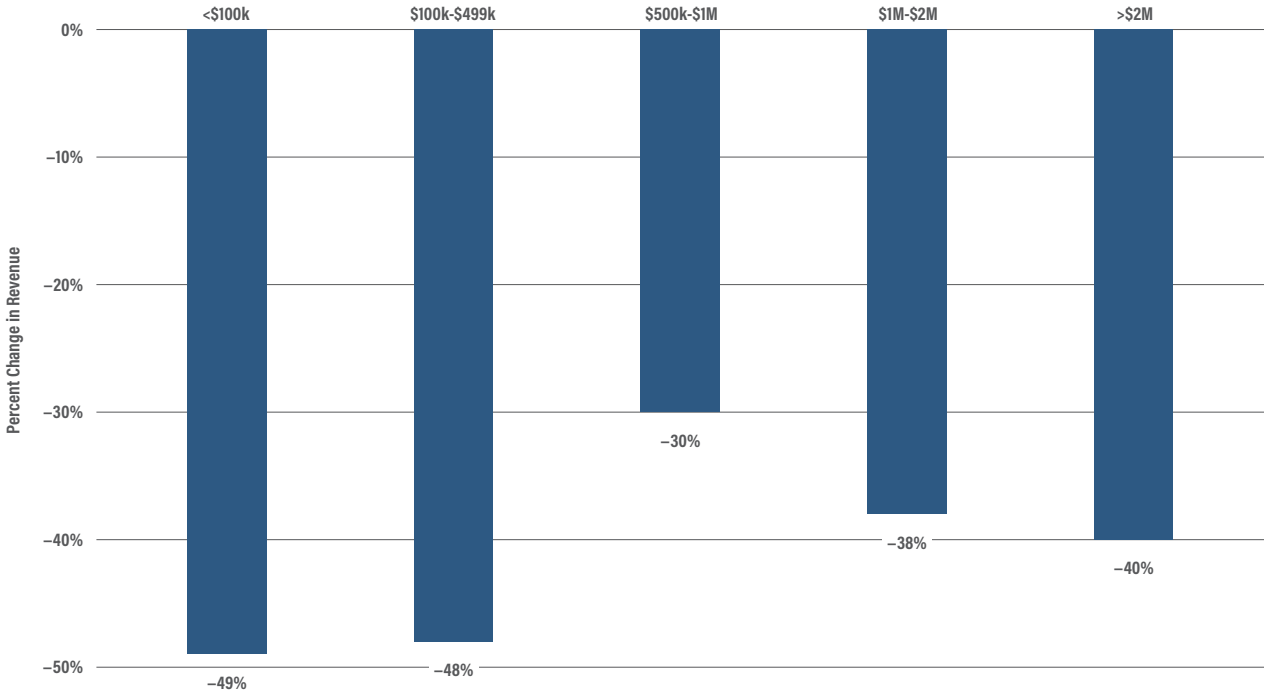
Figure 6: Immediate COVID-19 Employment Disruptions Experienced by Berkeley Arts Organizations



N=30
Source: CVL Economics Survey (2025).

The financial toll of these disruptions is reflected in the immediate revenue loss experienced by grantee organizations (Figure 7). Across the 74 BARG grantees, average revenue fell by 44% between 2019 and 2020. The depth of these losses varied significantly by organization size. The smallest organizations—those with annual budgets under $100,000—were hit the hardest, with revenues dropping nearly 50% on average. Mid-sized organizations with budgets between $500,000 and $1 million saw the least severe declines, though they still averaged a 30% loss. Large organizations with budgets over $2 million were not immune either, facing an average revenue reduction of 40% at the onset of the pandemic.

Figure 7: Grantee Revenue Loss by Organization Size | 2019–2020



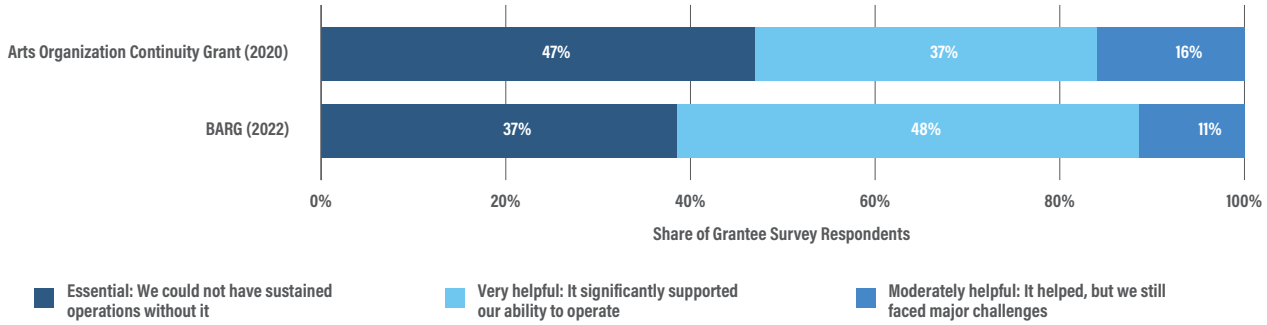
Source: City of Berkeley, CVL Economics.

IMMEDIATE IMPACTS: ROLE OF PANDEMIC RELIEF AND RECOVERY FUNDING

Berkeley's pandemic relief and recovery grants for arts and cultural organizations were not just helpful but essential for many grantees (Figure 8). Nearly half of Arts Organization Continuity Grant recipients (47%) and more than a third of BARG recipients (37%) said they could not have sustained operations without the grant. Another 37% of Arts Organization Continuity Grant recipients and 48% of BARG grantees reported that the funding was very helpful, significantly supporting their ability to continue operating.

The grants played a pivotal role in preventing widespread layoffs and closures. Eighty-four percent (84%) of Arts Organization Continuity Grant recipients and 70% of BARG recipients said the grants helped them avoid workforce reductions, protecting jobs during the most precarious months of the pandemic (Figure 9). Similarly, 84% of Arts Organization Continuity Grant recipients and 74% of BARG recipients said the funding prevented them from permanently shutting down (Figure 10).

Figure 8: Extent to Which Pandemic Relief and Recovery Funding Was Essential Among Berkeley's Grant Recipients



N=30
Note: Responses were measured on a five-point scale from "Not at all helpful" to "Essential." No respondents selected either of the two ratings below "Moderately helpful."
Source: CVL Economics Survey (2025).

Figure 9: Share of Grantees That Avoided Layoffs Due to the Grants

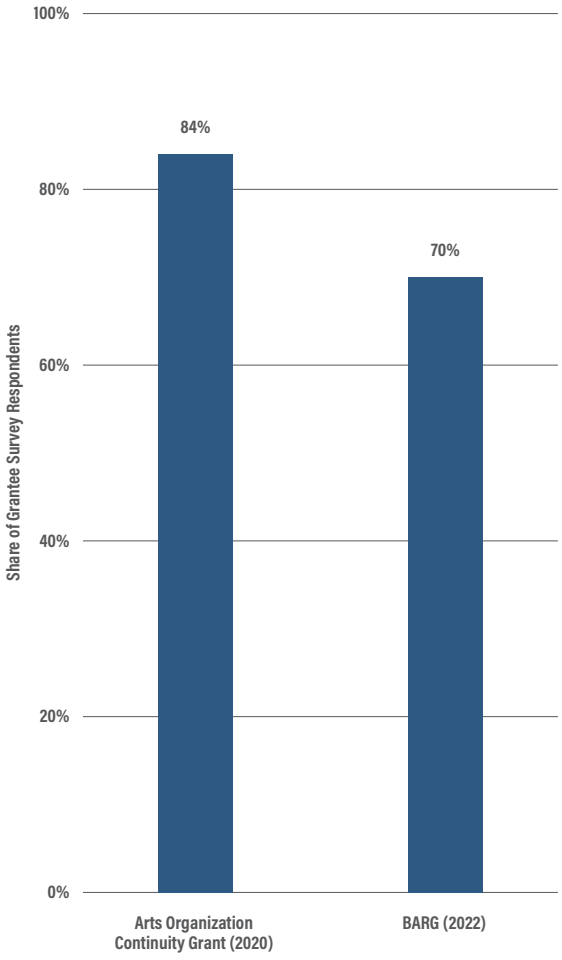
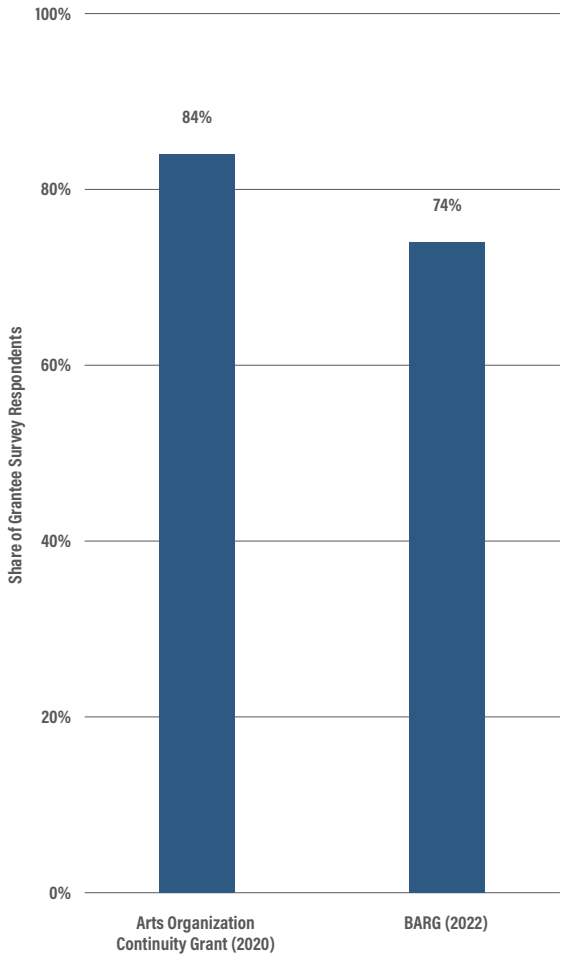


Figure 10: Share of Grantees That Avoided Closure Due to the Grants

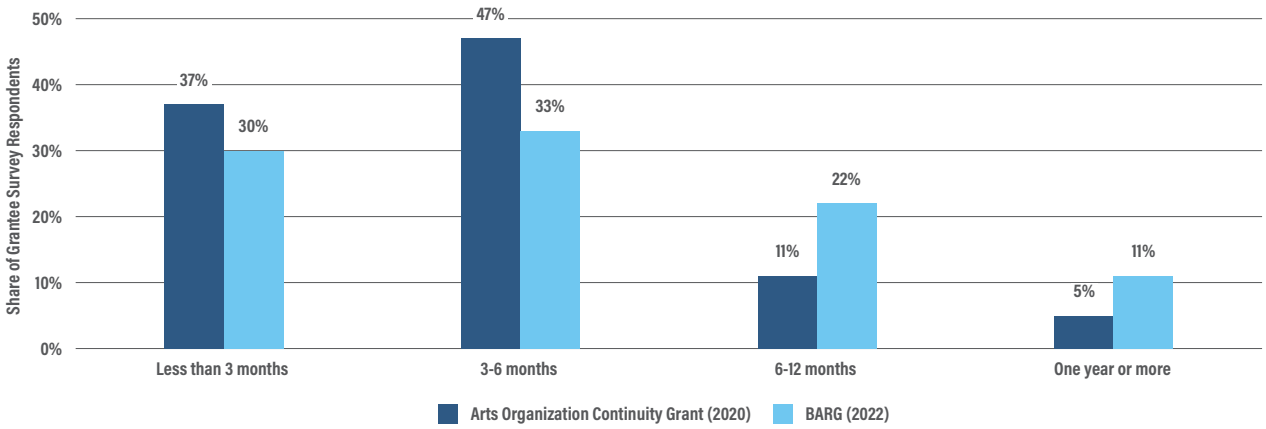


N=30
Source: CVL Economics Survey (2025).

Given their distribution in the earliest stages of the pandemic, the Arts Organization Continuity Grants provided critical short-term relief, serving as a bridge during the early days of the pandemic and sustaining arts organizations until other assistance programs became available. For many organizations, the funding was the difference between survival and immediate closure. That said, the support tended to last for a shorter duration and left fewer long-term organizational changes in place than the BARG program. Most (84%) Arts Organization Continuity Grant recipients said the funding lasted less than 6 months (Figure 11). More than half (53%) of recipients reported that the funds helped them survive the pandemic but did not generate lasting impact, and only 5% described the funding as transformative (Figure 12).

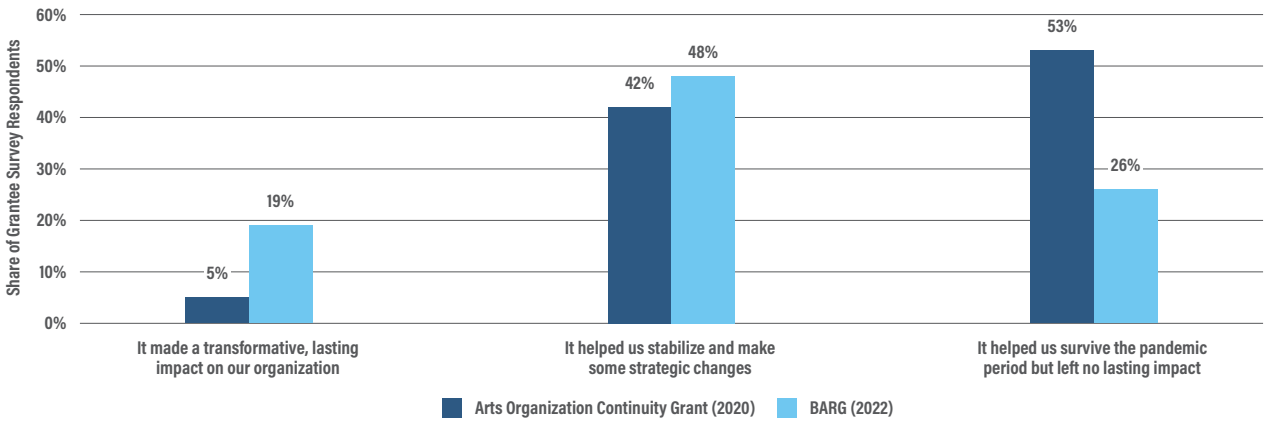
By contrast, BARG—issued at a time when most organizations had transitioned from response to recovery phases— tended to have a broader effect. The grants were generally larger, conditions had shifted toward reopening, the "new normal" was settling in, and organizations were positioned to leverage fiscal support for longer-term stability. Reflecting this, nearly half of BARG recipients (48%) said the grants helped them stabilize and make strategic changes, and almost one in five (19%) reported transformative, lasting impacts. Even in terms of duration, BARG funding stretched further: a third of recipients reported that it sustained operations for six months or more.

Figure 11: Length of Time Grants Sustained Operations in Berkeley



N=30
Source: CVL Economics Survey (2025).

Figure 12: Scale of Grant Impact on Berkeley Arts and Culture Organizations



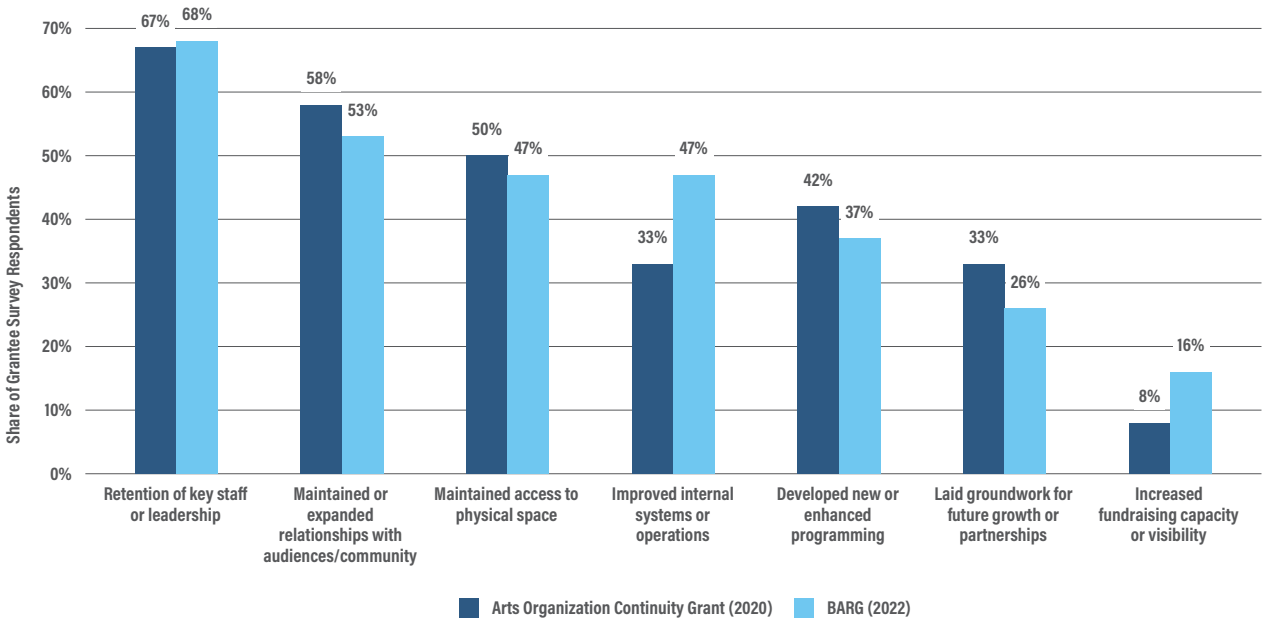
N=30
Source: CVL Economics Survey (2025).

Organizations reported that relief and recovery funding helped them retain staff and leadership (67% of Arts Organization Continuity Grant recipients and 68% of BARG recipients) (Figure 13). More than half credited the grants with enabling them to maintain or expand relationships with their audiences and communities (58% and 53%, respectively), and nearly half of grantees noted that the funding allowed them to sustain access to physical spaces.

Arts Organization Continuity Grant recipients were more likely than BARG recipients to report developing new or enhanced programming (42% vs. 37%). This difference likely reflects the urgent pivot many organizations were forced to make at the height of the pandemic crisis—rapidly adapting to online or hybrid formats, experimenting with digital content, and reimagining community engagement in a socially distanced world. In other words, the Arts Organization Continuity Grant helped seed immediate programmatic adjustments that allowed organizations to stay connected with their audiences under extraordinary circumstances.

By contrast, the BARG program in 2022 was more about strengthening internal systems, fundraising, and longer-term stabilization as organizations adjusted to a new operating environment. Nearly half of BARG recipients (47%) reported using funds to improve internal systems and operations, compared to just a third of Arts Organization Continuity Grant recipients. Additionally, 16% of BARG grantees said the funds helped increase fundraising capacity or visibility, compared to 8% of Arts Organization Continuity Grant recipients.

Figure 13: Detailed Impact of Relief and Recovery Grants for Berkeley Arts and Culture Organizations



N=30
Source: CVL Economics Survey (2025).

The distinction between the two grant programs points to a critical shift in focus of the City's approach to pandemic relief and recovery across the arts and culture sector. While the earlier Arts Continuity Grant program was more focused on immediate survival, the BARG program was better positioned to help organizations adapt to a new normal by strengthening infrastructure and building capacity to generate new revenue. Notably, most organizations (49 out of the 88 grantees) were able to benefit from both rounds of relief and recovery funding. This compounded support allowed grantees not only to weather the initial crisis but also to remain afloat during the prolonged and unpredictable recovery period, extending the effect of the funding well beyond a single grant cycle.

LONG-TERM OUTCOMES: WHERE GRANTEE ORGANIZATIONS STAND IN 2025

Five years since the onset of the pandemic, we can begin to see the longer-term impacts on Berkeley's arts and culture ecosystem. The initial shock was compounded by rising costs for labor, rent, and production; challenges rebuilding and retaining staff; slower-than-expected audience and consumer engagement recovery; and changes in the funding landscape.

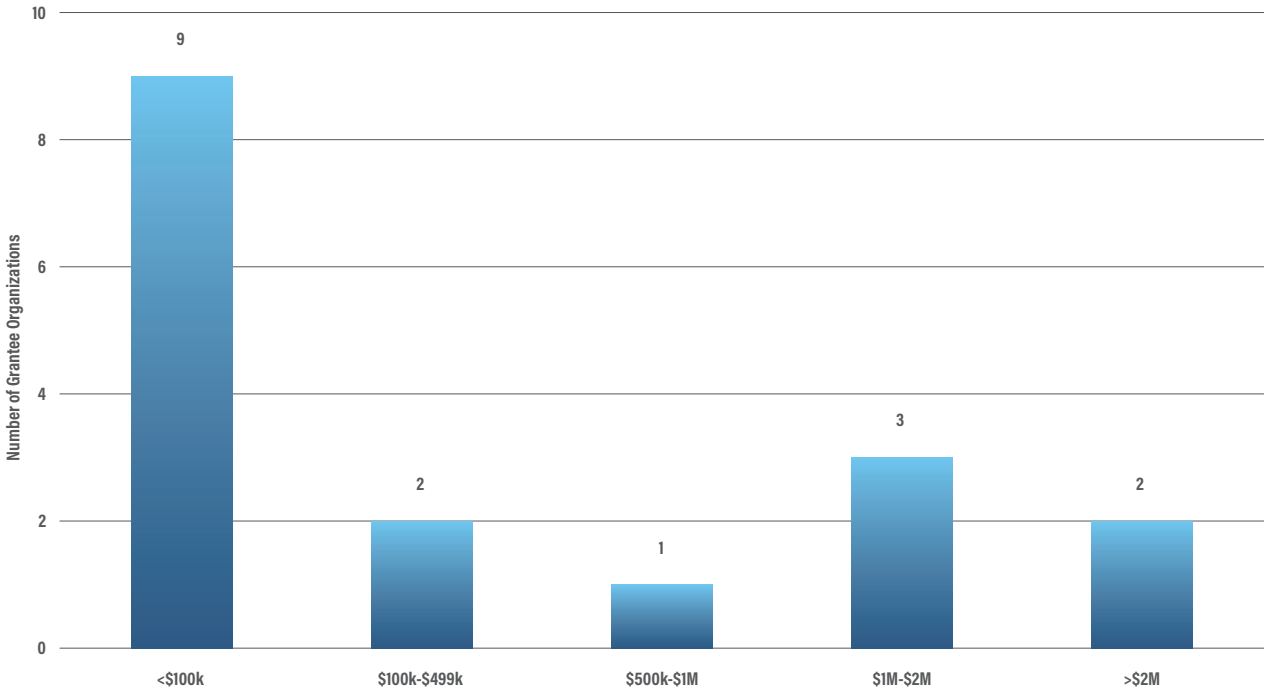
Organizational Closures

Despite the critical role of relief and recovery funding, not all grantee organizations were able to withstand the prolonged pressures of the pandemic and its aftermath. Between 2020 and 2024, 17 grantee organizations ultimately closed. Of those 17 organizations, the vast majority were small (Figure 14). The steepest losses were among grantees with annual budgets under $100,000: nine organizations of this size were unable to continue operating. Mid-sized organizations fared better, with only one organization closing with a budget between $500,000 and $1 million. Larger organizations also experienced notable losses: five organizations with budgets over $1 million closed during this period. Among the closures were two of Berkeley's established and well-known institutions: the Bay Area Children's Theatre in 2023 (which had an operating budget exceeding $3 million) and the Aurora Theatre Company in 2025.[7]

This pattern shows that while scale and resources provided some resilience, no segment of the sector was fully insulated. For larger organizations—typically those with the broadest audiences or consumer base, most extensive programming, and greatest fundraising capacity—such losses underscore the vulnerability of even the city's most established cultural institutions.

[7] At the time of writing, Aurora Theatre Company has not officially announced a permanent closure, but it has announced staff layoffs and the closure of its venue; for the purposes of this analysis, we are considering it closed. See: Lily Janiak, "Bay Area Theater Moves to Lay Off Staff, Vacate Downtown Berkeley Venue," August 12, 2025, San Francisco Chronicle, https://www.sfchronicle.com/entertainment/article/aurora-theatre-layoffs-venue-vacate-20813096.php.

Figure 14: Closures Among Berkeley Arts Relief and Recovery Grantee Organizations by Revenue Size



Source: City of Berkeley, CVL Economics.

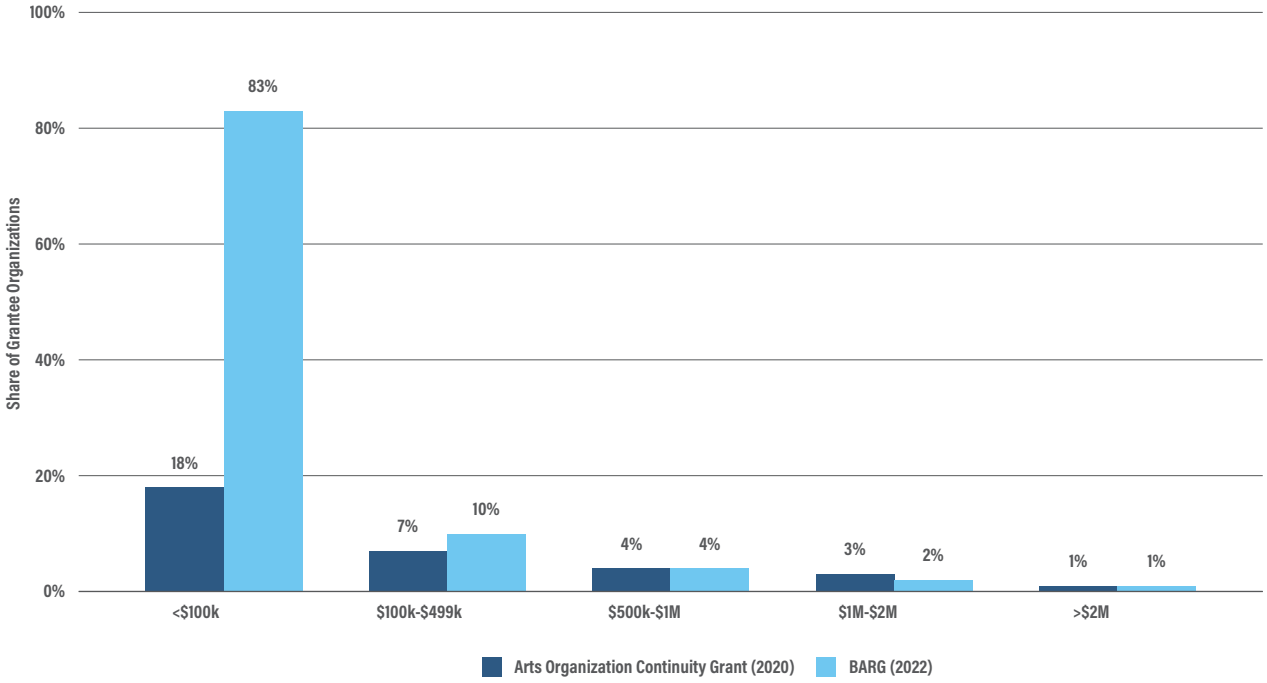
While small organizations were more likely than larger ones to face permanent closure, those that survived often reported that pandemic relief and recovery funding was especially critical to their survival. For organizations with annual budgets under $100,000, the grants represented a larger share of their total operating revenue (Figure 15).

By contrast, larger organizations tended to view the grants as moderately helpful—providing short-term relief without fundamentally altering their financial trajectory. For institutions with budgets exceeding $2 million, the grants made up less than 1% of annual revenue. Notably, because award criteria emphasized equity and demonstrated revenue loss rather than organizational size, some of the smallest organizations received equal or even greater funding amounts than their much larger counterparts. This approach magnified the impact of relief and recovery funds for smaller organizations, and it aligned with the intent of the American Rescue Plan Act (the BARG program leveraged ARPA State and Local Fiscal Recovery Funds dollars), which explicitly recognized the disproportionate impact of the pandemic on communities of color and sought to direct resources toward advancing equity in recovery.[8]

The significance of this support comes in light of the fact that more than one-quarter (28%) of grantee organizations reported receiving no other forms of pandemic-related financial assistance (Figure 16). For these organizations, the City of Berkeley's grants meant the difference between survival and closure, particularly for smaller organizations that may have lacked the capacity or access to other federal, state, or county-level programs.

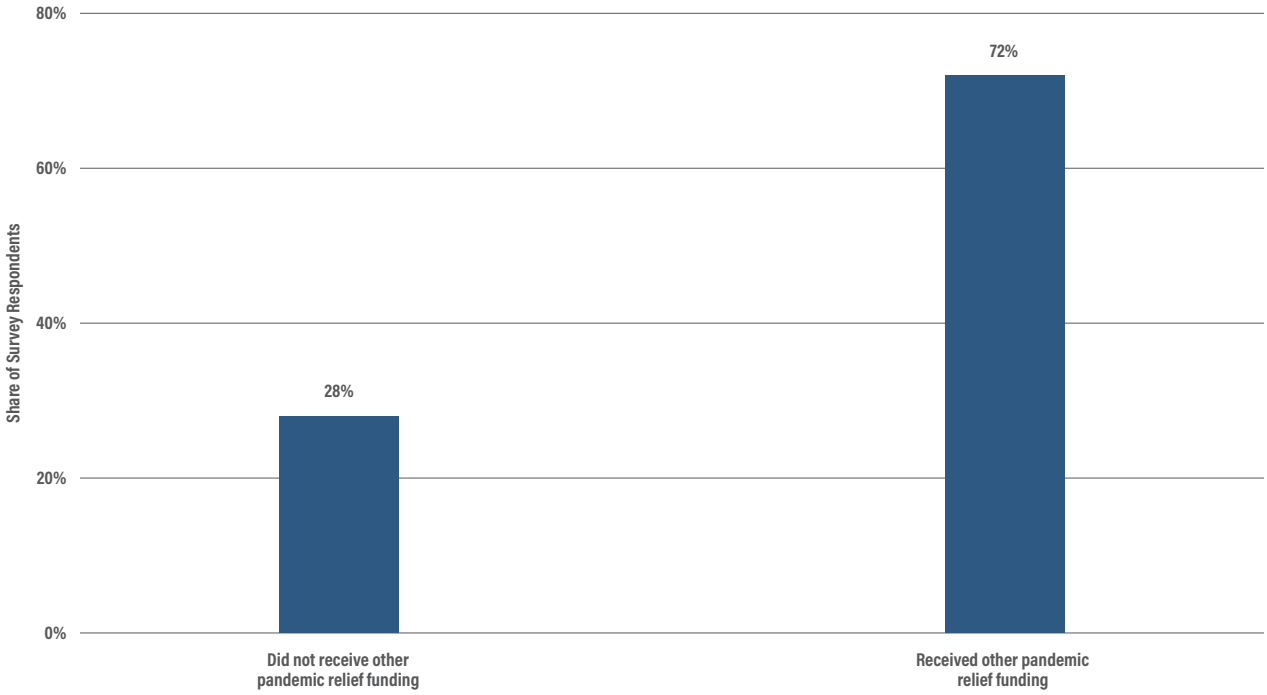
[8] U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds: Interim Final Rule, Federal Register, 86(93), 26786–26861 (2021), https://www.federalregister.gov/documents/2021/05/17/2021-10283/coronavirus-state-and-local-fiscal-recovery-funds.

Figure 15: Average Size of Grant in Proportion to Total Operating Budget by Organization Size



Source: City of Berkeley, Internal Revenue Service, CVL Economics.

Figure 16: Share of Respondents that Received Other Pandemic Relief Support

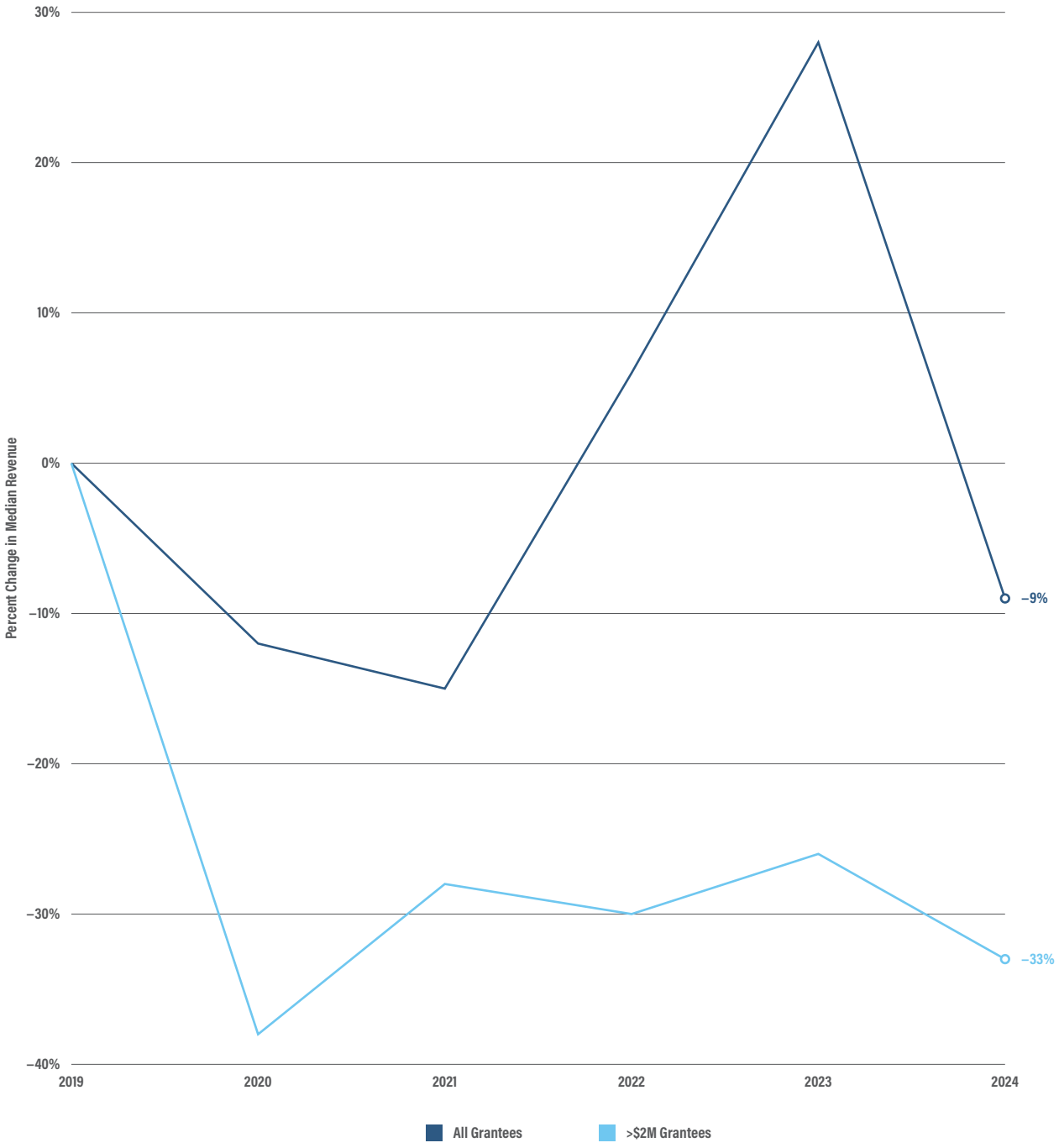


N=30
Source: CVL Economics Survey (2025).

Evolving Revenue Streams and Rising Costs

By 2024, the median revenue across all surviving grantees was still 9% below pre-pandemic levels—although this was still an improvement from the sector's low point in 2021, when the median revenue had fallen 15% from 2019 (Figure 17). While smaller organizations were far more likely to close their doors permanently, those that survived fared relatively better than the largest organizations over time; the median revenue for grantee organizations with budgets above $2 million, on the other hand, is still one-third below 2019 benchmarks.

Figure 17: Percent Change in Median Surviving Berkeley Grantee Revenue Since 2019



Note: Based on the median inflation-adjusted (2024 dollars) revenue across the 71 surviving grantee organizations.
Source: Internal Revenue Service, CVL Economics.

These patterns map onto broader regional trends: smaller organizations tended to show greater resiliency in recovery than their larger counterparts. A 2024 report on the sustainability of Bay Area performing arts organizations post-pandemic found that micro-organizations (defined as very small organizations, often characterized as those with fewer than 10 employees)—despite being largely excluded from federal relief programs—remained nimble by expanding programs and attendance, maintaining or growing their artistic workforce, and prioritizing community engagement and mission-focused recovery, even as expenses outpaced revenue growth.[9] By contrast, while larger organizations experienced the highest increase in government funding during the pandemic and exceptional federal relief programs kept many of these institutions afloat, those temporary funds are now waning, leaving structural financial gaps behind.

Across the Bay Area, arts organization expenses have risen much faster than income. Between 2022 and 2023, total expenses for regional arts organizations increased by 21% while revenues fell 12%. Earned revenue rebounded by 42% in 2023 but remained 26% below pre-pandemic levels after adjusting for inflation. In-person attendance more than doubled between 2022 and 2023, yet still sat 42% below 2019 levels. As a result, organizations have grown increasingly dependent on contributed income.[10]

These local trends reflect broader national patterns in the nonprofit performing arts sector. Nationwide, total income dropped sharply during the pandemic and, while it has begun to recover, expenses have risen at a much faster pace since 2021 (Figure 18). Regional theaters also report losing 20–30% of subscribers since 2019, eroding a dependable source of earned revenue and compounding these financial pressures.[11]

At the same time, the funding mix has shifted: as earned income has struggled to rebound, contributed income now accounts for a larger share of organizational budgets (Figure 19). Even so, recent budget cycles have become more challenging, with heightened competition for contributed dollars. Many foundations are shifting priorities away from the arts, while federal uncertainty has created a chilling effect nationwide. Proposals from the executive branch to eliminate the National Endowment for the Arts and the Corporation for Public Broadcasting, to condition or cancel awarded grants, and to impose new ideological restrictions on future eligibility have further undermined confidence for arts organizations across the country.

Locally, these trends are echoed by the experiences of the grantee organizations in Berkeley. Over 81% reported that financial stability remains their most pressing challenge today, followed closely by rising costs (74%) (Figure 20). Nearly half cited the intensifying competition for limited public and private funding as a major barrier and 30% reported access to affordable space as a top challenge. Some organizations also included rebuilding audience engagement and attendance, difficulty retaining or hiring qualified staff, and limited capacity for grant writing or fundraising as top challenges. Understanding these specific challenges helps inform local grantmaking by highlighting where support is most urgently needed—not only in covering rising operating costs, but also in building organizational capacity, sustaining workforce pipelines, and ensuring that cultural offerings remain accessible in Berkeley.

Feedback from stakeholder outreach reinforced these findings. As one organization leader put it, "It's more expensive than ever to operate in the Bay Area. Meanwhile, federal and state support is drying up and audiences have not returned to pre-pandemic levels." This illustrates the compounding pressures organizations now face: not only are operating costs escalating, but audience behavior has shifted in ways that directly affect earned revenue and long-term sustainability.

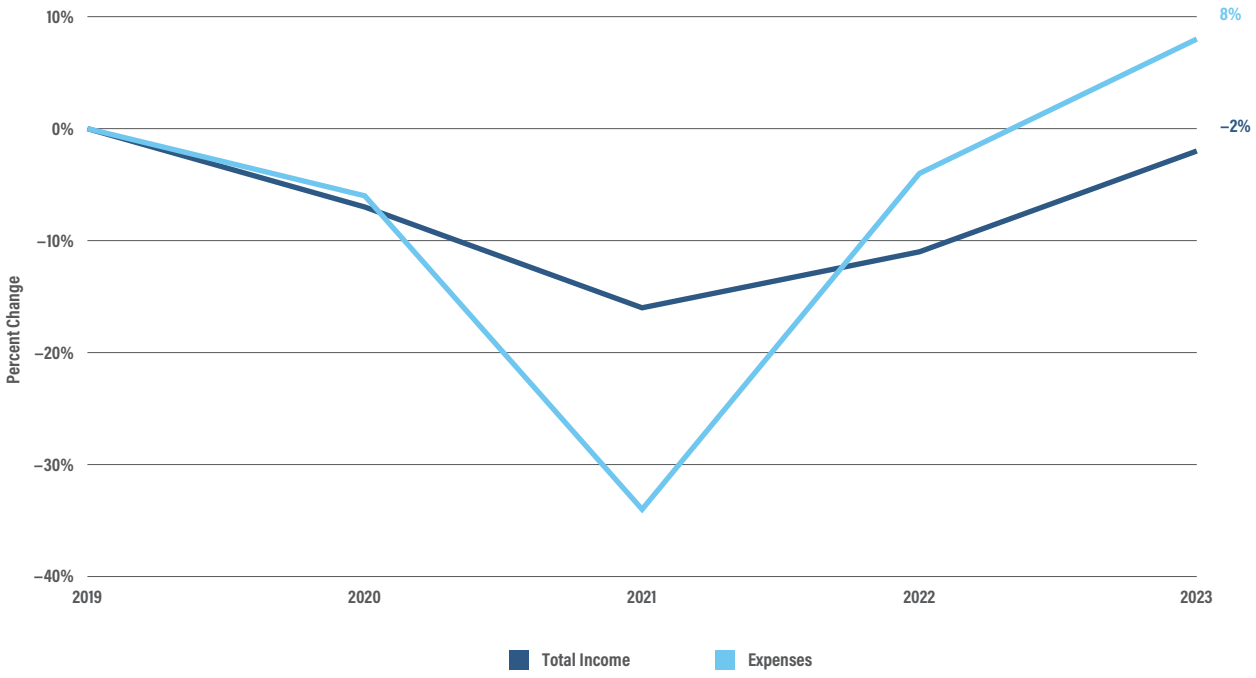
For many, this includes challenges rebuilding traditional subscriber bases. While theatre subscribers had already been in steady decline over a long horizon, the pandemic accelerated this trend—leaving older and more risk-averse audiences slower to return and making it increasingly difficult to rely on subscription revenue as a notable income stream. Berkeley Rep illustrates this shift: at its

[9] Kenneth Rainin Foundation & SMU DataArts at Southern Methodist University, Bay Area Arts and Culture Organizational Sustainability Survey Report: Top line findings, 2019–2023 (2024), https://culturaldata.org/learn/data-at-work/2025/kenneth-rainin-foundation-smu-dataarts-bay-area-sustainability-assessment

[10] Ibid.

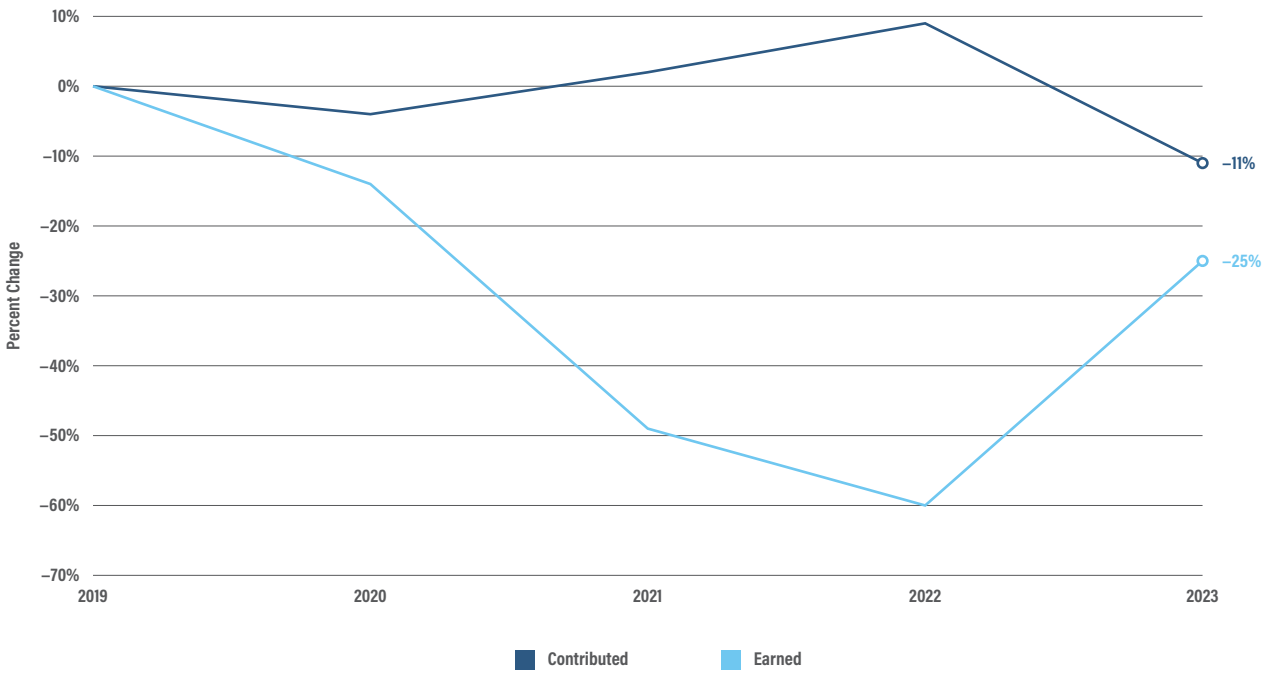
[11] Michael Paulson, "A Crisis in America's Theaters Leaves Prestigious Stages Dark," The New York Times, July 23, 2023, https://www.nytimes.com/2023/07/23/theater/regional-theater-crisis.html.

Figure 18: Percent Change in Total Income and Expenses of Nationwide Nonprofit Performing Arts Organizations Since 2019



Source: Theatre Communications Group, CVL Economics.

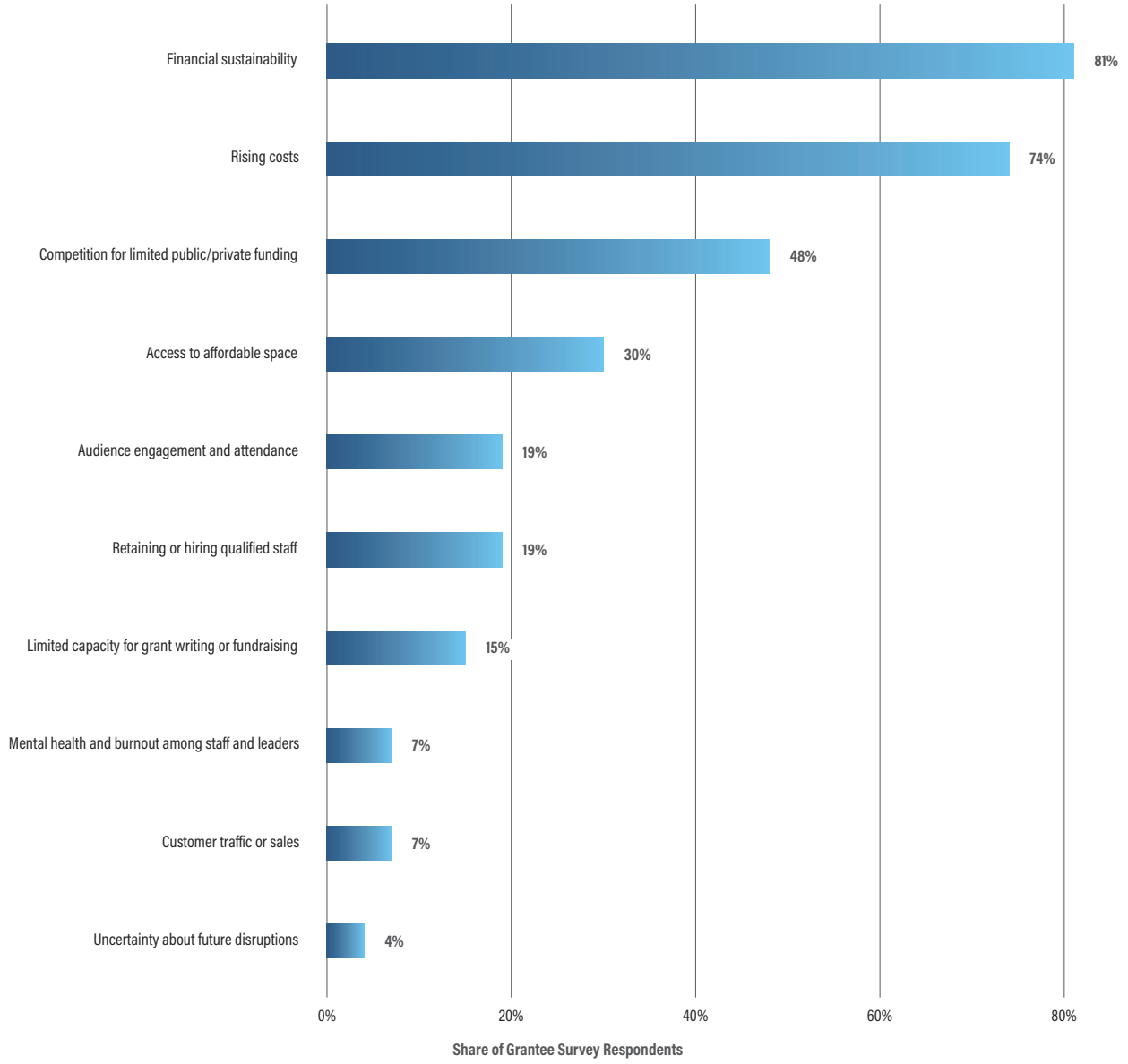
Figure 19: Percent Change in Income Type of Nonprofit Performing Arts Organizations Nationwide since 2019



Source: Theatre Communications Group, CVL Economics.

peak the theatre had about 22,000 season ticket holders, compared to roughly 12,000 just before the pandemic; today subscriptions hover closer to 9,000, with the goal of stabilizing around 10,000—acknowledging it is unlikely to return to pre-pandemic levels. While subscriptions rarely make up the majority of a theatre company's revenue, they serve as a critical pipeline for cultivating individual donors—a major source of contributed income. A shrinking subscriber base not only reduces reliable ticket revenue but also weakens the sense of loyalty that often leads patrons to become long-term donors, making fundraising even more difficult.[12]

Figure 20: Top Challenges Berkeley Art and Culture Organization Grantees Face Today



N=30
Source: CVL Economics Survey (2025).

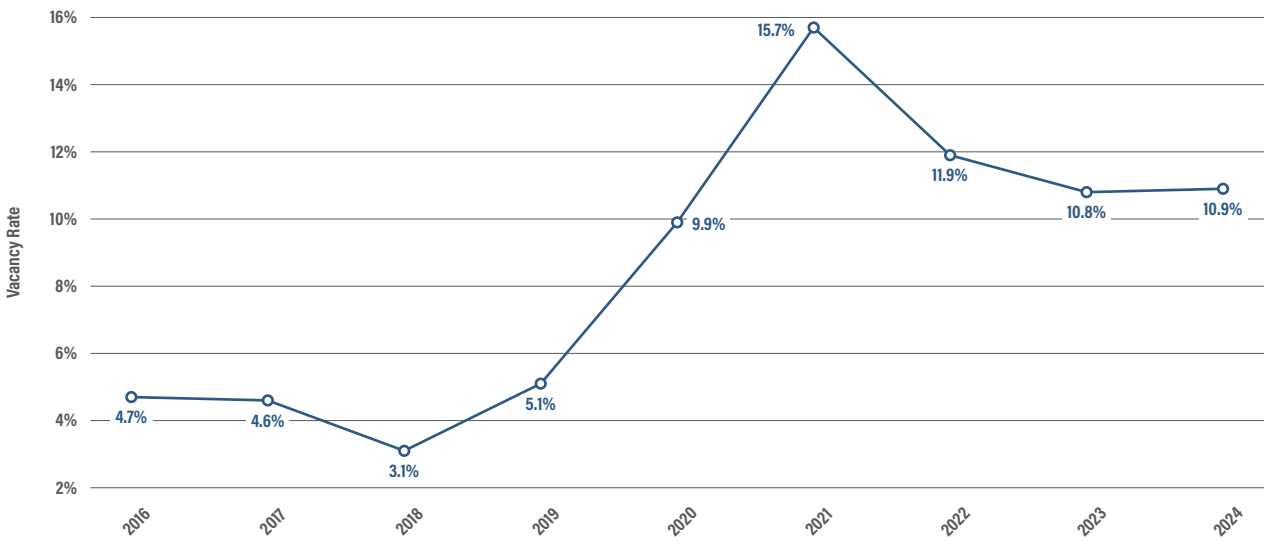
[12] Lily Janiak. "Can Bay Area Theaters Make Subscriptions Sexy Again? A Quick Survey Shows Subscription Declines of 23% to 61% Since the Pandemic." Datebook/San Francisco Chronicle, July 26, 2023. https://datebook.sfchronicle.com/theater/bay-area-theater-subscription-18197863.

Ecosystem Challenges

These financial and audience pressures are compounded by the broader struggles facing Berkeley's urban environment. Empty storefronts, shuttered restaurants, and declining foot traffic have weakened the vibrancy that cultural districts depend on to attract and sustain audiences. As one stakeholder noted, "The Downtown area, like many downtown areas, is visibly struggling to retain tenants and drive foot traffic, which is concerning." "In 2024, Downtown Berkeley's ground floor commercial vacancy rate sat well above pre-pandemic levels (Figure 21). At 10.9%, the vacancy rate was more than double its 3.1% rate in 2019 — driven in large part by the enduring shift to remote and hybrid work, which has sharply reduced demand for traditional office space across the Bay Area. Fewer daily office workers have also meant fewer customers to nearby restaurants, cafés, and shops, which has in turn contributed to a rise in retail vacancies. These economic pressures are compounded by heightened safety concerns and ongoing transportation limitations, which have further reduced accessibility. The result is a more difficult operating environment for cultural organizations: even well-resourced institutions face added headwinds, while smaller and midsize groups struggle most to regain stability.

Across all of these challenges, the recent suspension of Aurora Theatre Company activities in mid-2025 exemplifies how these pressures converge: leadership has pointed to attendance never fully recovering from the pandemic, skyrocketing costs, and shifting philanthropic priorities as factors threatening its future.[13] The theatre joins a growing list of Berkeley organizations that have already closed or gone dormant—including the Bay Area Children's Theatre, TheatreFirst, and the Youth Musical Theatre Company. The precarity extends to the city's remaining flagship organizations as well: Berkeley Repertory Theatre faces a $5 million deficit, Berkeley Symphony is operating with a reported $500,000 structural deficit, and Freight & Salvage has a $200,000 deficit—illustrating how fragile the ecosystem remains.[14]

Figure 21: Downtown Berkeley Groundfloor Commercial Vacancy Rate | 2016–2024



Note: Includes office and retail properties.
Source: City of Berkeley Office of Economic Development, CVL Economics.

[13] Lily Janiak, "Bay Area theater moves to lay off staff, vacate downtown Berkeley venue," San Francisco Chronicle, August 12, 2025, https://www.sfchronicle.com/entertainment/article/aurora-theatre-layoffs-venue-vacate-20813096.php

[14] Stakeholder interviews.



THE CITY OF BERKELEY'S RETURN ON INVESTMENT IN THE CREATIVE ECONOMY DURING THE PANDEMIC (2020–2022)

While revenues across Berkeley's arts and culture ecosystem remain below pre-pandemic levels, it is important to consider not only what was lost but also what was preserved. Every organization that received Arts Organization Continuity Grant or BARG funding was required to demonstrate clear financial hardship as a condition of eligibility. In the case of Arts Organization Continuity Grants, for example, applicants had to show at least a 25% decline in earned revenue. Half of the grantee organizations experienced revenue loss of over 40%, and some organizations experienced a 100% decline in earned revenue.

Survey results highlight the critical role of the City of Berkeley's funding intervention. More than one-quarter of grantees (28%) reported receiving no other pandemic relief. For these organizations, the City's programs were their only source of external support. Without this funding, it is reasonable to assume that many would have been unable to sustain operations in Berkeley—likely joining the 17 organizations that ultimately closed between 2020 and 2024.

Over a five-year period (2020–2024), **the absence of City relief and recovery support would have resulted in an estimated additional $12.9 million in revenue losses across the local arts and culture ecosystem by 2024.[15] As such, the preservation effect of the City of Berkeley's $2.5 million investment in pandemic relief and recovery support to arts and culture organizations in Berkeley extended far beyond the immediate crisis.**

[13] CVL Economics quantified the value of organizations preserved by City funding using organizational operating revenue as the basis, drawing from a master grantee revenue dataset compiled by our firm. This dataset integrates IRS Form 990 filings for each organization and supplementing with revenue data from the City of Berkeley's grant application database and grantee survey responses to fill in gaps. Applying the 28% figure of Berkeley grantees who reported receiving no other pandemic relief to the revenue data as a baseline, and weighting by organizational size (since smaller groups found Berkeley's funds more impactful), $12.9 million is the estimated total revenue value of the at-risk organizations.



When taking into account direct and ripple effects across the local supply chain, **every $1 in City funding leveraged at least $5.64 in ongoing arts and culture economic activity.** This figure was derived using IMPLAN (Impact Analysis for Planning) input–output modeling, which captures not only the direct impacts on grantee organizations and their employees, but also the supply chain effects on local vendors, contractors, and service providers, as well as the induced effects of household spending by arts and related workers.[16] In this way, the estimate reflects the broader ecosystem value preserved by the City's relief and recovery efforts—extending beyond the prevention of immediate closures to safeguarding a network of organizations that continue to generate jobs, sustain community programming, and contribute to local tax revenues today.

While emergency relief and recovery support alone cannot address the sector's long-term structural challenges—particularly around rising costs and audience recovery—the City of Berkeley's intervention illustrates how targeted municipal support can serve as an effective bridge during periods of acute disruption, maintaining cultural capacity that might otherwise be permanently lost.

[16] See Appendix A.2 for more details on return on investment methodology.



PANDEMIC RELIEF AND RECOVERY FOR ARTS & CULTURE INDIVIDUALS

In addition to pandemic relief and recovery grants awarded to arts and culture organizations, the City of Berkeley awarded $523,089 across three grant programs between 2020 and 2022 for Berkeley-based individuals engaged in the arts (Figure 22).

These programs aimed to sustain the livelihoods of artists, performers, and cultural practitioners who faced significant income loss due to COVID-19 disruptions. In particular, they prioritized support for lower-income individuals and those from historically underrepresented communities, providing direct financial assistance at a time when creative work opportunities were severely limited.

THE EAST BAY/OAKLAND RELIEF FUND FOR INDIVIDUALS IN THE ARTS (2020)

This program was a regional emergency grant launched in May 2020 to support artists and cultural workers in Alameda and Contra Costa counties. Administered by the Center for Cultural Innovation (CCI), the fund included $49,000 directly from the City of Berkeley, which ultimately leveraged a total of $64,500 in awards to Berkeley artists. The additional dollars came from unrestricted contributions by local foundations,[17] meaning Berkeley's participation drew in more resources to benefit the local community than the City invested directly. In total, 515 individuals received grants of up to $1,500—including 47 Berkeley artists. The program prioritized BIPOC, immigrant, disabled, and trans individuals and was designed to provide fast, non-taxable relief without requiring tax or citizenship documentation.

THE BERKELEY ART WORKS PROJECTS GRANTS (2021)

First launched in 2021 by the City's Civic Arts Program, the Berkeley Art Works Projects (BAWP) grants awarded nearly $182,339 in grants to 32 Berkeley-based artists, performers, and community members to create temporary public art projects. These works addressed themes of public health, economic resilience, and community belonging. The program's name was a deliberate play on the Works Progress Administration (WPA), the New Deal–era initiative that employed artists to create public works during the Great Depression. In a similar spirit, BAWP was designed not simply as relief funding but as an employment initiative—providing income to artists while generating public benefit through new creative works.

Funded through the City's Cultural Trust Fund (Fund 148) BAWP supported creative responses to the emotional and social toll of the pandemic and produced public artworks across the city. Unlike the other pandemic grant programs for individual artists and cultural workers, these awards functioned more like compensation for services rendered, including related material costs—ensuring that artists were paid to create projects that directly engaged and benefitted the Berkeley community.

BERKELEY ARTS RECOVERY GRANTS (BARG) FOR ARTISTS AND CULTURAL PRACTITIONERS (2022)

Aimed at supporting individual artists and cultural practitioners impacted by the pandemic, this program was administered in partnership with the CCI and funded through ARPA. In 2022, it awarded $276,250 to 114 Berkeley-based recipients, with grant amounts ranging from $1,250 to $8,000. Priority was given to those experiencing significant financial hardship, particularly from historically marginalized communities, and applicants were evaluated based on income loss from arts-related work, geographic distribution, and residence in underserved neighborhoods. Grants were unrestricted and designed to sustain creative practitioners during a period of prolonged economic instability.

[17] Berkeley Relief Fund, "About the Berkeley Relief Fund," https://berkeleyrelieffund.org/about/.

Figure 22: Summary of Berkeley Pandemic Relief and Recovery Grants for Individuals in Berkeley

	PROGRAM YEAR	RECIPIENT TYPE	NUMBER OF GRANTEES	TOTAL AMOUNT AWARDED	AVERAGE GRANT AWARDED
EAST BAY/OAKLAND RELIEF FUND FOR INDIVIDUALS IN THE ARTS*	2020	Individual artists and arts workers	47	$64,500	$1,372
BERKELEY ART WORKS PROJECT (BAWP)	2021	Individual artists, performers, and community members	32	$182,339	$5,698
BERKELEY ARTS RECOVERY GRANTS (BARG) FOR ARTISTS AND CULTURAL PRACTITIONERS	2022	Individual artists, culture bearers, teaching artists	114	$276,250	$2,423

*Table includes only the program's Berkeley allocations.
Source: City of Berkeley, CVL Economics.

Pandemic Relief and Recovery Grant Impact for Arts & Culture Individuals in Berkeley

These awards reached artists across a wide range of creative disciplines spanning visual and performing arts, literary arts, design, digital media, education, and folk/traditional practices. This diversity highlights how the relief and recovery programs not only sustained individual incomes, but also helped preserve the city's rich and multifaceted cultural landscape during a time of widespread disruption.

Direct-to-artist pandemic support played a vital role in stabilizing household budgets during an unprecedented crisis. The awards—ranging from an average of $1,372 through the East Bay/Oakland Relief Fund to $5,698 through the Berkeley Art Works Projects—provided a critical bridge for individual artists, teaching artists, and culture bearers to cover essential living costs. For many, this meant helping to cover essential household expenses, such as rent or mortgage payments, groceries, utilities, or medical bills, at a time when other income sources had collapsed. In this way, relief and recovery dollars not only stabilized artists and their families but also circulated quickly back into Berkeley's local economy, sustaining neighborhood grocery stores, restaurants, landlords, and service providers during a broader period of contraction.



To put their value into context, the scale of the grants becomes especially clear when measured against local housing costs. The median monthly individual housing payment (including renters and owners) for Berkeley arts and culture workers is $1,100.[18] Housing is often the single largest expense for artists and cultural workers, and in the context of widespread income loss, even short-term support provided critical stability.

In May 2020, the East Bay/Oakland Relief Fund arrived during the immediate aftermath of shutdowns when uncertainty was at its peak. The average $1,372 awarded to each individual

[18] This is the median per capita housing payment for Berkeley arts and culture workers, which adjusts for household size. This figure is calculated from the U.S. Census Bureau's 2023 5-Year Public Use Microdata Sample (PUMS), which averages data collected between 2019 and 2023.

represented the equivalent of just over one month of rent (Figure 23). Although smaller in size than the other individual grants, this was a meaningful bridge for artists facing a sudden collapse of earned income, helping them cover essential living expenses when opportunities were limited.

The Berkeley Art Works Projects (2021) provided the most substantial lifeline for awarded individuals, with average grants of $5,698. Assuming 25% of each grant was allocated toward material costs, the BAWP grant covered nearly four months of average individual housing costs. At a moment when the sector was still struggling with extended closures, this level of support allowed artists to stabilize their personal circumstances while working on their creative practice and benefiting the general Berkeley public by improving the public realm with works of art and performances.

Finally, the Berkeley Arts Recovery Grants (2022) offered average awards of $2,423, or the equivalent of more than two months of rent. While smaller than the BAWP program, this support was still critical in providing paid opportunities for artists at a time when many venues remained closed and other sources of work were scarce.

Figure 23: Average Grant Value in Terms of Individual Housing Costs

	AVERAGE GRANT AWARD	EQUIVALENT MONTHS OF INDIVIDUAL HOUSING COSTS *
EAST BAY/OAKLAND RELIEF FUND FOR INDIVIDUALS IN THE ARTS**	$1,372	1.3 Months
BERKELEY ART WORKS PROJECTS (BAWP)	$5,698	3.9 Months***
BERKELEY ARTS RECOVERY GRANTS (BARG) FOR ARTISTS AND CULTURAL PRACTITIONERS	$2,423	2.2 Months

* Based on the median monthly per capita housing payment for Berkeley arts and culture workers, averaged across 2019–2023.
**Table includes only the program's Berkeley allocations.
*** Since BAWP grants covered paid public art projects, this reflects the assumption that 25% of the grant covered material costs for the project.

Source: City of Berkeley, U.S. Census Bureau 5-Year American Community Survey Public-Use Microdata Sample (2023), CVL Economics.

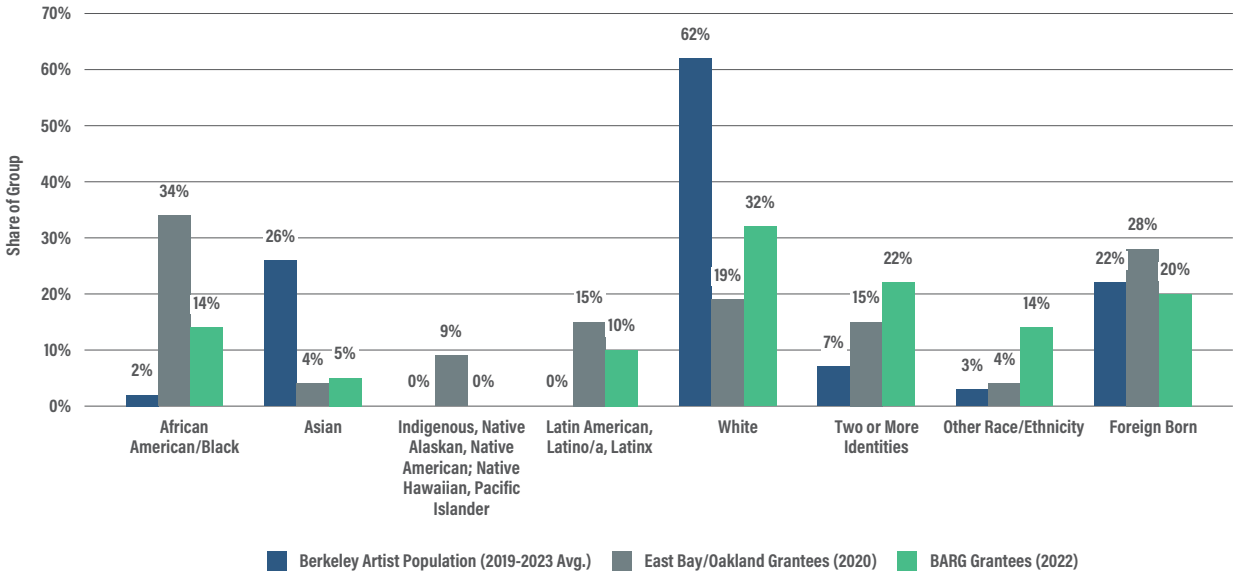
AN EQUITABLE FUNDING APPROACH

The demographic makeup of individual artist grantees in Berkeley reflects the City of Berkeley's commitment to cultural equity and inclusion in its pandemic relief and recovery efforts. In terms of race and ethnicity distribution, while African American or Black residents make up just 2% of Berkeley's artist population,[19] they represented 14% of BARG grantees and 34% of East Bay/Oakland Relief Fund grantees (Figure 24). Similarly, individuals identifying as Latinx, Indigenous or Native, and those of two or more racial identities were represented at significantly higher rates than their proportions in the general population, suggesting that relief and recovery funds were effectively prioritized for historically marginalized communities.

Although Asian residents comprised only 5% of BARG and 4% of East Bay/Oakland grantees while accounting for 26% of Berkeley's general population, this disparity reflects the composition of the applicant pool, and awards largely mirrored the share of Asian-identifying applicants. Additionally, foreign-born individuals made up 28% of East Bay/Oakland grantees and 20% of BARG grantees, compared to 22% of Berkeley's artist population.

These trends highlight how the City of Berkeley's cultural relief and recovery programs for individual artists during the pandemic not only addressed economic precarity, but also advanced racial and cultural equity by investing in artists who have been historically excluded from opportunities and in communities disproportionately impacted by the pandemic.

Figure 24: Demographic Distribution of Pandemic-Era Grantees Compared to Berkeley's Total Artist Population | 2019–2023



Note: Includes grantee data for the BARG and East Bay/Oakland programs; these were the two largest programs in terms of number of grant recipients. See Appendix A.3 for detailed methodology on defining the Berkeley artist population.
Source: City of Berkeley, U.S. Census Bureau American Community Survey 5-Year Public Use Microdata Sample (2023), CVL Economics.

[18] The Berkeley artist population is defined as individuals working in selected occupations identified by the federal Standard Occupational Classification (SOC) codes, which includes jobs in visual arts and design; media and communications; performing arts; film, television, and digital media; and other creative technical roles. See Appendix A.3 for a detailed methodology and list of SOC codes.



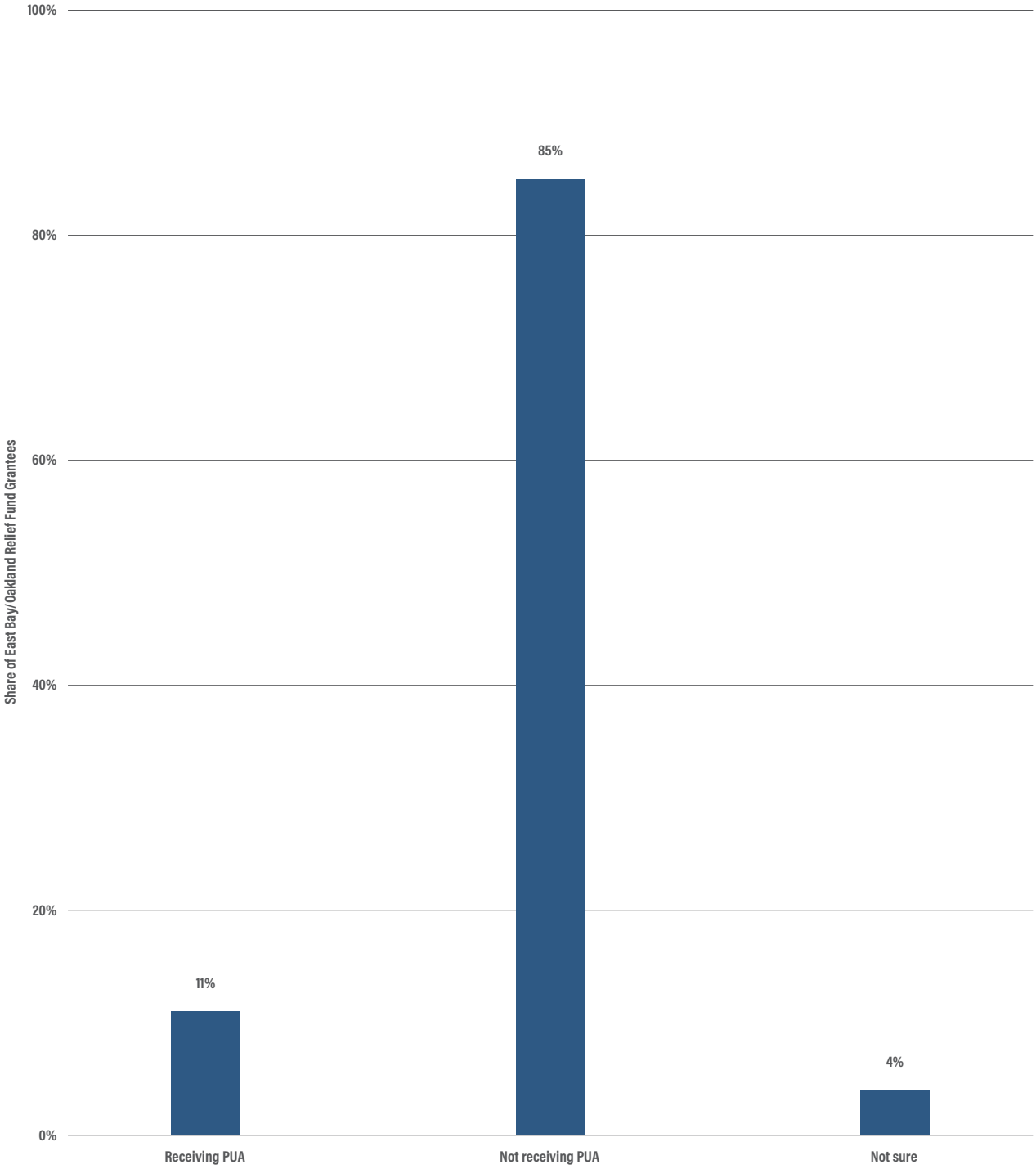
Understanding Artist Needs

Creative work is often characterized by freelance, gig-based, or self-directed employment—forms of labor that typically fall outside traditional systems of worker protections and public benefits. During the pandemic, federal programs like Pandemic Unemployment Assistance (PUA) were created to extend eligibility to independent contractors and self-employed workers, offering critical relief for many in the arts. Yet in the earliest months of the shutdown, PUA was slow to roll out and many applicants faced delays or administrative hurdles before receiving payments.

This made the City of Berkeley's early intervention in funding this population all the more vital. Nearly 85% of East Bay/Oakland Relief Fund grantees reported they had not yet received PUA at the time of their City of Berkeley grant application (Figure 25). By moving quickly, Berkeley's contribution to this regional relief effort ensured that artists received immediate support when other aid was not yet available. These local grants filled a critical gap, helping to cover housing, food, and other essentials at the peak of uncertainty, and allowing many artists to remain in Berkeley when displacement was a real risk.

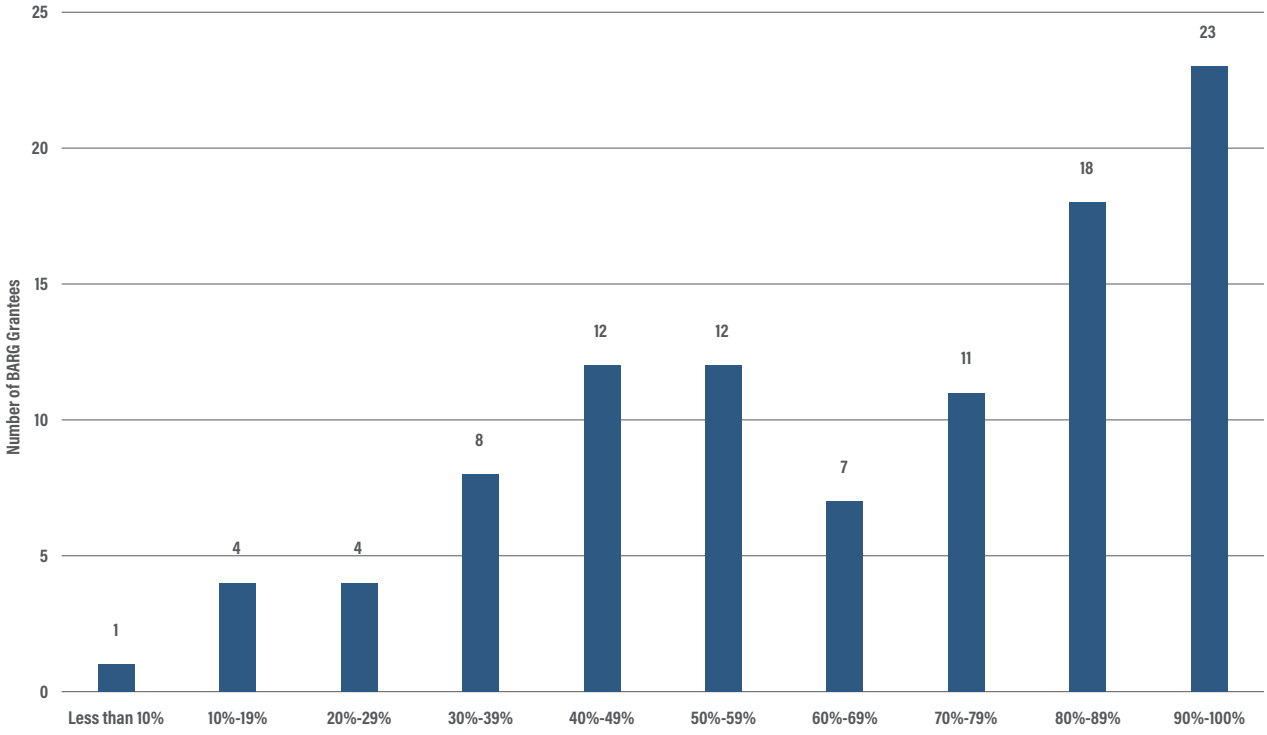
Berkeley's pandemic relief and recovery grants reached artists who were among the hardest hit by the crisis. More than half of all grantees experienced a loss of 50% or more in their arts-related income between 2019 and 2020, including nearly one-quarter who lost 90% to 100% of their income during that period (Figure 26). Indeed, two-thirds of grantees reported making less than $10,000 in arts-related income in 2020, and over 90% earned under $30,000 that year (Figure 27).

Figure 25: Share of Grantees Receiving Pandemic Unemployment Assistance (PUA) Benefits at Time of Grant Application | May–June 2020



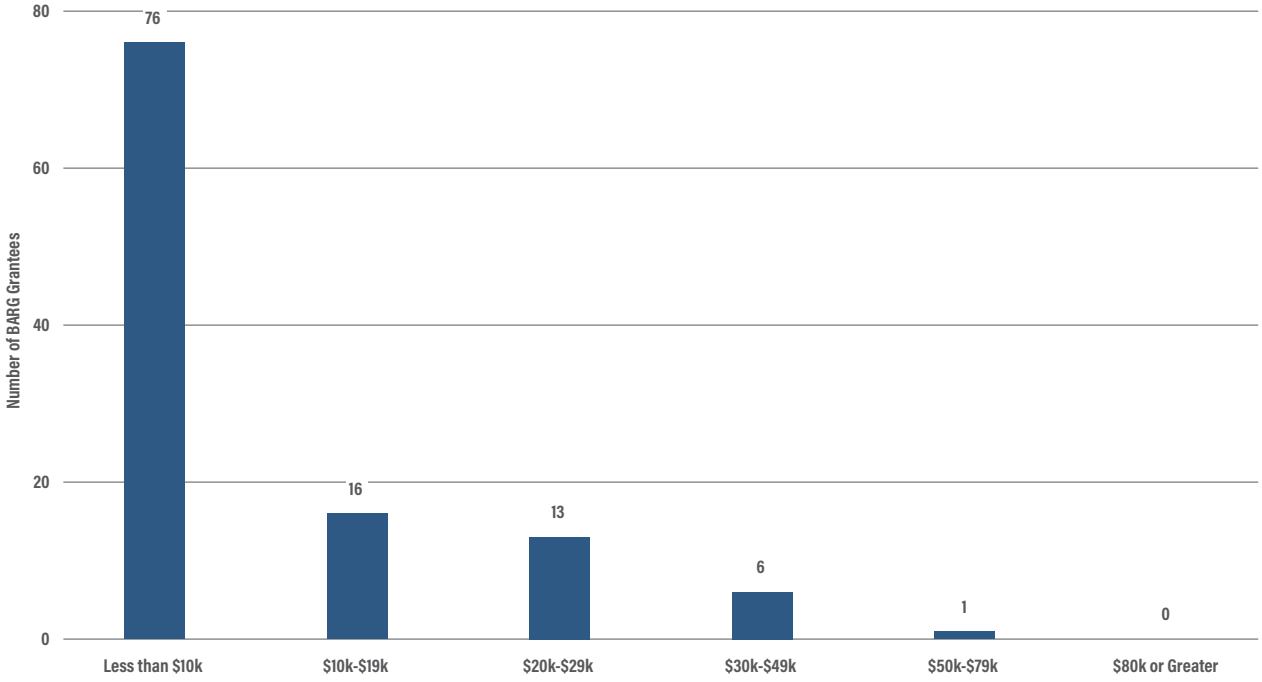
Note: Includes grantee data for the East Bay/Oakland Relief Fund program.
Source: City of Berkeley, CVL Economics.

Figure 26: Number of BARG Grantees by Percentage of Arts-Related Income Lost between 2019–2020



Source: City of Berkeley, CVL Economics.

Figure 27: Number of BARG Grantees by 2020 Arts-Related Income Bracket



Source: City of Berkeley, CVL Economics.

CONCLUSION: SUSTAINING BERKELEY'S ARTS & CULTURE ECOSYSTEM

Arts and culture form a vital part of Berkeley's community life—shaping the city's identity, enriching public spaces, and providing opportunities for connection, creativity, and expression.

A thriving cultural ecosystem depends on many interlocking parts from individual artists and small collectives to established organizations and major venues. When this ecosystem is under strain, the effects ripple outward, limiting opportunities for participation, weakening creative networks, and eroding the cultural vibrancy that defines the city.

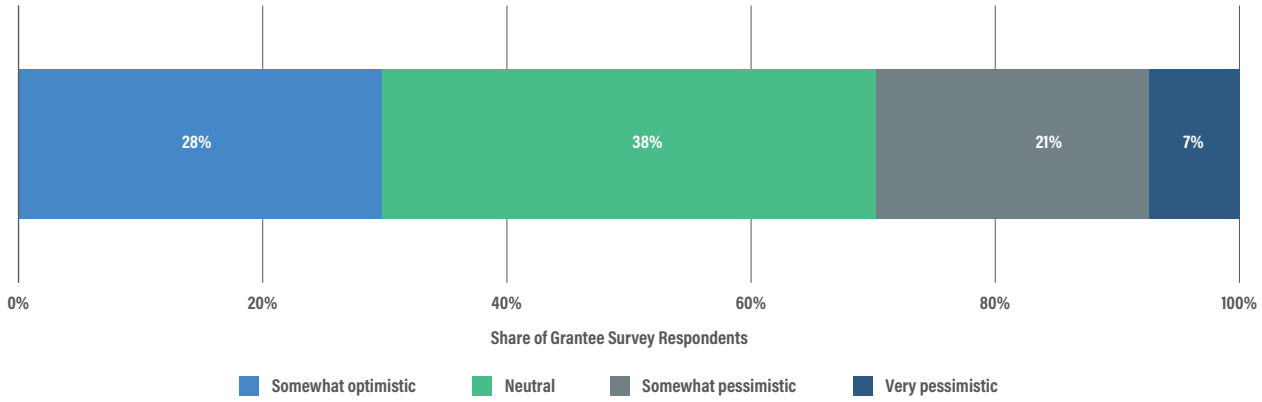
The stability of cornerstone cultural institutions is critical not just for their own survival, but for the vitality of the entire artistic ecosystem. When even established organizations are at risk, it threatens Berkeley's identity as a cultural center and sends discouraging signals to smaller companies and emerging artists working to establish themselves. Protecting these institutions is therefore about more than sustaining current programming—it is about safeguarding pathways for future generations and ensuring that the region continues to foster creativity, innovation, and community engagement.

Berkeley's pandemic relief and recovery efforts were extraordinary in both scale and impact. By mobilizing more than $3 million for both individuals and organizations in emergency grants, the City provided lifelines to dozens of arts and culture organizations and nearly 200 individual artists during one of the most disruptive crises in modern history. These funds helped prevent permanent closures, sustained creative practices, and ultimately enabled Berkeley to prevent its creative fabric from completely fraying.

Yet the road ahead remains uncertain. One-time relief and recovery funding helped many organizations and artists survive the immediate crisis, but long-term sustainability will require ongoing attention and investment. High operating costs—commercial rents, wages, utilities, insurance—remain a persistent burden. At the same time, philanthropic support is tightening and public funding sources remain limited and highly competitive.

Survey responses reflect both resilience and fragility on the outlook of Berkeley's arts & culture sector (Figure 28 and Figure 29). Many see renewed energy, community demand, and resilience across Berkeley's cultural landscape. At the same time, others remain deeply concerned about financial sustainability, affordability, and the slow pace of recovery from the COVID-19 Pandemic of 2020. This split outlook underscores the importance of funding continuity: without sustained support, hard-won gains may erode, but with targeted continued investment, the City of Berkeley can solidify its reputation as a cultural hub while ensuring equitable access to arts for future generations.

Figure 28: Outlook on Berkeley's Arts & Culture Sector from Grant Recipients | June 2025



N = 30
Source: CVL Economics Survey (2025).

Figure 29: Detailed Outlook on Berkeley's Arts & Culture Sector from Grant Recipients | June 2025

OPTIMISTIC OUTLOOKS	UNCERTAIN OUTLOOKS
Strong interest and engagement in the arts; hopeful audiences are returning.	Many feel it's "too early to tell" which direction things are headed.
Community demand and momentum despite challenges.	Concerned about long-term sustainability, closures, and diminished philanthropy.
Commitment from City of Berkeley and collaborative spirit cited as positive drivers.	Rising Bay Area costs, lack of viable performance space, and drying up of public support noted as major risks.
Seeing demand for mid-size venues and opportunities for new spaces.	Downtown struggles (e.g., reduced foot traffic, empty storefronts, crime) hurting recovery.
Confidence in sector resilience, innovation, and interdependence.	Audiences slower to return; uncertain policy environment and ongoing affordability crisis.

N = 30
Source: CVL Economics Survey (2025).

APPENDIX

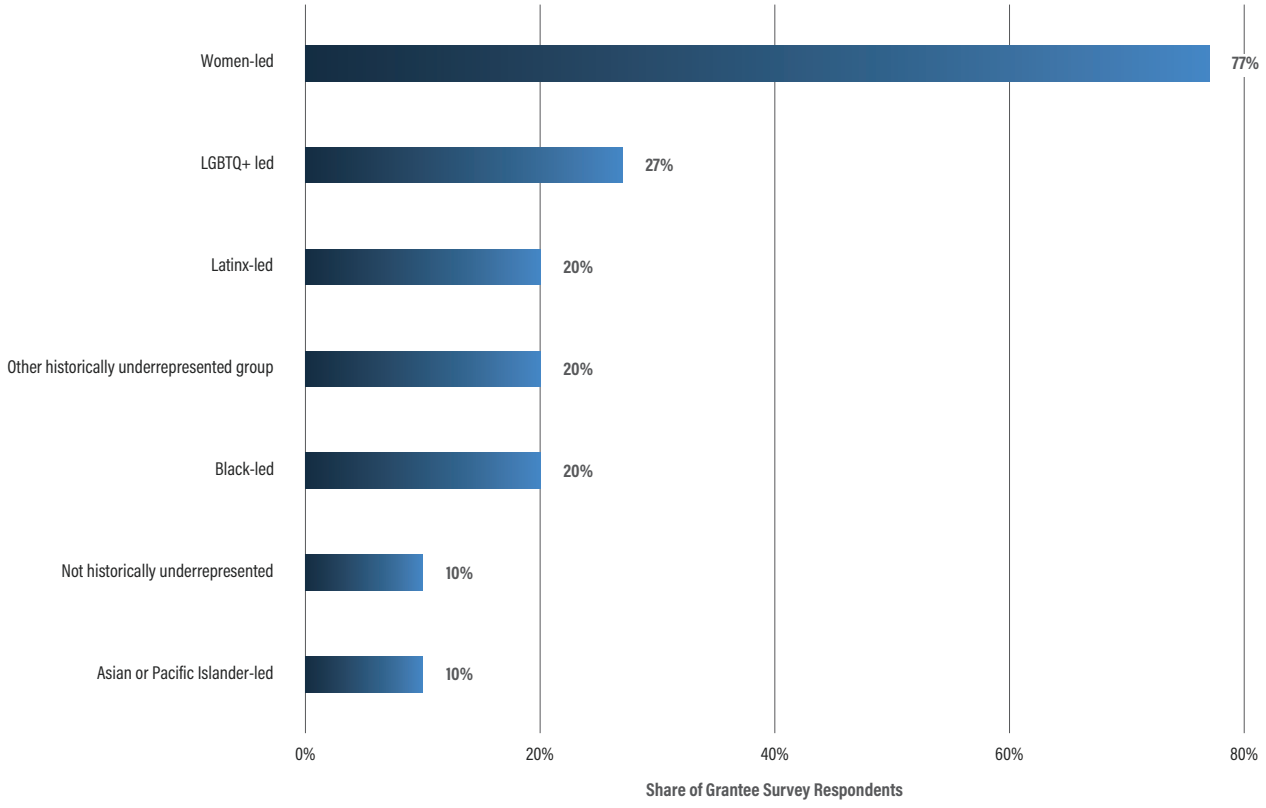
A.1: SURVEY OF BERKELEY ARTS & CULTURE ORGANIZATION GRANT RECIPIENTS

To better understand how Berkeley's pandemic relief and recovery funding shaped the local arts ecosystem, CVL Economics surveyed grantee organizations. Of the 88 organizations that received support through the Arts Organization Continuity Grants (2020) or the Berkeley Arts Recovery Grants (BARG, 2022), 30 (34%) completed the survey, providing valuable insights into both the immediate and lasting effects of the City's investment.

The survey captured a diverse mix of organizations in terms of size, discipline, and leadership demographics. Respondents ranged from very small, community-based nonprofits with annual budgets under $100,000 to larger institutions with multimillion-dollar operations. Disciplines represented included performing arts, visual arts, festivals, and educational organizations, reflecting the broad spectrum of Berkeley's creative ecosystem. Responses also included organizations led by people of color, LGBTQ+ leaders, and women, ensuring that a range of perspectives and experiences were reflected in the findings.

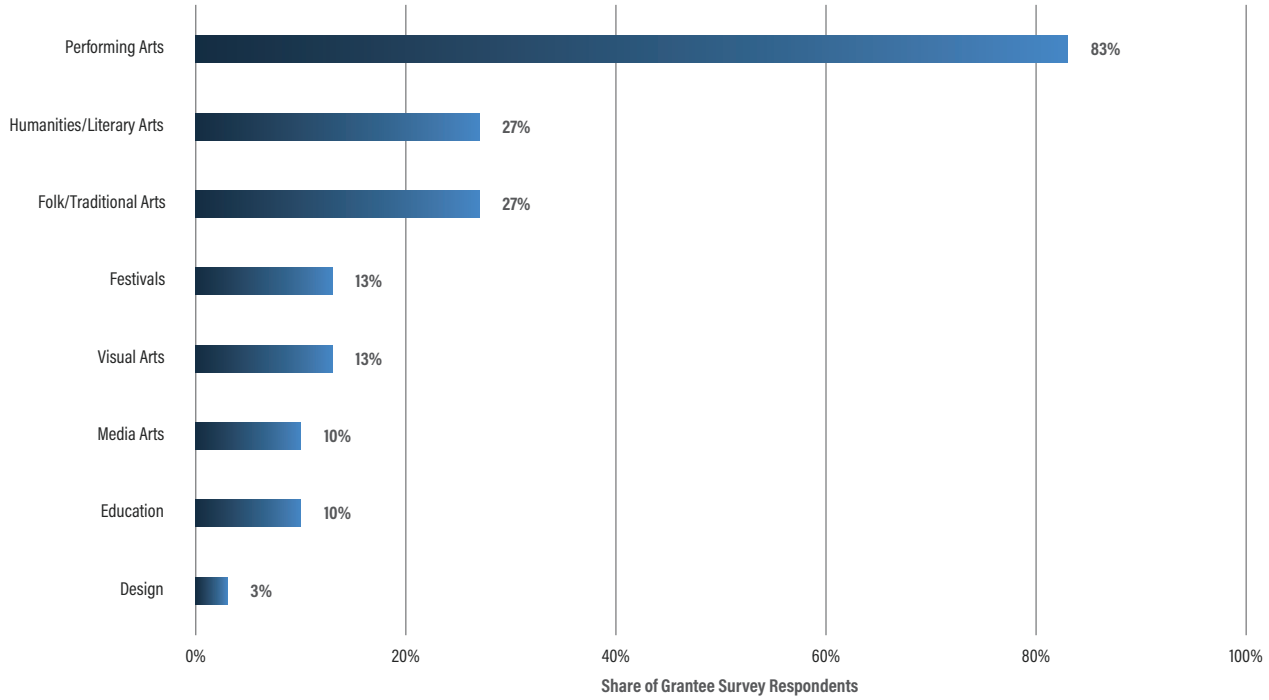
Additional survey responses can be found below.

Figure A.1.1 Share of Respondents by Leadership Demographics



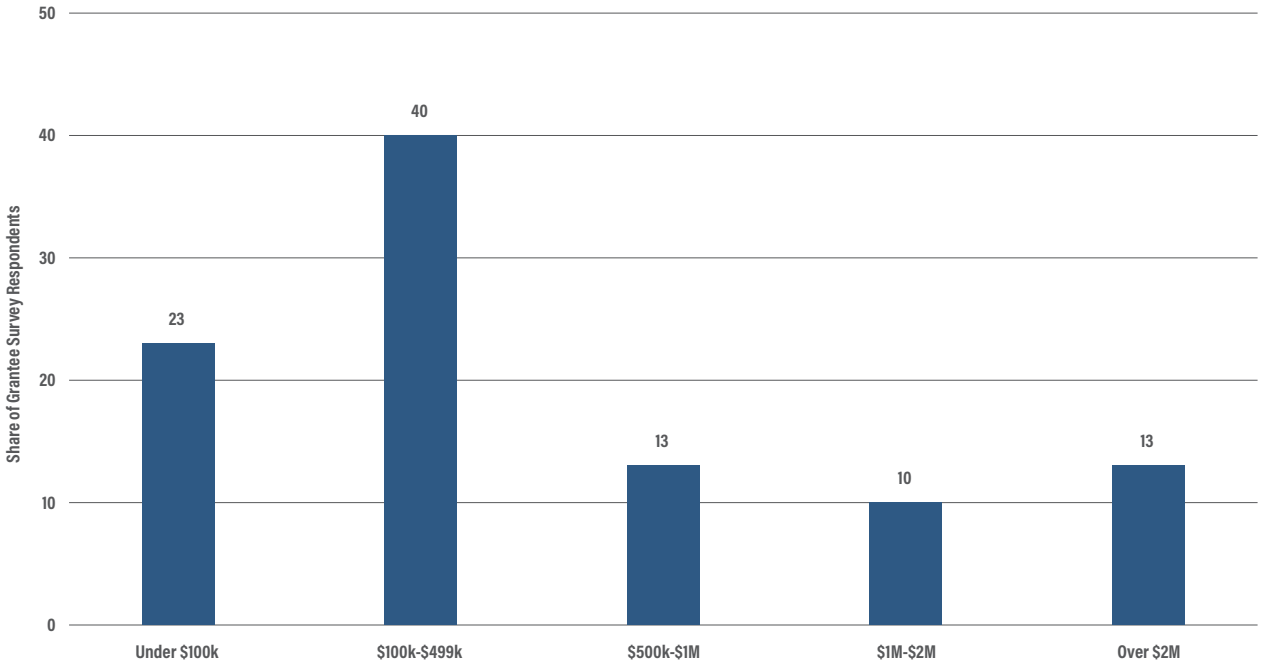
N = 30
Source: CVL Economics Survey (2025).

Figure A.1.2 Share of Respondents by Arts & Culture Discipline (Multi-Choice)



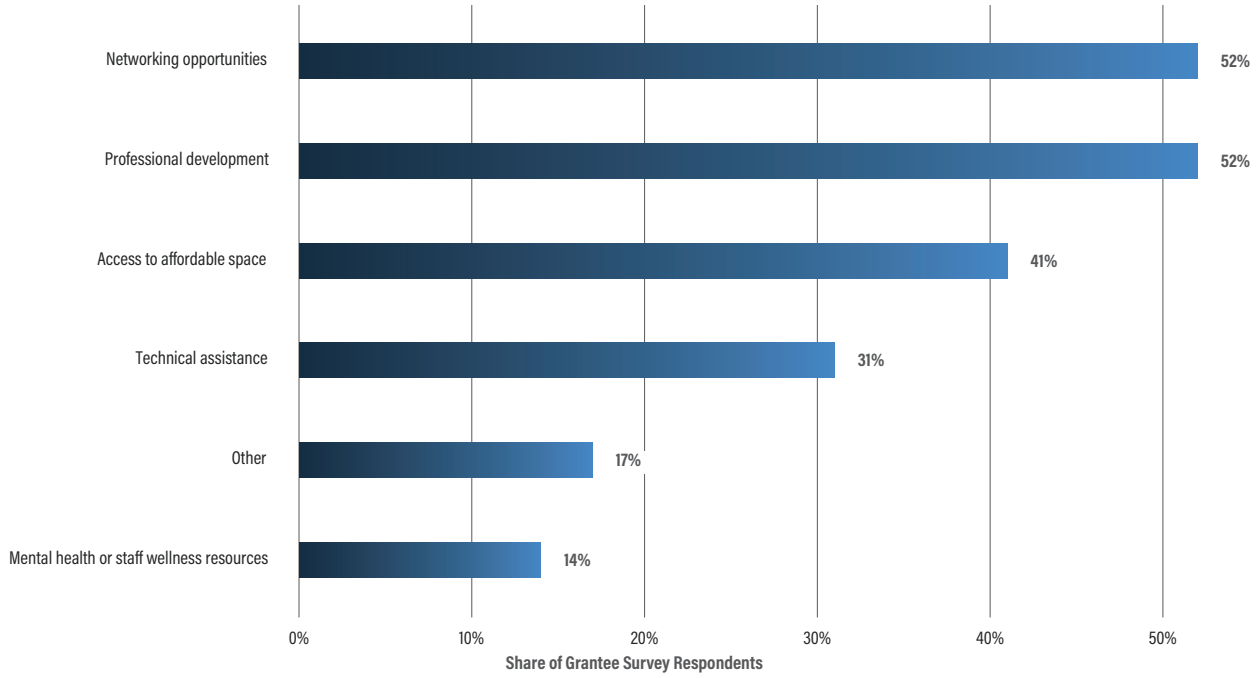
N = 30
Source: CVL Economics Survey (2025).

Figure A.1.3 Share of Respondents by Organization Size



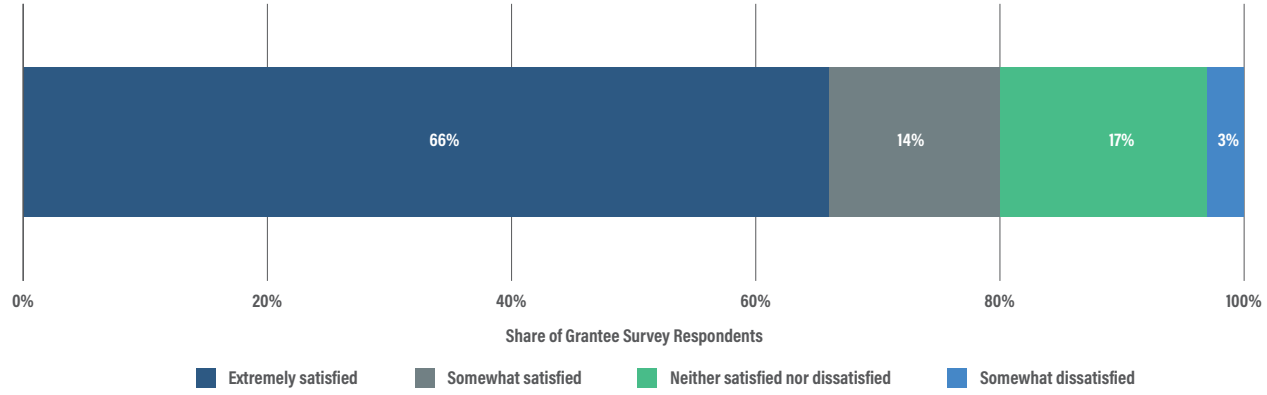
N = 30
Source: CVL Economics Survey (2025).

Figure A.1.4 Top Organizational Support Needs Beyond Funding for 2025–2030



N = 30
Source: CVL Economics Survey (2025).

Figure A.1.5 Degree of Satisfaction with Administration of Pandemic Relief and Recovery Grants in Berkeley | 2020–2022



N = 30
Source: CVL Economics Survey (2025).

A.2: BERKELEY'S RETURN ON INVESMENT ON PANDEMIC RELIEF AND RECOVERY FUNDING TO ARTS AND CULTURE ORGANIZATIONS

The City of Berkeley's relief and recovery funding for arts and culture organizations was evaluated through a return on investment (ROI) framework, designed to measure not only immediate stabilization but also the longer-term value preserved in the local economy.

The first step was to define the scope of the creative economy in order to capture impacts across the entire creative ecosystem. Economic data are reported using the standardized North American Industry Classification System (NAICS), which allows for consistency and comparability across datasets. Because no single NAICS code fully captures this sector, CVL Economics developed a curated set of industries spanning performing arts, visual arts, film, media, design, and related support services (see below for a detailed list of NAICS codes).

We quantified the value of organizations preserved by City funding using organizational revenue as the basis, drawing from a master grantee revenue dataset compiled by CVL Economics. This dataset integrates IRS Form 990 filings for each organization and supplementing with revenue data from the City of Berkeley's grant application database and grantee survey responses to fill in gaps. Grantee surveys and applications also established a baseline of financial hardship: all recipients of Arts Organization Continuity Grants and Berkeley Arts Recovery Grants (BARG) documented significant revenue losses. Survey results further revealed that 28% of grantees received no other pandemic relief, making the City of Berkeley's support their sole external lifeline.

Using the master revenue dataset and the 28% figure as a baseline for the additional organizations that would have closed without funding (and weighting by organizational size to reflect the greater impact of funding on smaller groups), we estimate that the combined annual revenues of these at-risk organizations totaled $12.9 million.

To translate these preserved revenues into economic ROI, we employed IMPLAN's input–output modeling system. IMPLAN is widely used by governments and researchers to quantify the total value of an investment, capturing not only the direct benefits to grantees, but also the indirect benefits to vendors, contractors, and service providers, as well as the induced effects from household spending by arts workers. This analysis found that these preserved arts organizations generated a total of $14 million in economic output in the City of Berkeley, reflecting the full ripple effects across the local economy.

Through this framework, we estimate that every $1 invested by the City leveraged at least $5.64 in ongoing arts and culture economic activity. This ratio represents the ROI of Berkeley's $2.5 million in relief and recovery funding to arts and culture organizations.

Figure A.2 Creative Economy Industry Classification Codes

INDUSTRY CATEGORY AND DESCRIPTION	NAICS
ARCHITECTURE & DESIGN	
Ornamental and Architectural Metal Work Manufacturing	332323
Architectural Services	541310
Landscape Architectural Services	541320
Drafting Services	541340
Interior Design Services	541410
Industrial Design Services	541420
COMMUNICATION DESIGN	
Graphic Design Services	541430
Advertising Agencies	541810
Photography Studios, Portrait	541921
Commercial Photography	541922
ENTERTAINMENT & DIGITAL MEDIA	
Motion Picture and Video Production	512110
Motion Picture and Video Distribution	512120
Teleproduction and Other Postproduction Services	512191
Sound Recording Studios	512240
Software Publishers	513210
Radio Broadcasting Stations	516110
Television Broadcasting Stations	516120
Media Streaming Distribution Services, Social Networks, Other Media Networks and Content Providers	516210

INDUSTRY CATEGORY AND DESCRIPTION	NAICS
FASHION	
Fiber, Yarn, and Thread Mills	313110
Broadwoven Fabric Mills	313210
Narrow Fabric Mills and Schiffli Machine Embroidery	313220
Nonwoven Fabric Mills	313230
Knit Fabric Mills	313240
Textile and Fabric Finishing Mills	313310
Fabric Coating Mills	313320
Apparel Knitting Mills	315120
Cut and Sew Apparel Contractors	315210
Cut and Sew Apparel Manufacturing (except Contractors)	315250
Apparel Accessories and Other Apparel Manufacturing	315990
Footwear Manufacturing	316210
Other Leather and Allied Product Manufacturing	316990
Toilet Preparation Manufacturing	325620
Jewelry and Silverware Manufacturing	339910
Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	423940
Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	424310
Footwear Merchant Wholesalers	424340
Clothing and Clothing Accessories Merchant Wholesalers	424350
Other Specialized Design Services	541490
FINE ARTS SCHOOLS	
Fine Arts Schools	611610
FURNITURE, TOYS & DECORATIVE ARTS	
Carpet and Rug Mills	314110
Curtain and Linen Mills	314120
Textile Bag and Canvas Mills	314910
Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills	314994
All Other Miscellaneous Textile Product Mills	314999
Pottery, Ceramics, and Plumbing Fixture Manufacturing	327110
Other Pressed and Blown Glass and Glassware Manufacturing	327212
All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	327999
Wood Kitchen Cabinet and Countertop Manufacturing	337110
Upholstered Household Furniture Manufacturing	337121
Nonupholstered Wood Household Furniture Manufacturing	337122
Household Furniture (except Wood and Upholstered) Manufacturing	337126
Institutional Furniture Manufacturing	337127

INDUSTRY CATEGORY AND DESCRIPTION	NAICS
Wood Office Furniture Manufacturing	337211
Custom Architectural Woodwork and Millwork Manufacturing	337212
Office Furniture (except Wood) Manufacturing	337214
Showcase, Partition, Shelving, and Locker Manufacturing	337215
Mattress Manufacturing	337910
Blind and Shade Manufacturing	337920
Doll, Toy, and Game Manufacturing	339930
Furniture Merchant Wholesalers	423210
Home Furnishing Merchant Wholesalers	423220
Toy and Hobby Goods and Supplies Merchant Wholesalers	423920
PUBLISHING & PRINTING	
Commercial Printing (except Screen and Books)	323111
Commercial Screen Printing	323113
Books Printing	323117
Support Activities for Printing	323120
Book, Periodical, and Newspaper Merchant Wholesalers	424920
Newspaper Publishers	513110
Periodical Publishers	513120
Book Publishers	513130
Directory and Mailing List Publishers	513140
Greeting Card Publishers	513191
All Other Publishers	513199
Libraries and Archives	519210
VISUAL & PERFORMING ARTS	
Musical Instrument Manufacturing	339992
Art Dealers	459920
Theater Companies and Dinner Theaters	711110
Dance Companies	711120
Musical Groups and Artists	711130
Other Performing Arts Companies	711190
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	711410
Independent Artists, Writers, and Performers	711510
Museums	712110

A.3: DEFINING BERKELEY'S ARTIST POPULATION

To analyze Berkeley's artist workforce, we defined an "artist population" within the Public Use Microdata Sample (PUMS) based on occupational classifications. Specifically, we restricted the dataset to individuals whose Standard Occupational Classification (SOC) codes align with creative, cultural, and artistic work.

The SOC codes were used to capture a wide spectrum of artistic and creative occupations, including:

- **Visual arts and design fields** (e.g., art directors, fine artists, designers, animators, architects)
- **Media and communication occupations** (e.g., writers, editors, reporters, broadcasters, public relations specialists)
- **Performing arts and entertainment** (e.g., performers, dancers, musicians)
- **Film, television, and digital media production** (e.g., producers, directors, camera operators, sound technicians, editors)
- **Other creative technical roles** (e.g., computer occupations in visual effects/animation, printing workers, sound engineering, lighting technicians).

The following SOC codes were included in our definition:

- **112011** – Advertising and Promotions Managers
- **112021** – Marketing Managers
- **112030** – Public Relations and Fundraising Managers
- **119041** – Architectural and Engineering Managers
- **131011** – Agents and Business Managers of Artists, Performers, and Athletes
- **151251** – Software Developers, Applications
- **151252** – Software Developers, Systems Software
- **151253** – Software Quality Assurance Analysts and Testers
- **151254** – Web Developers
- **151255** – Web and Digital Interface Designers
- **171011** – Architects (Except Landscape and Naval)
- **171012** – Landscape Architects
- **171020** – Surveyors, Cartographers, and Photogrammetrists
- **173011** – Architectural and Civil Drafters
- **254010** – Postsecondary Teachers, Art, Drama, and Music
- **271010** – Artists and Related Workers
- **271021** – Animators and Special Effects Artists
- **271022** – Fine Artists, Including Painters, Sculptors, and Illustrators
- **271024** – Graphic Designers
- **271025** – Industrial Designers
- **271026** – Fashion Designers
- **272011** – Actors
- **272012** – Producers and Directors
- **272030** – Dancers and Choreographers
- **272041** – Music Directors and Composers
- **272042** – Musicians and Singers
- **272099** – Entertainers and Performers, All Other
- **273011** – Broadcast Announcers and Radio Disc Jockeys
- **273031** – News Analysts, Reporters, and Journalists
- **273042** – Media and Communication Workers, All Other
- **273043** – Public Relations Specialists

- **273099** – Media and Communication Occupations, All Other
- **274021** – Photographers
- **274022** – Camera Operators, Television, Video, and Film
- **274023** – Film and Video Editors
- **274024** – Audio and Video Technicians
- **274025** – Lighting Technicians
- **274026** – Sound Engineering Technicians
- **274027** – Broadcast, Sound, and Lighting Technicians, All Other
- **274028** – Motion Picture Projectionists
- **274029** – Media Equipment Workers, All Other
- **274030** – Television, Video, and Film Camera Operators and Editors
- **393011** – Motion Picture Projectionists
- **393012** – Ushers, Lobby Attendants, and Ticket Takers
- **393013** – Entertainment Attendants and Related Workers, All Other
- **393019** – Miscellaneous Entertainment Attendants and Related Workers
- **515111** – News Analysts, Reporters, and Journalists
- **515112** – Editors
- **515113** – Technical Writers
- **516021** – Commercial and Industrial Designers
- **516031** – Floral Designers
- **516040** – Merchandise Displayers and Window Trimmers
- **516050** – Set and Exhibit Designers
- **516093** – Costume Attendants
- **516099** – Media and Communication Equipment Workers, All Other
- **517011** – Radio Operators
- **517021** – Sound Engineering Technicians
- **517031** – Broadcast Technicians
- **517041** – Media and Communication Equipment Workers, All Other
- **517099** – Media and Communication Workers, All Other
- **519071** – Jewelers and Precious Stone and Metal Workers
- **519194** – Musical Instrument Repairers and Tuners

Assessment of Berkeley Arts & Culture Pandemic Relief and Recovery Funding

DECEMBER 2025

ACKNOWLEDGMENTS

This report was made possible through the leadership and support of the City of Berkeley, including the Office of Economic Development and its Civic Arts Program, the Civic Arts Commission, and Berkeley City Council, whose commitment to advancing the city's creative and cultural vitality guided this work. We also extend our appreciation to the many nonprofit arts and culture organizations, creative practitioners, and community stakeholders who generously contributed their time, insights, and experiences.

PREPARED BY:

CVL Economics is an economic consulting firm that takes a data-driven, human-centric approach to equitable development and sustainable growth. Founded in 2021, CVL Economics partners with communities, municipalities, organizations, and institutions to address today's most complex challenges and foster bold action. Coupling robust economic models with innovative research methodologies, we provide decision-makers with the actionable insights needed to effect change, expand opportunity, and improve economic well-being.

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Office of the City Manager

INFORMATION CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Sanctuary City Contracting Compliance Report for FY 2024 and 2025

INTRODUCTION

City Council adopted ordinance 7,650-N.S., which is referred to as the Sanctuary City Contracting Ordinance (SCCO), in 2019. The SCCO states that the City shall not enter into a new, amended, or extended contract or agreement with any entity that provides United States Immigration and Customs Enforcement with data broker or extreme vetting services.

Section 13.105.040 requires the City Manager to report annually regarding compliance with section 13.105.030 for the prior year. Section 13.105.030 of the Berkeley Municipal Code details the prohibition on the use of City resources.

CURRENT SITUATION AND ITS EFFECTS

The Sanctuary City Contracting Ordinance establishes the City as a leader in social responsibility. The SCCO is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

Report Requirements:

(1) detail with specificity the steps taken to ensure compliance with Section 13.105.030:

City solicitations include invitations for bids (IFB), requests for proposals (RFP), and requests for qualifications (RFQ). IFB, RFP, and RFQ public postings each contain the SCCO language. Signed compliance certificates are submitted with proposals and bid responses.

New and amended contracts and agreements include the Compliance Certificate attesting review of and compliance with the SCCO. Signed certificates are required as part of the City's contract documents.

(2) disclose any issues with compliance, including any violations or potential violations of this Ordinance:

During the review period, staff noted that Flock Safety operated a short-term pilot program with federal agencies. That arrangement ended shortly after the close of the reporting window of this report. The City confirmed the pilot has not resumed and that Flock does not have an active relationship of that nature. Aside from this past pilot, no potential issues were detected or brought forward during FY 2024 or FY 2025.

(3) Detail actions taken to cure any deficiencies with compliance:

The vendor confirmed prior to contracting and again after the City discovered the existence of the pilot that it does not provide United States Immigration and Customs Enforcement with data broker or extreme vetting services. The City has communicated in writing with the vendor that such action would be in violation of contract terms and would be considered a breach of contract. There were no compliance deficiencies uncovered that would require curing.

BACKGROUND

This report is for FY 2024 and FY 2025 which began July 1, 2023 through June 30, 2025 and is hereby submitted on December 2, 2025. It represents compliance issues with the Sanctuary City Contracting Ordinance discovered or brought forth during the 2 fiscal years.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

POSSIBLE FUTURE ACTION

This report will be submitted annually.

CONTACT PERSON

Aundra Richards, Contract Administrator, Finance, 510-981-7324

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Housing Advisory Commission

INFORMATION CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Sarah Bell, Vice Chairperson, Housing Advisory Commission

Subject: Housing Advisory Commission Fiscal Year 2026 Work Plan

INTRODUCTION

This report transmits the Housing Advisory Commission's (HAC) work plan for Fiscal Year 2026 (FY 2026), as required by the City Council's July 2016 direction for all commissions to submit annual work plans detailing goals and objectives.

CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year.

At its September 4, 2025, meeting, the HAC approved its FY 2026 work plan with the following vote:

Action: M/S/C (Shere/ Potter) to adopt the FY 2026 work plan.

Vote: Ayes: Bell, Haycox, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Scott.

BACKGROUND

The Housing Advisory Commission advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Solutions Grant programs and their funding allocations. The Commission also recommends Housing Trust Fund (HTF) allocations, serves as the oversight body for Measure O (the $135 million General Obligation bond for affordable housing development), and reviews items referred by the City Council, HAC members, or other commissions. When necessary, the HAC hears matters regarding abatement of substandard buildings and serves as the appeals board for relocation and correction of code violations pursuant to Chapter 19.40.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The work plan supports environmental sustainability and climate goals by promoting affordable housing development and preservation, which can reduce displacement and

associated transportation emissions. Affordable housing projects funded through HTF allocations and CDBG programs often incorporate energy-efficient design and sustainable building practices.

POSSIBLE FUTURE ACTION
The Commission will implement the approved work plan activities throughout FY 2026 and report back to City Council as appropriate on policy recommendations, funding allocations, and other matters within the Commission's purview.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no direct fiscal impacts from acceptance of this work plan. Future recommendations from the Commission regarding HTF allocations, CDBG funding, and other housing programs will be presented to City Council with fiscal impact analyses as appropriate.

CONTACT PERSON
Snow Zhu, Commission Secretary, HHCS, (510) 981-7774

Attachments:
1: Housing Advisory Commission FY 2026 Work Plan

FY 2025-26 HAC WORK PLAN

Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the $135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings pursuant to Chapter 19.40; and
- Serves as the appeals board for relocation and correction of code violations as provided in Chapter 19.40.

When advising the City Council, the HAC is committed to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice and tenant-centered lens.

Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the city of Berkeley as outlined in HAC's FY 2025-26 work plan.

FY 2025-26 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Continue working with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives and advocate for approval and implementation by City Council.
- Continue to be informed about CDBG-funded agencies and programs.
- Remain informed of and take action on any fiscal or budgetary impacts resulting from federal funding changes to funding streams that are the jurisdiction of the commission.
- Increase opportunities for more direct participation, including ensuring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.

- Review and make recommendations to City Council regarding various affordable housing policies including updates on passed policies changes such as the Housing Preference Program implementation.
- Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed and passed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, Middle Housing Ordinance and other policies that have been passed or are being considered by council.
- Continue to study, develop and support the recommendations from the Social Housing Report.

Outcomes:

- Social housing recommendations implemented.
- HTF monies pledged to affordable housing projects serving families and housing-insecure households.
- CDBG-funded public facilities in support of non-profits maintained and rehabilitated.
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure passed.
- A more efficient and effective CDBG-funded affordable housing preservation strategy that maximizes services that allow people to stay in their homes and thrive.
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.
- The city of Berkeley increases its supply of affordable housing and preserves present affordable housing stock.

Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF