AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, December 1, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - PAINE GRANDE - PARQUE NACIONAL TORRES DEL PAINE - SECTOR PAINE GRANDE, TORRES DE PAINE, MAGALLANES Y LA ANTÁRTICA CHILENA, CHILE

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: 165 116 0932**. 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.*

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. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,037-N.S. amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

2. Authorization to Accept Inherited IRA Funds for Berkeley Animal Care Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept approximately $10,167 in inherited Individual Retirement Account (IRA) funds, subject to market fluctuations, on behalf of Berkeley Animal Care Services (BACS), and to execute any necessary documents to receive the funds.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

3. Use of Catastrophic Reserve Fund for Animal Shelter Rehabilitation
From: City Manager
Recommendation: Adopt a Resolution authorizing use of the Catastrophic Reserve Fund and the allocation of $850,000 from the fund for the Animal Shelter Rehabilitation project.
Financial Implications: See report
Contact: Maricar Dupaya, Budget Manager, (510) 981-7000

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 1, 2026
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: Various Funds - $7,872,015
Contact: Henry Oyekanmi, Finance, (510) 981-7300

5. Contract No. 32500243 Amendment: SEP Technology Consulting, LLC for Database Migration to Accela
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32500243 with SEP Technology Consulting, LLC (SEPTech) to add $22,800 for an amount not to exceed $347,800, and to extend the contract period to June 30, 2027.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

6. Unrepresented Employee Manual Update
From: City Manager
Recommendation: Adopt a Resolution (1) approving an update to the Unrepresented Employee Manual (hereafter referred to as the "Manual") effective upon Council approval, and expiring whenever next approved by Council; (2) approving the increase of approximately $1,700 annually for Public Safety uniform allowance amounts to align them with underlying MOUs; and (3) authorizing the City Manager to execute and implement the updated Manual, including any changes that may be operationally necessary during the term of the Manual, provided such changes do not create increased economic obligations for the City or modify approved compensation or benefits.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

7. Contract: SHI for Cohesity Backup Solution with Hosted Cloud Storage
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with SHI, pursuant to Sourcewell RFP No. 121923, Category 1 (Technology Products and Services with Related Solutions), for a Cohesity backup solution with hosted cloud storage, for a total contract amount not to exceed $450,000 for the term December 31, 2026 through December 30, 2029.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

8. Donation: Memorial Bench at the Berkeley Marina in memory of Paul Canin
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Waterfront Park in memory of Paul Canin.
Financial Implications: $3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

9. Planning and Development Department Personnel Actions
From: City Manager
Recommendation: Authorize the City Manager to take the following personnel actions in the Planning and Development Department, subject to completion of any required meet-and-confer obligations: 1. Increase Position Control Number (PCN) 2886, Community Services Specialist II (Building and Safety), from 0.75 FTE to 1.0 FTE. 2. Reallocate vacant PCN 3349 from Planning Technician (Land Use Planning) to Customer Service Specialist II (Building and Safety). 3. Delete vacant PCN 1159, Associate Planner, and reallocate vacant PCN 3584 from Associate Planner to Senior Planner (Land Use Planning), consolidating two Associate Planner positions into one Senior Planner position.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

10. Staffing Amendment for Measure FF, the SAFE STREETS Initiative
From: City Manager
Recommendation: Adopt a Resolution to amend the FY 2027 budget to add one permanent full-time Associate Management Analyst position to support the implementation of projects associated with Measure FF, the SAFE STREETS Initiative.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

Consent Calendar

11. Purchase Order: National Auto Fleet Group for the Purchase of One 2027 Ford Super Duty F-450 Truck Equipped with a Pavement Marking System
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with National Auto Fleet Group for the purchase of one 2027 Ford Super Duty F-450 truck equipped with a Roadline Products USA pavement marking system through Sourcewell Contract No. 032824-NAF, in an amount not to exceed $201,795.85, including a 10-percent contingency and estimated sales tax.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

12a. On Declaring Berkeley a Sanctuary City for and Affording Legal Protections to Trans and Gender Expansive People in Berkeley
From: Peace and Justice Commission
Recommendation: That the City Council declare Berkeley a Sanctuary City for Transgender and Gender Expansive People, and adopt a comprehensive set of policies to protect and support transgender, non-binary, and gender-nonconforming (TGNC) residents through the following actions: 1) Refer to the City Manager to review City of Berkeley data sharing and encryption practices to ensure compliance with SB 107 and SB 497, prohibiting the use of City resources—including staff time, equipment, and databases—in assisting out-of-state or federal agencies in investigating, detaining, or prosecuting individuals for seeking, providing, or assisting in lawful gender-affirming care; refer to the City Manager a review of data encryption policies for the City of Berkeley to prevent potential seizure of data that might nonconsensually “out” a TGNC person to another jurisdiction; 2) Continue current expansion of gender-neutral restrooms in the City by referring to the City Manager to explore updating the Berkeley Building Code requiring all newly constructed or renovated commercial and public buildings to include gender-neutral multi-stall restrooms or all-gender single stall restrooms consistent with the direction established in AB1732 accommodating transgender persons by mandating signage that all restrooms be gender-neutral and current State Code that all single-stall restrooms be gender neutral. This proposed action is also consistent with the City of Berkeley’s Department of Parks and Recreation’s plans, completed and future, to establish exclusively gender-neutral restrooms, both new and renovated in City parks; 3) Recommend to Council to refer to the Board of Library Trustees to develop a policy that books and materials related to gender identity and trans persons be available in the library consistent with the Berkeley Public Library’s adoption of the American Library Association’s Public policy to challenge censorship; 4) Refer to the City Manager to coordinate with the County Continuum of Care and other regional governmental bodies to establish a trans shelter where trans persons experiencing challenges in other shelters can be directed. In the interim, to establish a procedure to otherwise direct trans persons to other settings when they experience bullying or violations of their safety, security and privacy in Berkeley shelters or other Berkeley homeless services programs. Transfers shall be to programs under the City’s control or through advocacy and referral with the County Coordinated Entry system. Preferably, there shall be a point person(s) in the City knowledgeable of trans needs to facilitate that trans persons are afforded safety, security, privacy and dignity; 5)

Consent Calendar

Refer to the 4x4 Joint Task Force on Housing to establish objective rental standards through policies and procedures preventing discrimination on the basis of gender identity or sexuality. Such standards could include adopting the First-In-Time standard for residential rentals and establishing local enforcement procedures to prevent housing discrimination based on gender identity or sexual orientation. Adopting this standard would require landlords to: a) Publish all minimum screening criteria (e.g., credit, income, references) at the time any residential rental is posted or published; b) Date and time stamp all applications submitted; and c),Offer tenancy to the first qualified applicant who meets the posted or published criteria; 6) Recommend that Council refer to the 4x4 that the Executive Director of the Rent Board write a letter to Berkeley landlords advising them of the rights of trans persons not to be discriminated against in tenancy; 7) Recommend that Council refer to the City Manager that the Office of Economic Development send a letter advising of employer's obligations under SB 1343 providing for protections of transgender employees and prospective employees and that such letter be sent out in coordination with the annual notice of license renewal; 8) Refer to the City Manager to insure that LGBTQIA+ persons, including trans persons, have access to mental health and behavioral services. Such access shall include services to be covered through Mental Health Services Act (MHSA) monies (to become the Behavioral Health Services Act (BHSA) effective July 1, 2026) with funding for the Pacific Center for Human Growth and other TGNC-specific mental health lifelines. Should the state Mental Health Oversight and Accountability Commission (MHOAC) decide not to accept the City's plan submitted to them to continue contracts for current mental health trauma monies in Berkeley, including for LGBTQIA+ persons, after June 30, 2026 when those contracts expire, that another source of funds be identified to provide these services; 9) Recommend that Council refer to the City Manager to require that when inspections are conducted to workplaces for any reason, that the required SB 1343 posting, which includes trans rights, by employers with 5 employers or more is in compliance; 10) Refer to the City Manager to include the health and wellness needs of LGBTQIA+ persons, including trans persons, in the City Community Health Improvement Plan; 11) Refer to the City Manager to include an addendum to update language in the Berkeley Municipal Code update language in the city code (ie. BMC 13.32.010) that discriminates on the basis of sex and gender.

Financial Implications: See report

Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000

12b. Companion Report: On Declaring Berkeley a Sanctuary City for and Affording Legal Protections to Trans and Gender Expansive People in Berkeley

From: City Manager

Recommendation: Review and adopt the alternate recommendations from the City Manager for the eleven recommendations from the Peace & Justice Commission regarding policies to protect and support transgender, non-binary, and gender-nonconforming residents.

Financial Implications: See report

Contact: Tasha Tervalon, City Manager's Office, (510) 981-7000

Consent Calendar

13. Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies- Recommendation 3 *(Reviewed by the Agenda & Rules Committee)*
From: Auditor
Recommendation: We recommend that City Council endorse Recommendation 3 of the City Auditor's Evaluation of Workplace Relationship Policies special report and provide direction on next steps for considering adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.
Policy Committee Recommendation: To send the item to Council with a positive recommendation on "Recommendation 3" regarding regulations on cronyism and nepotism.
Financial Implications: No direct fiscal impact
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Calendar

14. Referral to Strengthen Berkeley's Tobacco Retail Ordinance to Promote Public Health
From: Councilmember Kesarwani (Author), Councilmember Taplin (Author), Councilmember Tregub (Co-Sponsor)
Recommendation: Refer to the City Manager to develop a density cap of no more than six Tobacco Retail Licenses for each Berkeley city council district, establishing a ban on new licenses in council districts with more than six Tobacco Retail Licenses, restrictions on transfers into those areas, and policies to prevent further concentration of retailers in disproportionately impacted neighborhoods. Further recommend the following: Update administrative processes related to Tobacco Retail Licenses, including business license disclosures, license application requirements, coordination with State licensing data, and internal review and enforcement procedures; and Evaluate and propose updates to the Tobacco Retail License fee structure to better align fees with the costs of inspection, enforcement, and program administration.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

15. Berkeley High Crew Safety Equipment: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Humbert (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $400 per Councilmember including $400 from Councilmember Humbert to Berkeley High Crew, an independent 501(c)(3) nonprofit, for the purchase of safety equipment for the Berkeley High School (BHS) rowing team, with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Humbert and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - $400
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar

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

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

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

Action Calendar – Public Hearings

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

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

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

16. Renewal of the Elmwood BID for Calendar Year 2027
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 2026-2027 and, if no majority protest exists, levy annual assessments in the District for calendar year 2027 to finance services and improvements and authorize a contract with Elmwood Business Association for receipt and expenditure of District funds.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action Calendar – Public Hearings

17. Renewal of the Solano Avenue BID for Calendar Year 2027
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 2026-2027 and, if no majority protest exists, levy annual assessments in the District for calendar year 2027 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

18. Changes to Selected Recreation Program and Facility Rental Fees
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 72,290-N.S. and all amendatory resolutions.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

19. Corridors Zoning and General Plan Updates
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt the first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code to increase housing capacity along commercial and transit corridors, consistent with Program 27— Priority Development Areas, Commercial and Transit Corridors, and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update and the City's Affirmatively Furthering Fair Housing (AFFH) obligations.
2. Adopt a Resolution approving and adopting General Plan map and text amendments to re-designate certain parcels and update certain land use designations to be consistent with the associated Ordinance amendments.
3. Refer to the City Manager the development of additional small business support strategies, including business license tax relief, relocation assistance, and other measures to support business continuity.
4. Direct staff to evaluate the Corridors Upzoning Project after five years with respect to any impacts on emergency services.
5. Find the Corridors Zoning Update is exempt from CEQA pursuant to SB 131, and consider the Addendum demonstrating that the Corridors Zoning Update would not result in new or more significant environmental impacts than were analyzed and disclosed in the City's Environmental Impact Report for the 2023-2031 Housing Element Update and adopt the Findings and Statement of Overriding Considerations that the benefits of the proposed project outweigh the unavoidable adverse environmental impacts.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

20. 2026 Climate Action & Resilience Update
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

21. April 2026 Update to the Shared Electric Micromobility Permit Program (SEMPP) in Response to Council Referrals
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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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.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during 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 19, 2026.



Mark Numainville, City Clerk

Communications

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

Item #19: Corridors Zoning and General Plan Updates
1. Jeanne Clinton
2. Chris Boas (2)

Sanctuary City Inquiry
3. Chrissy Hoffman

Senior Winter Shelter
4. Lenore Sheridan
5. Boona Cheema

Response Time Concern
6. Harald Leventhal

Berkeley Half Marathon Traffic Control Concern
7. Evan Penn
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Bus Service Concern
8. Gerard Alcantara

Courtyard Housing
9. John J. Parman

Meeting Reschedule Request
10. Charles Paul

Community Potluck
11. The BFUU Social Justice Committee
12. Phoebe Thomas

ADA Coordinator Concern
13. Steven Schuyler

Tom Bates Regional Sports Complex
14. Rainbow Rubin

Request to Repave
15. Rainbow Rubin

Traffic Calming Request

16. Justin McManus

Popeye's Tobacco & Grocery Concern
17. Jacco Kroon, Rebecca Sherer Becca Freed, Jane Musser, Yael Gallison, Daniel Cutter, Beth Gerstein, and Amy Carson

Crosswalk Concern
18. Cecelia Mautner

Berkeley Unplugged
19. Vanessa Vega

La Pena Event Concern
20. Dorothea Dorenz (3)

Audiobook
21. Jarrod Blake

College Ave Historic District
22. Richard Bunce

Prospect Street Sidewalk Concern
23. Rob Carpenter

Swimming Options for Families
24. CC Miksza

Security Deposit Concern
25. Alex Merenkov

Safety Concern
26. Michael Stanger

Pedestrian Safety Concern
27. Alex Merenkov
28. Emily O'Rourke

1130 Oxford Street
29. Derek Abbassi

Oxford School Property
30. Tesfaye W. Tsadik

Flock Concern
31. Elizabeth Hurvich

E-Scooters
32. Robert Borghese
33. Carson Lepre

URLs
34. Russbumper (4)

Forward
35. Russbumper
36. Eid Abdallah (6)

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. 8,037-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.32 – STORAGE, COLLECTION AND DISPOSAL OF WASTE

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

Section 1. That Berkeley Municipal Code Chapter 12.32 is amended to read as follows:

Chapter 12.32

STORAGE, COLLECTION AND DISPOSAL OF WASTE*

Sections:

12.32.010 Definitions.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

12.32.040 Findings and Purpose

12.32.050 Bulk wastes--Over one cubic yard--Over two cubic yards.

12.32.060 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time-- Districts established--Rubbish collected with garbage.

12.32.070 Garbage fees--Payment requirements--Service charges.

12.32.080 Adequate Space Requirement

12.32.090 Design Standards

12.32.100 Dumping at unauthorized disposal site prohibited.

12.32.110 Stormwater Requirements

12.32.120 Administrative Standards

12.32.130 Liability and Enforcement

12.32.140 Dumps--Use limitations.

12.32.150 Refuse burning prohibited--Exceptions.

12.32.160 Nuisances designated--Abatement authorized when.

12.32.170 Violation--Penalty.

12.32.180 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

12.32.190 Collection and disposal--Private hauler requirements.

12.32.200 Collection and disposal--Rules and regulations--Public Works Department authority.

* For Zero Waste Commission, see Ch. 3.40 of this code.

12.32.010 Definitions.

A. "Garbage" means putrescible animal or vegetable matter, and containers used for the storage thereof. "Garbage" does not include source-separated recyclables or yard waste.

B. "Hazardous waste" means that waste defined in Health and Safety Code Section 25117.

C. "Medical waste" means that waste defined in Health and Safety Code Section 25023.2

D. "Rubbish" means all nonputrescible waste matter, whether combustible or noncombustible, except hazardous waste and medical waste.

E. "Waste" means the useless, unused, unwanted or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons and depreciate property values in the vicinity thereof. "Waste" shall include, but not be limited to garbage, putrescible organic material, rubbish, offal, swill, animal excreta, rubble, plaster or other waste resulting from the demolition, burning, alteration or construction of buildings or structures.

F. "Source-separated recyclables" means non-putrescible materials that are separated by the generator from other waste material for the purpose of reuse or recycling, by placing the recyclables in separate containers, or by binding them separately; the recyclable material is then kept separate from general rubbish by the collector and processor, and is returned to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace. Source separated recyclables contain no more than 20% of material which is disposed of as refuse by the collector or their subcontractors.

G. "Yard waste" means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards, gardens or landscaping, and which are separated by the generator from other solid waste materials for the purpose of recycling or composting, and which are taken by the hauler to a recycling or composting facility. (Ord. 6549-NS § 2, 2000; Ord. 6517-NS § 2, 1999; Ord. 6319-NS § 2 (part), 1996)

H. “Central consolidation location” means internal area generally located on the first floor or in the basement of a multi-story mixed use, commercial or multi-family building that is of adequate size to house waste receptacles that meet minimum service requirements including but not limited to landfill, dual-stream recycling and organics where materials from tenants can be centrally consolidate for collection.

I. “Minimum service requirements” mean all property owners or property managers are required to subscribe to landfill, dual-stream recycling and organics collection services at a minimum of 20 gallons per unit to ensure adequate service is provided to comply with state, county and local zero waste mandates. Waste enclosures or central consolidation

locations shall be designed to accommodate the collection receptacles to meet minimum service requirements.

J. Tenant Facing Collection Room: rooms located on each story of a commercial building where tenants have convenient access to do dispose of landfill, dual-stream recycling and organics. If utilizing trash chutes, there must be enough chutes to accommodate all required material collection streams.

K. Staging Area: area where Public Works staff will collect landfill, dual-stream recycling and organic materials for disposal or processing, generally located in the public right of way, at the waste enclosure or at the central consolidation location and shall not be located more than 100 ft from where the collection vehicle will need to park to provide service. If located in the public right of way, curb cuts and red zones must be provided to ensure safe transport and storage of the collection receptacles on the day(s) of service.

L. Valet Waste Service: a third-party service that collects municipal solid waste from outside of tenant's units and properly sorts it for disposal eliminating the need for tenant facing trash rooms. If utilizing a valet waste service, ensure the service provider has been adequately trained and approved by Public Works Department staff.

M. Waste Enclosure: A stand-alone covered area on a commercial or multi-family property designed to house receptacles for storing solid municipal waste including but not limited to landfill, dual-stream recyclables, and organics.

N. “Universal waste” means universal waste as defined in the California Health and Safety Code Section 25123.8 and California Code of Regulations, Title 22, Division 4.5, Chapter 23. Universal waste includes certain batteries, electronic waste, non-empty aerosols cans, and other special materials designated as universal waste under applicable state law and is subject to the applicable requirements governing its collection, storage, handing, recycling, and disposal.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

A. No person owning any multiple-family dwelling or possessing any single-family dwelling, or industrial, commercial or business premises or structure shall allow or permit any garbage, rubbish or waste to collect and accumulate upon or in any such premises or structure except as otherwise provided by law. This provision shall not be construed as affecting any authorized waste disposal operation or properly conducted garden composting process carried on by a private individual in their own premises and for their own use and done in a manner consistent with this section.

B. During intervals between collection or disposal, the storage, accumulation, collection, keeping, handling or maintaining of waste on premises where produced shall be performed in such a manner as to prevent the harboring and breeding of rodents, insects and other vermin and as to prevent ready access to the waste by dogs and other small animals; as to prevent objectionable odors in the ambient air; as not to constitute a fire hazard; and as not to result in such unsightliness as to result in the depreciation of the value of adjacent property or the comfortable enjoyment of life thereon.

C. Construction and Demolition Rubbish and Waste: During construction, alteration, or demolition activities, combustible debris, rubbish, and waste materials shall be managed in accordance with California Fire Code Section 3304, as applicable. Combustible debris, rubbish, and waste materials shall not be accumulated within buildings and shall be removed from buildings at the end of each shift of work.

1. Temporary rubbish containers exceeding 5.33 cubic feet (40 gallons) used for combustible debris, rubbish, or waste shall be provided with tight-fitting or self-closing lids and shall be constructed of noncombustible materials or other materials complying with California Fire Code Section 3304.1.3.

2. Materials susceptible to spontaneous ignition, including oily rags, shall be stored in listed disposal containers in accordance with California Fire Code Section 3304.2.

3. Construction and demolition waste containers shall not be located or maintained so as to obstruct required fire apparatus access, means of egress, fire hydrants, fire department connections, or access to required fire protection equipment.

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

A. Every person owning any premises, where garbage or rubbish is produced or accumulated shall provide and maintain on the premises in a suitable place readily accessible to personnel of the solid waste and environmental health divisions, containers of sufficient capacity and number to store the accumulations of garbage or rubbish during the intervals between collections or disposal. With the written of the owner, nonresidential tenants may contract for garbage collection service independently, either on their own behalf or on the owner's behalf, if the owner agrees in writing to guaranty payment of the garbage collection charge in the event the tenant does not pay it in a timely fashion.

B. Every contractor or builder engaged in the erection or repair of a building shall provide sufficient containers at or near such building for the deposit and storage of any waste resulting from the erection or repair work.

C. Garbage containers for other than bulk accumulation shall be constructed of metal or other impervious material approved by the managers of environmental health and solid waste with tight-fitting covers. The containers and covers shall be in good repair, leakproof, free from holes, flytight and rodentproof. Containers shall be equipped with handles adequate to lift the weight of a full container without breaking or bending. Such container shall be maintained in a sanitary condition by the owners thereof and covers shall not be removed except for the purpose of placing waste therein or removing waste therefrom.

D. Rubbish except broken glass, rocks, concrete, bricks and similar solid material, plaster or dirt may be deposited in garbage containers. Hazardous waste, human waste and other potentially infectious material shall not be deposited or placed in garbage containers. Liquid garbage shall not be deposited or placed in such containers.

E. No garbage containers or other containers for waste, other than those of the City, shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Public Works Department may authorize the location of such containers within the public right-of-way at specified places and times when such location is

necessary for the expeditious collection and disposition of garbage by the City. (Ord. 6369-NS § 1 (part), 1997; Ord. 6319-NS § 2 (part), 1996)

12.32.040 Findings and Purpose

The purpose of this section is to ensure that new commercial development and substantial renovations provide adequate space for the storage, collection, and processing of solid waste, dual- stream recyclable, and organic materials or construction and demolition materials in a manner that supports public health, operational efficiency, compliance with state and local law, and the City's Zero Waste and climate goals.

12.32.050 Bulk wastes--Over one cubic yard--Over two cubic yards.

A. In any premises where a volume of waste in excess of one cubic yard is allowed to accumulate between intervals of collection or disposal, such waste shall be managed in the manner specified by the manager of the environmental health division for the sanitary storage, collection or disposal of such waste on the premises.

B. In addition to the requirements of subsection A of this section, dumpsters and containers used for the storage of combustible waste shall comply with California Fire Code Sections 304.3 through 304.3.7, as applicable, including requirements for container construction, lids, location, separation from buildings, and fire protection. Waste storage locations shall not create a fire hazard and shall be subject to approval by the Fire Chief or designee where required by the California Fire Code.

12.32.060 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established -- Rubbish collected with garbage.

A. It is found and determined that the periodic collection of garbage from all premises and places in the City in or from which garbage is created, accumulated or produced is essential for the maintenance of the public health and welfare of the City and that the provision by the City of such garbage collection service is a direct benefit to all premises and places in or from which garbage is created, accumulated or produced to the owners thereof.

B. Garbage collection service is provided by the City, and all owners of premises and places in the City in or from which garbage is created, accumulated or produced shall use or cause to be used, and pay the fees charged for, the City’s collection service. It is unlawful for any person, other than authorized agents or employees of the City, to collect, remove or dispose of garbage in the City; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the City plumbing code.

C. All owners of premises and places in or from which garbage is created, accumulated or produced shall notify the solid waste division of the services department of the City that collection of garbage from such premises or place is required and the frequency of the collection required.

D. Fees for the collection of garbage shall be established by resolution of the City Council. All owners of premises and places in the City from which garbage is collected, or the person with responsibility for those premises, shall pay the garbage collection fees

established by the City Council. In the event of nonpayment of the garbage collection fees, the City, at its option, may discontinue furnishing garbage collection service as set forth in Section 12.32.070, such discontinuance of service to be in addition to any remedies that are available to the City to enforce payment of any unpaid garbage collection fees.

E. Collection of garbage shall be made at least once a week from private residences and as many times per week as the Director of Public Works may order from all other places.

F. The Director of Public Works may establish districts in the City for the purpose of collecting garbage and rubbish.

G. The City will collect and dispose of all rubbish which is deposited in garbage containers as authorized in Section 12.32.030, and to the extent that equipment and personnel are available as determined by the Director of Public Works, the City may collect and dispose of rubbish other than that deposited in garbage containers, provided such rubbish is placed in separate containers approved by the Director of Public Works and provided further that such rubbish is of such size that it can be placed in such separate containers. (Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.070 Garbage fees--Payment requirements--Service charges.

A. Fees for garbage and rubbish collection shall be billed and paid periodically as determined by the City. Any fee which is not paid in full on the thirty first day after billing is delinquent, except that fees which are billed semiannually shall be deemed delinquent on December 11th and April 11th. A penalty of ten percent shall be assessed on any delinquent amount. Delinquent amounts greater than one year delinquent shall accrue interest at the rate of one and one-half percent per month. Service on unpaid accounts may be reduced or discontinued thirty days after mailing notice of delinquency.

B. The City may elect to bill for garbage and rubbish collection service as a special assessment on the property taxes and charges collected by the county with property taxes. The City may also elect to bill individual persons or businesses for service provided directly to those persons or businesses; however, because the provision by the City of garbage collection service is necessary for the public health and a benefit to the public, and necessary to prevent the creation of public nuisances, any amounts billed to persons or businesses are an obligation of both the user of the property who generates the garbage and the owner of the property who benefits from its use by others, and therefore also payable by, and debts of, the owner of the property.

C. The City may employ any method provided by state law for collection of service fees, delinquent amounts, penalties and interest, and all remedies shall be cumulative.

D. No refunds will be made for decreases in service during the billing period in which the decrease occurred.

E. The City may require payment of a deposit in the amount three times the monthly service charge for any City garbage collection service ordered in any case where the owner of the affected property is not ordering the service or the City is legally unable to impose a lien on the property in the event the service charges are not paid by the person or business ordering the service. Such deposits may be credited by the City against an

account after one year for residential accounts and two years for non-residential accounts, if there have been no delinquencies during the applicable period. In the event an account is closed while the City has custody of a deposit, the City shall credit the amount of the deposit against the closing bill and refund any amount

remaining. (Ord. 6393-NS § 1, 1997; Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.080 Adequate Space Requirement

Effective January 1, 2027:

A. All new commercial, development shall conform to the Design Standards in Section 12.32.090.

B. Additions, alterations, or renovations to commercial development requiring discretionary approval or permits where the project affects waste storage areas, collection infrastructure, or collection services, shall conform to the Design Standards in Section 12.32.090.

12.32.090 Design Standards

A. Waste storage and collection areas shall:

1. Provide adequate space for collection containers and related infrastructure

   sufficient to accommodate all required material streams and meet minimum service requirements including but not limited to:

   a. Landfill disposal.

   b. Recycling of paper and cardboard.

   c. Recycling of glass, metal, and plastic containers.

   d. Organic materials, including food scraps, compostable paper, and plant debris.

2. Be designed to accommodate the size, number, and configuration of containers required for collection service.

3. Provide convenient and equal access to all required material streams.

4. Have signage identifying the types of materials corresponding to each respective waste stream. Signage shall be permanently posted on or painted onto each receptacle. General instructions about how to recycle shall be posted on the walls inside the enclosure. The name and phone number of the person responsible for maintenance of the enclosure shall be included on the sign with general instructions.

5. Provide adequate access for commercial tenants, property owners and managers, facilities staff, third party valet waste service providers or Zero Waste collection staff.

6. Provide sufficient maneuvering area to safely move containers between storage and collection locations.

7. Include pathways, ramps, and access routes that meet applicable accessibility and safety requirements.

8. Reduce incidents of significant slopes.

9. Maintain adequate vertical clearance for opening lids and servicing containers.

10. Include sufficient staging space to support collection operations.

11. Waste storage, collection and staging areas shall be located or constructed in a manner not to obstruct or reduce required fire apparatus access roads, fire lanes, emergency access, means of egress, fire hydrants, fire department connections, or access to other required fire protection equipment.

12. Be maintained in a manner that supports cleanliness, safety, and proper collection operations.

B. Fire Protection and Life Safety Requirements.

Waste storage areas, rooms, enclosures, and associated waste containers shall comply with the following Fire and Life Safety Requirements:

1. Fire Protection. Waste storage areas, rooms, enclosures, and associated waste containers shall comply with California Fire Code (CFC) Sections 304.3.1 through 304.3.7, including applicable requirements for location, construction, and separation. Where automatic sprinkler protection is utilized or other an approved method of compliance, such protection shall be provided in accordance with the applicable provisions of the CFC and applicable National Fire Protection Association (NFPA) standard.

2. Battery Collection and Storage. Where waste storage areas, collection rooms, enclosures, or other collection facilities are used for the collection or storage of lithium-ion, lithium-metal, or other batteries, such collection and storage shall comply with CFC Section 320. Damaged, defective, recalled, leaking, swollen, or other compromised batteries shall be handled and stored in accordance with the CFC and hazardous material requirements.

3. Battery-Powered Equipment and Charging. Waste storage areas, collection rooms, and waste enclosures shall not be used for the charging of powered micromobility devices or other battery-powered equipment unless specifically approved and permitted by the CFC, including Section 322.

4. Emerging and Special Fire Hazards. The collection, storage, handling, or processing of materials presenting special or emerging fire hazards, including lithium-ion, lithium-metal, or other battery technology shall comply with the applicable provisions of the CFC and BFC. Where required by the CFC, such operations shall be subject to review and approval by the Fire Chief or designee.

5. Use of Waste Storage Areas and Enclosures. Waste storage areas, rooms, enclosures, and associated containers shall be used and maintained for their approved purpose. Containers shall not be filled beyond their designated capacity and, where lids are required, shall be maintained so that lids can fully close. Waste or other combustible materials shall not be allowed to accumulate outside designated containers or in a manner that creates a fire hazard, obstructs required means of egress, or obstructs or impairs required Fire Department access or access to fire protection equipment.

a. Combustible storage, hazardous and universal waste or hazardous materials shall not be stored within exit passageways, interior exit enclosures or stairways, under unenclosed exterior exit or exit access stairways.

6. Fire Department Access. Waste storage, collection, and staging areas shall be located and maintained so as not to obstruct, reduce, or otherwise interfere with required fire apparatus access roads, fire lanes, emergency access to building exterior doors, openings and roofs required by the California Building Code, California Residential Code and California Fire Code, means of egress, fire hydrants, fire sprinkler system risers, fire department connections, or access to required fire protection system equipment in accordance with applicable provisions of the CFC Sections 503, 504, 507, 509, and 912.

a. To ensure and maintain compliance, all developments requiring centralized waste, recycling, and/or organic collection shall construct dedicated concrete staging enclaves or recessed storage cutouts. These staging infrastructure elements must be situated entirely outside of the minimum required unobstructed width and vertical clearance of any designated fire apparatus access road, preventing any temporary or permanent container encroachment during stating or servicing.

7. Wildland-Urban Interface and Fire Hazard Areas. Where a project is located within an area subject to applicable Berkeley wildland-urban interface, fire hazard severity zone, defensible space, or vegetation management requirements, exterior waste storage areas and enclosures shall be designed, located and constructed of noncombustible materials in accordance with the applicable Berkeley Fire Code (BFC) and other adopted fire-safety requirements. [Berkeley Municipal Code Chapter 19.49]

8. Maintenance of Fire and Life Safety Features. Waste containers, storage areas, collection rooms, enclosures, and staging areas shall be maintained so as not to obstruct or reduce required fire apparatus access, emergency access, means of egress, fire hydrants, fire department connections, fire protection system equipment, or other required fire and life safety features in accordance with the CFC.

9. Fire Protection System Installations and Modifications. Where compliance with this chapter requires the installation, extension, relocation, or modification of an automatic sprinkler system, fire detection system, or other required fire protection system, such work shall comply with the applicable CFC, BFC, associated NFPA standards, and shall be completed under a Fire Department Construction Permit in accordance with CFC §105.6.2 and §105.6.7 prior to installation.

12.32.100 Dumping at unauthorized disposal site prohibited.

Except as otherwise provided by law, no person shall deposit or discharge or cause to be deposited or discharged any garbage, rubbish or other waste in any place other than a disposal site or dump which has been approved by the City. (Ord. 6319-NS § 2 (part), 1996)

12.32.110 Stormwater Requirements

Waste Enclosure requirements. The following requirements apply to all waste enclosures:

Waste enclosure structures shall be covered and designed to prevent stormwater runoff from contacting waste materials. The roof canopy should extend sufficiently outward in all directions so that windblown rain will not enter the interior of the storage area. A horizontal or sloped canopy measuring approximately one-half the height of the canopy to the ground is recommended. The waste enclosure shall include walls or other barriers designed to prevent rainfall, stormwater run-on, and stormwater runoff from entering or leaving the enclosure, and to minimize the wind dispersal of litter. Berms, curbs, or other approved containment or diversion measures shall be incorporated, as necessary, to prevent pollutant discharges to the municipal storm drain.

1. Stormwater runoff from the enclosure roof must also drain away from the enclosure towards landscaping and/or stormwater treatment areas.

2. Waste enclosure floors shall be constructed of concrete and designed to prevent the discharge of runoff, wash water, or other liquids to the municipal storm drain. Discharges to the municipal storm drain system are prohibited. Floor drains, where permitted, shall discharge to the sanitary sewer, subject to approval by the applicable sanitary sewer agency.

3. Waste enclosures shall be removed from public right-of-way and block view of waste receptacles from public right-of-way.

4. No storm drains shall be located within the enclosure or in a location where stormwater could flow into or through the enclosure. The surrounding area shall be graded to prevent stormwater run-on. Grease interceptors, grease receptacles, and used cooking oil storage containers shall not be located within the trash enclosure unless specifically designed and permitted for such use. Any grease storage shall be covered, leak-proof, protected from stormwater run-on, and designed to prevent spills or discharges to the municipal storm drain.

12.32.120 Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, landfill, dual-stream recycling and organics service levels, design criteria, and implementation procedures necessary to administer and enforce this chapter. Where such guidelines, standards, criteria, or procedures affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible waste storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, they shall be developed in consultation with the Fire Department and Building and Safety Division.

Such standards may address, but are not limited to:

1. Container sizing and capacity requirements.

2. Waste enclosure and collection room dimensions.

3. Service access and collection vehicle requirements.

4. Staging area requirements.

5. Access pathway and maneuvering requirements.

6. Co-location of material streams.

7. Operational and safety considerations.

8. Stormwater requirements

B. Public Works Review Authority. The Director of Public Works or designee may require reasonable modifications to waste storage areas, collection access, collection infrastructure, and related facilities necessary to ensure safe, efficient, and compliant collection services.

C. Interdepartmental Coordination. Where administrative guidelines, technical standards, design criteria, or implementation procedures adopted pursuant to this section affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible or hazardous waste storage, battery collection or storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, such standards shall be developed in consultation with the Fire Department and Building and Safety Division.

12.32.130 Liability and Enforcement

A. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

B. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

C. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

D. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.140 Dumps--Use limitations.

It is unlawful for any person to deposit at the garbage and rubbish dumps maintained by the City any garbage or rubbish originating in any area outside the City limits; provided, however, that this section shall not apply to dumping permitted under any written agreement authorized by the City Council. (Ord. 6319-NS § 2 (part), 1996)

12.32.150 Refuse burning prohibited--Exceptions.

It is unlawful for any person to burn any refuse except as may be permitted pursuant to the provisions of the fire prevention code of the City and Regulation No. 2 of the Bay Area Air Pollution Control District. (Ord. 6319-NS § 2 (part), 1996)

12.32.160 Nuisances designated--Abatement authorized when.

The keeping of garbage in containers other than containers prescribed by this ordinance or the keeping upon premises of garbage or rubbish which is allowed to become offensive

and noisome, shall constitute a public nuisance and may be abated in the manner provided by law for the abatement of nuisances. (Ord. 6319-NS § 2 (part), 1996)

12.32.170 Violation--Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code. (Ord. 6319-NS § 2 (part), 1996)

12.32.180 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

A. Any person possessing any premises wherein putrescible waste is produced, handled, stored or allowed to accumulate shall manage such putrescible waste in such a manner as to preclude the breeding of flies or other vermin therein.

B. No person in control of putrescible waste shall knowingly allow or permit the same to serve as a breeding medium for flies or other vermin. Upon knowledge of such infestation, or after receiving written notice from the manager of environmental health, said person shall at once proceed and continue in good faith to destroy the flies, larvae or pupae thereof by poisoning, trapping, removal of the material to a disposal site which has been approved by the City, or by any other effective means.

C. In any prosecution charging violation of this chapter, a prima facie presumption of the violation of the provisions of this section shall exist upon proof by the chief of environmental health that an analysis of putrescible organic material controlled by any person charged shows that such material contains living larvae or pupae of domestic flies. (Ord. 6319-NS § 2 (part), 1996)

12.32.190 Collection and disposal--Private hauler requirements.

Waste which is not deposited in garbage containers or separate containers and collected by the City may be collected and disposed of by private haulers who have secured a business license as provided by Section 9.04.176 of this code. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such rubbish haulers shall comply with all applicable rules and regulations established by the Public Works Department. (Ord. 6319-NS § 2 (part), 1996)

12.32.200 Collection and disposal--Rules and regulations--Public Works Department authority.

The Public Works Department, subject to the approval of the City Manager, shall have the power to establish rules and regulations consistent with the provisions of this title, governing the keeping, collection, removal and disposal of garbage, rubbish and waste, and the use by the public of the garbage, rubbish and waste dumps of the City. (Ord. 6319-NS § 2 (part), 1996)

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 17, 2026, 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.

02

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Peter Radu, Neighborhood Services Manager

Subject: Authorization to Accept Inherited IRA Funds for Berkeley Animal Care Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to accept approximately $10,166.82 in inherited Individual Retirement Account (IRA) funds, subject to market fluctuations, on behalf of Berkeley Animal Care Services (BACS), and to execute any necessary documents to receive the funds.

FISCAL IMPACTS OF RECOMMENDATION

Adopting this recommendation will result in the deposit of approximately $10,166.82, subject to market fluctuations, into the Animal Services Fund (Fund 115).

CURRENT SITUATION AND ITS EFFECTS

Berkeley Animal Care Services (BACS) was named as one of the beneficiaries of an Individual Retirement Account (IRA) belonging to the late Gloria Valdespino. The estimated value of the distribution to BACS is $10,166.82, although the final amount may change depending on market conditions at the time the funds are distributed.

City Council authorization is required for the City Manager to accept the donation and execute the necessary documents to receive the funds.

BACKGROUND

In September 2026, BACS was contacted by Stifel, the financial institution administering Gloria Valdespino's IRA, and notified that BACS had been named as one of the beneficiaries.

Stifel provided the option of opening a beneficiary IRA account or requesting liquidation of the assets and direct distribution of the funds. BACS intends to pursue the direct distribution option, which requires a Letter of Authorization (LOA) signed by the City Manager requesting liquidation of the IRA assets and an exception to the requirement to open a beneficiary IRA account, along with additional documentation required by Stifel.

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

RATIONALE FOR RECOMMENDATION
Acceptance of these funds, designated for the shelter by Gloria Valdespino, will provide additional financial resources to support Berkeley Animal Care Services and the animals in its care. With recent reductions to BACS' budget, these funds will help offset some of the financial challenges facing the shelter and support its ability to continue providing the level of care the community has come to expect.

ALTERNATIVE ACTIONS CONSIDERED
If the City Council does not authorize acceptance of the funds, BACS would be unable to receive the donation.

CONTACT PERSON
Mike St. Pierre, Animal Services Manager, 510.981.6603

Attachments:
1: Resolution

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

ACCEPTANCE OF INHERITED IRA FUNDS FOR BERKELEY ANIMAL CARE SERVICES

WHEREAS, Berkeley Animal Care Services (BACS) was named as one of the beneficiaries of an Individual Retirement Account (IRA) belonging to the late Gloria Valdespino; and

WHEREAS, the estimated value of the distribution to BACS is $10,166.82, subject to market fluctuations at the time the funds are distributed; and

WHEREAS, acceptance of these funds will provide additional financial resources to support Berkeley Animal Care Services and the animals in its care; and

WHEREAS, the funds will be deposited into the Animal Services Fund (Fund 115).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to accept approximately $10,166.82 in inherited IRA funds, with the final amount subject to market fluctuations at the time of liquidation, on behalf of Berkeley Animal Care Services.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a Letter of Authorization requesting liquidation of the IRA assets and an exception to the requirement to open a beneficiary IRA account, along with any other documents necessary to receive the distribution.

03

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Maricar Dupaya, Budget Manager, City Manager's Office

Subject: Use of Catastrophic Reserve Fund for Animal Shelter Rehabilitation

RECOMMENDATION
Adopt a Resolution authorizing use of the Catastrophic Reserve Fund and the allocation of $850,000 from the fund for the Animal Shelter Rehabilitation project.

FISCAL IMPACTS OF RECOMMENDATION
The recommended action would allocate $850,000 of the Catastrophic Reserve Fund (Fund 099) for the Animal Shelter Rehabilitation project (project).

The replenishment plan for Fund 099 is insurance reimbursement. Insurance is expected to reimburse all project costs except for the first $10,000. However, the City must incur and pay project costs upfront before reimbursement can occur. The appropriation of $850,000 from Fund 099 is needed in FY 2027 to continue and complete the project. The insurance reimbursement and subsequent replenishment of Fund 099 is anticipated to occur in the latter part of FY 2027 and into FY 2028.

As of the end of FY 2026, the Catastrophic Reserve Fund balance is $28.2 million. The combined reserve level of both the City's General Fund Reserves funds (Catastrophic Reserve Fund and Stability Reserve Fund) are at 20.4 percent of the Adopted FY 2027 General Fund Revenues.

CURRENT SITUATION AND ITS EFFECTS
On June 6, 2026, an arsonist set fire to the Animal Shelter and subsequently flooded it[1]. The damage was mitigated such that the shelter could be reopened to animals and staff. Restoration work is ongoing and is being performed utilizing an existing on-call contract for emergency services. The City will need a funding source to pay for restoration services while awaiting reimbursement from insurance. An increase in the not-to-exceed amount to the Belfor on-call contract is also needed to complete the

[1] https://www.berkeleyscanner.com/2026/06/08/community/berkeley-animal-shelter-fire-investigation/

remediation and repairs to the Animal Care Services Building that sustained substantial fire, smoke, and water damage.

BACKGROUND
On January 24, 2017, per Resolution No. 67,821-N.S., the City established the General Fund Reserve Policy which created a Stability Reserve Fund and a Catastrophic Reserve Fund. On July 29, 2025, the City Council adopted Resolution No. 71,908-N.S., amending the City Council's Policy for the General Fund Reserves target reserve level from 30 percent of General Fund revenues to a range of between 20 to 30 percent of the General Fund revenues.

The Catastrophic Reserve Fund stated use is to sustain operation in the case of a natural disaster or other catastrophic event. It is to be used to respond to onetime events, such as earthquakes, fires, floods, civil unrest, and terrorist attacks. The Catastrophic Reserve Fund, upon two-thirds vote of the City council, may be used in accordance with the standards set in the policy.

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

RATIONALE FOR RECOMMENDATION
The City must make initial payments to the construction company before receiving reimbursement through insurance. Approving this recommendation enables that process.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Maricar Dupaya, Budget Manager, City Manager's Office, 510-981-7000
Peter Radu, Assistant to the City Manager, City Manager's Office, 510-981-7045
Jamie Parks, Director, Public Works, 510-981-6300

Attachments:
1: Resolution

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

USE OF CATASTROPHIC RESERVE FUND FOR ANIMAL SHELTER REHABILITATION PROJECT

WHEREAS, on January 24, 2017, per Resolution No. 67,821-N.S., the City established the General Fund Reserve Policy which created a Stability Reserve Fund and a Catastrophic Reserve Fund; and

WHEREAS, on July 29, 2025, the City Council adopted Resolution No. 71,908-N.S., amending the City Council's Policy for the General Fund Reserves target reserve level from 30 percent of General Fund revenues to a range of between 20 to 30 percent of the General Fund revenues; and

WHEREAS, the City's General Fund Reserve Policy allows for the use of Catastrophic Reserve Policy to sustain operation in the case of a natural disaster or other catastrophic event upon two-thirds vote of the City council; and

WHEREAS, the City's Animal Shelter sustained a catastrophic event on June 6, 2026 that resulted in fire and water damage; and

WHEREAS, due to its unforeseen nature, project cost for the City's Animal Shelter Rehabilitation project is not in the FY 2027 Adopted Budget; and

WHEREAS, funding in the amount of $850,000 is available in the Catastrophic Fund; and

WHEREAS, the replenishment plan for the Catastrophic Reserve Fund is insurance reimbursement and the City must first pay all the cost associated with the project and insurance is expected to reimburse all project costs except for the first $10,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it authorizes the use of the City's Catastrophic Reserve Fund and allocates $850,000 for the Animal Shelter Rehabilitation Project.

04

Office of the City Manager

CONSENT CALENDAR
December 01, 2026

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 01, 2026

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **$7,872,015**

Project	Fund	Source	Amount
FY2027 Urgent Sewer Repair	611	Sanitary Sewer Operation	$2,420,000
Adeline Quick Build Project	339	MTC	$922,000
West Berkeley & Aquatic Park Storm Drain Improvements Project	616 336 138 145	Multiple	$3,070,015 $1,175,000 $185,000 $100,000
Total:			**$7,872,015**

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 that exceed $100,000 for goods, $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. Upcoming Projects for Solicitation or RFP
    - FY2027 Urgent Sewer Repair
    - Adeline Quick Build Project
    - West Berkeley & Aquatic Park Storm Drain Improvements Project

Note: Originals of these attachments, with the live signatures 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
27-11821-C	FY2027 Urgent Sewer Repair	12/2/26	1/5/2027	Sewer rehabilitation and replacement project to repair and replace old and deteriorated sewer lines	$2,420,000 includes 10% contingency	611-54-623-676-0000-000-473-665130-PWENSR2703	Public Works - Engineering	Ricardo Salcedo 510-981-6407 Giovanni Ortiz 510-981-6429
27-11822-C	Adeline Quick Build Project	12/2/26	1/5/2027	Construction to create Class IV bikeway on Adeline Street/ Martin Luther King Jr. Way from the border with Oakland to Fairview Street including: bus boarding islands and update signing & striping	$ 922,000.00	339-54-622-668-0000-00-431-665110-PWTRCT2201	Public Works/ Transportation	Hyunkyung Yoon 510-981-6416
27-11823-C	West Berkeley & Aquatic Park Storm Drain Improvements Project	12/2/26	1/5/2027	Construction of storm drain and green infrastructure improvements	$ 4,530,015.00	616-54-623-675-0000-00-473-665110- and 720003 $3,070,015.00 336-54-623-675-0000-000-472-665110- $1,175,000 138-52-545-0000-000-000-461-663110 - PRWPK27005-Construction - $185,000 145-52-545-000-0000-000-461-663110 - PRWPK27005-145-BAYER-CONSTRUCTION - $100,000.00	Public Works - Engineering	Ricardo Salcedo 510-981-6407 Tom Bautista 510-981-6336
Dept Total					**$7,872,015**			
TOTAL					**$7,872,015**			

05

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

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. 32500243 Amendment: SEP Technology Consulting, LLC for Database Migration to Accela

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32500243 with SEP Technology Consulting, LLC (SEPTech) to add $22,800 for an amount not to exceed $347,800, and to extend the contract period to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the SEPTech contract amendment is available in the FY27 Budget in General Fund (011) in the amount of $22,800.

CURRENT SITUATION AND ITS EFFECTS

SEPTech is the consultant managing the Environmental Health Division's (EHD) Accela database transition. Council approved the initial contract with SEPTech on June 3, 2025, for a total amount not to exceed $325,000 with a contract end date of June 30, 2026. On May 21, 2026, as provided for on section 2.1 under Contract No. 32500243, between the City of Berkeley and SEP Technology Consulting, the term of the contract was extended by the City Manager via written notice to December 31, 2026. All other aspects of the contract remained in full force and effect.

The database migration from Envision Connect to Accela Cloud is critical to collect and support the data the EHD needs to bill, track permitting, respond to complaints and monitor high risk inspections. EHD has been working with SEPTech over the past year to facilitate the transition from its current Envision database, which is no longer supported by its parent company, to the Accela Cloud. The database conversion is complex, and although the technical integration has progressed the project is not finished thus the need to extend the term and amount of the contract. In addition to the need to update a sunsetting program, the database update is also required as finding 2.4 of the City Autor's audit report[1] submitted to Council on July 10, 2024.

[1] https://berkeleyca.gov/sites/default/files/documents/Berkeley_Restaurant_Inspections_-_Chronically_Understaffed_Program_Did_Not_Meet_Targets.pdf

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This contract does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

The City initiated a formal Request for Proposal (RFP) process to provide professional services associated with the database migration process from Envision Connect to Accela Cloud for the Health, Housing, and Community Services Department's Environmental Health Division. The RFP was released on February 20, 2025. The RFP process yielded a single vendor proposal from SEP Technology Consulting, LLC. On June 3, 2025, Council approved to execute the contract with SEPTech.

EHD has been working with SEPTech over the past year to facilitate the database transition. This project became increasingly complicated because of the timing of the comprehensive restructuring of EHD's fee schedule and the concurrent transition to a new database, all while continuing to provide Environmental Health services to the public and to EHD's clients. With the approval of the contract extension, the transition to the Accela Civic Platform can continue on a revised completion timeline of Spring 2027.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The EHD is currently undergoing a critical transition from its current database system to the new Accela Civic Platform. Without Council approval to amend the contract the project will not be able to proceed to completion.

ALTERNATIVE ACTIONS CONSIDERED

Council could consider not approving the recommended actions, however, EHD would not be able to complete its transition to the Accela Cloud or Civic Platform and will not comply with finding 2.4 in the City Auditor's audit report. EHD would not be unable to improve the overall delivery of services.

CONTACT PERSON

Scott Gilman, Department Director, HHCS, (510) 981-5100
Ronald Torres, Manager, Environmental Health Division, HHCS, (510) 981-5261

Attachments:
1: Resolution

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

CONTRACT NO. 32500243 AMENDMENT: SEP TECHNOLOGY CONSULTING LLC FOR DATABASE MIGRATION TO ACCELA

WHEREAS, SEP Technologies Consulting, LLC (SEPTech) is the 3rd-party service provider in-contract with the City of Berkeley's Environmental Health Division to facilitate its transition from Envision Connect Remote to Accela's Environmental Health Civic Platform; and

WHEREAS, the City Council approved Contract No. 32500243 with SEPTech on June 3, 2025, for a not to exceed amount of $325,000 for a term from June 1, 2025, to June 30, 2026, by Resolution 71,790-N.S.; and

WHEREAS, staff extended Contract No. 32500243 to December 31, 2026, on May 21, 2026; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, funding is available for FY 2027 in General Fund (Fund 011).

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. 32500243 with SEP Technology Consulting, LLC, manage the Environmental Health Division's Accela database transition to add $22,800 for a total contract amount not to exceed $347,800, and extend the term of the contract to June 30, 2027. A record signature copy of said contract and any amendments shall be on file in the office of the City Clerk.

Office of the City Manager

06

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Unrepresented Employee Manual Update

RECOMMENDATION

Adopt a Resolution (1) approving an update to the Unrepresented Employee Manual (hereafter referred to as the "Manual") effective upon Council approval, and expiring whenever next approved by Council; (2) approving the increase of approximately $1,700 annually for Public Safety uniform allowance amounts to align them with underlying MOUs; and (3) authorizing the City Manager to execute and implement the updated Manual, including any changes that may be operationally necessary during the term of the Manual, provided such changes do not create increased economic obligations for the City or modify approved compensation or benefits.

FISCAL IMPACTS OF RECOMMENDATION

The updated Manual is expected to increase annual City costs by approximately $1,700, reflecting the adjustments to uniform allowances.

CURRENT SITUATION AND ITS EFFECTS

As part of a review of the Unrepresented Employee Manual for CalPERS compliance issues, the Human Resources Department discovered multiple sections requiring updates to ensure CalPERS compliance, and maintain alignment with underlying Memorandums of Understanding (such as between unrepresented Fire employees and the Berkeley Fire Fighters Association [BFFA] contract). The specific changes are:

- Revise documents throughout to replace FUND$ employee designations with ERMA designations.
- Remove the following outdated sections: 1.14, 1.15, 6.4 – 6.7., 13.24, 13.30.
- Update Sections 3.3.6 and 3.3.7 to include actual vacation accrual rates.
- Update Section 3.6 such that vacation leave may be used before retirement with appropriate approval.
- Update Section 5.1 renaming the City holiday on the last Monday in March Farmworkers' Day.

- Add Section 5.7 to clarify that all holidays and floating holidays are valued at 8 hours.
- Update Section 6.1 to reflect Bereavement Leave language in miscellaneous MOUs.
- Update Section 6.2 to reflect remote “on-call” Jury Duty systems.
- Update Section 8.8 to specify Public Safety Uniform Allowance Amounts and bring them in line with underlying MOUs.
- Update Section 13.10.1 language to more accurately conform with current practice for retiree medical eligibility.
- Update Section 13.13 to reflect underlying MOU.
- Revise Sections 13.12, 13.26.1, and 13.29 to specify exact benefits for Fire Management employees mirroring the BCFOA and BFFA contracts.
- Revise Section 13.26.2 to specify the exact benefits for Police Management employees, mirroring the Berkeley Police Association (BPA) contract, including the new longevity structure that becomes effective January 2027.
- Update Appendix to Article 13 – Miscellaneous Provisions
- Add FUND$ vs ERMA Bargaining Unit Crosswalk Appendix

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

RATIONALE FOR RECOMMENDATION
These updates will help ensure CalPERS compliance and improve operational efficiency.

ALTERNATIVE ACTIONS CONSIDERED
None

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

Attachments:
Resolution: Unrepresented Employee Manual
Exhibit A: Unrepresented Employee Manual November 2026 Update (Final/Revised Version)
Exhibit B: Unrepresented Employee Manual November 2026 Update (Tracked Changes Version)

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

UNREPRESENTED EMPLOYEE MANUAL UPDATE

WHEREAS, the Unrepresented Employee Manual provides for the salary, benefits, and protocols for unrepresented employees and the City of Berkeley; and

WHEREAS, it is in the City's interest to ensure that the Manual comports with operational efficiency and ensuring fair employee compensation; and

WHEREAS, the Human Resources Department conducted a review of the Manual to ensure compliance with CalPERS requirements and alignment with current City practices; and

WHEREAS, during this review, multiple sections of the Manual were identified as outdated or in need of clarification to better support organizational practices, maintain alignment with underlying Memorandums of Understanding, and ensure continued compliance with applicable laws and regulations; and

WHEREAS, the Human Resources Department has identified several updates to the Manual to meet those goals, and the proposed updates include revisions to employee designations, removal of obsolete sections, clarification of overtime eligibility, updated vacation accrual information, revisions to medical verification and leave provisions, addition of job abandonment procedures, updates to uniform allowance amounts, clarification of retiree medical eligibility provisions, alignment of Police and Fire Management benefits with respective MOUs, and updates to appendices; and

WHEREAS, the fiscal impact of the recommended changes is estimated to be approximately $1,700 annually to account for increased uniform allowances; and

WHEREAS, adoption of the updated Manual will enhance clarity, consistency, and application of these provisions across the organization.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby approves the updated Unrepresented Employee Manual, effective upon Council approval, and authorizes the City Manager to effectuate the outlined changes to the Unrepresented Employee Manual.

Exhibits:
Exhibit A: Unrepresented Employee Manual November 2026 Update (Final/Revised Version)
Exhibit B: Unrepresented Employee Manual November 2026 Update (Tracked Changes Version)

City of Berkeley

Unrepresented Employee Manual

November 2026

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UNREPRESENTED EMPLOYEE MANUAL

This document establishes the rules governing benefits and working conditions, which are in effect for Unrepresented employees which have been approved by the City Council of the City of Berkeley.

This Unrepresented Employment Manual provides the personnel policies and procedures that affect the working conditions and benefits of unrepresented employees in the City of Berkeley. For purpose of categorization, all classifications are designated by a representation unit. Unrepresented employees are in classifications included in representation units - UNR0, UNR1; UNR2; UNR2; UNR3; and UNR5, as noted in the City's Classification/Salary Resolution. The working conditions and benefits for represented employees are contained in their respective memoranda agreements. Rules, which describe general policies of the City's personnel system, are found in the City of Berkeley Personnel Rules and Regulations.

ARTICLE 1 - SALARY, OTHER PAY AND OVERTIME

1.1 Intent

This Section (Salary, Other Pay and Overtime) is intended only to define the normal hours of work and the time for which salary shall be paid, and to provide the basis for the calculation of overtime pay. Nothing in these rules shall be construed as a guarantee of hours of work per day or per week, or of days of work per week. The City's pay records, practices and procedures shall govern the payment of all wages.

1.2 Hours and Days of Work

Hours and days of work shall be governed by rules established by the City.

1.3 Workweek

The workweek shall consist of seven days beginning at 12:01 a.m. on Sunday to and including 12:00 midnight the following Saturday.

1.4 Regular Workweek

The regular workweek shall consist of forty hours of work within the workweek.

1.5 Payment of Salaries

Payment of salaries shall be bi-weekly and shall cover a pay period of two (2) consecutive workweeks. Each payment shall be made not later than Friday following the ending of each payroll period and shall include payment for all earnings reported during the previous payroll period.

1.6 Salary Ranges without Salary Steps

In those classes of positions for which a salary range is established without a designation of salary steps, the City Manager (or, in the case of the City Attorney's Office, the City Attorney) is authorized to fix the salary rate at any point within the established salary range. Subsequent increases, if approved by the City Manager (or, in the case of the City Attorney's Office, the City Attorney), shall be effectuated at the start of the pay period closest to the employee's anniversary date (defined as the date of hire into the employee's current classification).

1.7 Automobile Allowances

In addition to the salaries provided in the salary resolution, employees may be reimbursed for the use of automobiles owned by employees of the City of Berkeley and used on City business, as authorized by the City. Current automobile allowances are appended to this Manual, as shown in the Appendix, Section 13.27 (Automobile Allowance).

1.8 Mandatory Professional Fees and Licenses

The City will assume full payment of the mandatory professional fees and licenses required by employees in the following unrepresented classes in order to maintain their continued employment with the City of Berkeley as listed as a minimum requirement in the relevant job classification:

City Attorney
Director of Public Works
Deputy Director of Public Works (Registered)
Audit Manager
Assistant City Attorney
Deputy City Attorney I-IV
Staff Attorney I-III
Medical Director
Health Officer
Supervising Psychiatrist
Veterinarian

Thie City Manager may authorize additional professional fee and license payments as necessary.

1.9 Bilingual Pay

Employees appointed to positions requiring bilingual abilities, including Braille and sign language shall receive additional compensation as established by the City Council. Only those employees who possess second language competency, can demonstrate second language competency, and are serving in a position requiring competency in that particular language are entitled to receive the bilingual premium pay. The current level of approved compensation and procedures for qualifying and receiving bilingual pay are appended to these Rules, as shown in Appendix, Section 13.3 (Bilingual Premium Pay).

1.10 Overtime for FLSA Non-Exempt Employees

All employees who are covered by the overtime provisions of the Fair Labor Standards Act are designated as "FLSA non-exempt employees." Unless otherwise required by the Fair Labor Standards Act, all FLSA non-exempt employees, and employees in the classification of Battalion Chief, who are required to work in excess of their regular schedule shall be paid overtime compensation at the rate of one and one-half times the regular time rate based upon the regular monthly salaries or shall be given compensatory time off in lieu of payment at the rate of one and one-half hours off with pay for each overtime hour worked.The following provisions regarding overtime apply only to FLSA non-exempt employees and do not apply to FLSA exempt employees. FLSA non-exempt employees, temporarily promoted to FLSA exempt classifications, will be ineligible for overtime compensation for the duration of the appointment.

1.10.1 **Manner of Compensation:** An employee may be compensated for overtime by either compensatory time off or by payment; the method of overtime compensation shall be agreed upon by the employee and the supervisor at the time of obtaining approval to work overtime.

1.10.2 **Pre-Authorization:** No employee may work overtime without the express prior approval of his or her department head.

1.10.3 **Accrual Limit on Compensatory Time:** Compensatory time shall not accumulate in excess of sixty (60) overtime hours worked which is the equivalent of ninety (90) hours of compensatory time. Overtime accumulation in excess of sixty (60) hours shall be paid as compensation.

1.10.4 **Use of Compensatory Time:** All use of compensatory time off must be approved, in advance, by the employee's department head, on forms provided by the City.

1.10.5 **Effect of Termination on Compensatory Time:** An employee is entitled to compensation for any accumulated overtime upon resignation or termination.

1.11 Emergency Overtime

All FLSA non-exempt employees who are called to duty from their living quarters outside of their regular work hours and work days shall be paid emergency overtime compensation for the actual time worked provided, however, that each employee shall be paid a minimum of two (2) hours pay for emergency overtime unless such emergency overtime work is performed prior to the beginning of his or her work regularly scheduled work period without a break in service in which case, compensation shall be paid only for the actual time worked.

1.12 Shift Differential

All unrepresented FLSA non-exempt employees (except for Police Aides) who regularly work a shift of eight hours or more, which includes more than four hours between the hours of 5:00 p.m. and 12:00 a.m., or between 12:00 a.m. and 7:00 a.m., are paid a shift differential in addition to their regular base rate of pay in an amount established by the City Council. The current shift differential rate paid to unrepresented employees is in the Appendix to this Manual.

1.13 Fifty-Six (56) Hour per Week Work Schedule Leave Conversion Factor

The conversion factor for Fire Management employees accruing and using vacation leave, sick leave or sick leave bonus bank of hours is as shown below. The intent of the parties is to have the dollar value of the vacation leave, sick leave or sick leave bonus bank of hours accrued be the same whether an employee is assigned to a fifty-six (56) hour per week schedule or a forty (40) hour per week schedule.

1.13.1 **Leave Accrual for 56 Hour per Week Schedule:** Vacation leave, sick leave or sick leave bonus bank of hours accrued on a fifty-six (56) hour per week scheduled is converted to a forty (40) hour per week schedule by multiplying number of hours of vacation leave or sick leave accrued by the conversion factor of 0.7143.

1.13.2 **Leave Accrual for 40 Hour per Week Schedule:** Vacation leave, sick leave or

sick leave bonus bank of hours accrued on a forty (40) hour per week scheduled is converted to a fifty-six (56) hour per week schedule by multiplying number of hours of vacation leave accrued by the conversion factor of 1.4.

1.13.3 Salary Resolution

Effective the first full pay period in July 2024 after Council adoption on its regular agenda, the salary ranges for those classifications covered by this Manual shall receive a salary increase of six percent (6.0%).

Effective the first full pay period in July 2025, the salary ranges for those classifications covered by this Manual shall be increased by four percent (4.0%)

Effective the first full pay period in July 2026, the salary ranges for those classifications covered by this Manual shall be increased by 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 Manual as listed in Exhibit A shall be increased by two percent (2.0%).

1.14 Employee Relations Manager Salary Differential

The Employee Relations Manager in the Human Resources Department shall receive a 5% salary differential.

ARTICLE 2 - PROBATIONARY PERIOD

2.1 Length of Probationary Period

All original and promotional appointments to positions in the career service shall be tentative and subject to a probationary period. The length of the probationary period shall be determined for each class by the City Council. However, the length of the probationary period shall not be less than six months of actual service (1040 hours) or more than two years of actual service (4160 hours). A six (6) month probationary period must be completed in no more than one (1) year. A one (1) year probationary period (2080 hours) must be completed in no more than two (2) years. A two (2) year probationary period must be completed in no more than three (3) years. A current schedule of probationary periods for unrepresented classes is appended to this Manual, as shown in Appendix, Section 13.16 (Probationary Periods for Unrepresented Classifications).

2.2 Objectives of Probationary Period

The probationary period shall be regarded as a part of the selection process and shall be used to closely observe and evaluate the employee's work, to secure the most effective adjustment of a new employee to his or her position, and to eliminate any probationary employee whose performance does not meet the required standards of work.

2.3 Rejection of Probationers

During the probationary period, an employee may be rejected from employment at any time by the City Manager (or the City Attorney, in the case of the City Attorney's Office) without cause and without the right of appeal.

2.4 Rejection during Probationary Promotion

An employee rejected during the probationary period following a promotional appointment shall be reinstated to the classification from which he or she was promoted unless charges are filed and he or she is discharged in the manner provided in the Personnel Ordinance and these rules.

ARTICLE 3 - VACATION

3.1 Vacation Leave

All benefitted employees shall be entitled to annual vacation leave subject to the provisions in this chapter.

3.2 Vacation Approval

All vacations must be approved, in advance, by the employee's department head, on forms provided by the City.

3.3 Vacation Accrual

3.3.1 **Full Time Benefitted Employees:** During the first two (2) calendar years of employment, all full time benefitted employees shall be entitled to take only such annual vacation leave as the employees earn based on their continuous length of service measured from the date of hire. After two (2) years of service, employees may request, and upon approval, take up to a maximum of two (2) weeks of their annual vacation, in advance of actual earning. Approval of requests for advance vacation shall be solely at the discretion of management.

Vacation accrues according to schedules established by the City Council and can vary for different groups of employees. The current vacation schedules for full time unrepresented employees are in the Appendix to this Manual.

3.3.2 **Part Time and Temporary Employees**: Benefitted part-time employees working a minimum of twenty (20) hours per week accrue vacation benefits on a pro rata basis. Employees who work less than twenty (20) hours per week and temporary employees, unless otherwise authorized, do not accrue leave benefits

3.3.3 **Accrual of Vacation Credits**: Vacation leave credits are only accrued for each straight time hour for which the employee is paid.

3.3.4 **Effect of Extended Leave on Vacation Accrual**: An employee who has returned from extended military leave or an extended authorized leave of absence without pay of six (6) months or more or who has been re-employed or reinstated shall be entitled, during the calendar year in which the employee returns to the City service, to earn vacation according to a schedule based upon the total years in the career 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, the employee's vacation leave shall accrue as provided in this Manual.

3.3.5 **New Hire Vacation Accrual**: For new hires, the City Manager may authorize vacation accrual at a higher rate, up to the maximum accrual rate, depending upon the paid leave accrual of the potential employee at his or her present employer. The new hire must be able to document his or her current paid leave accrual, which has been earned for general use, such as vacation. The waiting period to advance to the next accrual rate would be the actual number of years between the respective accrual levels. The City Attorney may authorize vacation accrual at a higher rate for new employees of the City Attorney's Office and may increase the rate of vacation accrual for existing employees of the City Attorney's Office.

3.3.6 **Vacation Accrual for UNR0 Police Chief and Deputy Police Chief**: The vacation accrual rate for the Police Chief and Deputy Police Chief classifications will provide the same benefits as the vacation accrual for represented sworn police employees under the Berkeley Police Association (Units E & F) Memorandum of Understanding, as follows:

Years of Service	Vacation Accrual
The first (1) through third (3) years of service	80 work hours
Fourth (4) through eleventh (11) years of service	120 work hours
Twelfth (12) through seventeenth (17) years of service	160 work hours
Eighteenth (18) through twentieth (20) years of service	200 work hours
Twenty-first (21) and subsequent years of service	240 work hours

3.3.7 **Vacation Accrual for UNR0 Fire Chief and Deputy Fire Chief**: The vacation accrual rate for the Fire Chief and Deputy Police Chief classifications will provide the same benefits as the vacation accrual for represented sworn fire employees under the Berkeley Fire Fighters Association (Units B) Memorandum of Understanding, as follows:

Years of Service	Vacation Accumulation	
	56 Hours	40 Hours
Through the first five (5) years of service	144 hours	80 hours
Six (6) through eleven (11) years of service	216 hours	120 hours
Twelve (12) through eighteen (18) years of service	288 hours	160 hours
Nineteen (19 through twenty-four (24) years of service	360 hours	200 hours
Twenty-five (25) and subsequent years of service	432 hours	240 hours

3.3.8 The classifications identified within Sections 3.3.6 and 3.3.7 shall be allowed to participate in the annual vacation leave sell back to the extent such rights are afforded to the bargaining units they supervise in their respective memoranda of understanding.

3.4 Vacation Scheduling

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. If the requirements of the service are such that a department head cannot permit the employee to take an annual vacation leave or any part of such leave within a particular calendar year, the employee may accrue vacation according to Section 3.3 (Vacation Accrual) of this Manual.

3.5 Maximum Vacation Accumulation

Employees may defer vacation earned up to a maximum cumulative total of eight (8) weeks. An employee who has attained maximum accumulation may be required to take all excess earned vacation at the option of the City. Not later than October 1 of each year, the City will advise employees who have attained a maximum accumulation of vacation whether such excess earned vacation must be scheduled as time off prior to March 31. Such time off shall be scheduled in accordance with the provisions of Section 3.2 (Vacation Approval).

The City shall require all employees to reduce their accrued vacation balances to no more than 320 hours, as of the last pay period in February of each year. To effectuate the requirement that employees not accrue more than 320 hours vacation leave, no later than November 15 of each year the City will provide Department Heads with a report identifying all employees who have accrued two hundred and eighty (280) hours of vacation leave and appear in danger of exceeding the 320 hour limit.

Employees who have accrued 280 hours of vacation leave, as of that date, will be advised by their supervisor that they must take vacation leave to reduce their vacation leave accrual by February of the following year.

Supervisors should be flexible in granting employee vacation requests to those employees above, or approaching the 320 hours limit, and further, that with regard to employees who are in danger of exceeding the 320 hour limit, no vacation request by such an employee shall be unreasonably denied. If an employee who is in danger of exceeding the 320 hour limit does not schedule a vacation by December 31 to be taken before the last pay period in February, the City has the authority to direct the employee to go on vacation leave to reduce the employee's accrued vacation.

If, due to operational necessity, a department head denies an employee vacation leave and does not provide the employee with an alternate vacation date, and as a result causes the employee to exceeds the 320 vacation leave limit, said employee shall nonetheless be entitled to use that vacation leave in the next calendar year to the extent necessary to reduce their accrued vacation to not more than 320 hours. Under no circumstances will the City liquidate any vacation leave

balances for any employee during employment.

3.6 Vacation Leave before Retirement

Accumulated vacation shall not be used immediately prior to retirement without department head approval, which has the effect of extending the date of retirement, but shall be paid out in full upon retirement. Vacation leave in excess of 30 calendar days used immediately prior to retirement must be approved by the City Manager.

3.7 Vacation Leave in Lieu of Sick Leave

Except for absences that qualify for benefits under Administrative Regulation 2.4 (Family Care Leave) Vacation leave shall not be used in lieu of accrued sick leave for absences due to illness. If accrued sick leave is exhausted, vacation leave may be used for absences due to illness, only if such leave is approved by the employee's department head.

3.8 Payout upon Termination or Extended Unpaid Leave

Upon termination, including death, extended military leave or other extended leave without pay, an employee or his or her estate shall be paid for all accrued unused vacation leave at the employee's base rate at the time of his or her termination, and such employee or his or her estate shall reimburse the City for any vacation leave taken before it had accrued, in accordance with provisions established by the City Manager.

3.9 Holidays Occurring during Vacation

If an observed City holiday occurs during an employee's scheduled vacation, no deduction from accrued vacation will be made for the holiday period.

ARTICLE 4 - SICK LEAVE

4.1 Eligibility

All full-time benefitted employees are eligible for one (1) sick leave day (eight [8] hours) per month of service, except that the Police Chief hired before September 11, 2012 is eligible for two (2) sick leave days for each month of service during the twenty-first (21) year of employment and thereafter. Employees in the classifications of Fire Chief and Deputy Fire Chief shall be credited with two (2) sick leave days for each month of service during the seventeenth (17th) year of employment and thereafter. Part time benefitted employees are eligible to accrue sick leave on a pro rata basis.

4.2 Sick Leave

Sick leave may be used at an employee's discretion, but shall be allowed only in the case of his or her sickness or disability or in the case of illness within the defined family of the employee.

4.3 Family Sick Leave

As of January 1, 1999, employees may use up to fifteen (15) working days of accrued sick leave in a calendar year to care for a family member, limited to one of the following: a legal dependent, parent, spouse, son, daughter or domestic partner.

4.4 Notice to Department Head

In order to qualify for sick leave benefits, the employee shall notify his or her department head or designee prior to or within two (2) hours after the time set for the beginning of the employee's daily duties, or as otherwise required by the department head. Leave for non-emergency medical appointments shall be requested as far in advance of the workday as practicable.

4.5 Medical Verification

The City of Berkeley retains the right to request a verification from a licensed medical practitioner under appropriate circumstances which include (1) showing that an employee's illness or disability has started or ended, before the City will allow an employee to take a leave or to return from leave, (2) showing regular updates during a medical leave of absence regarding the employee's medical status and the date the employee expects to return to work, (3) where reasonable cause exists to believe that the employee is not medically fit to perform the essential functions of the job or that the employee cannot perform the job without endangering the health and safety of the employee or others, and (4) where reasonable cause exists to believe that the employee is abusing sick leave or family sick leave. Sick leave pay may be withheld if a satisfactory verification is not received.

4.6 Injury Incurred in Outside Employment

No sick leave shall be allowed for time off for an injury incurred while working for another employer, provided that the injury is covered by California's workers' compensation law or by provisions of the other employer granting payment for time off because of the injury. In the event the injury is not covered either by the workers' compensation law or by the other employer's provisions, sick leave will be granted in accordance with this chapter only if the outside employment had been authorized by the City before the injury occurred.

4.7 Bonus for Unused Sick Leave

For every six (6) months of perfect attendance, the employee will receive eight (8) hours of bonus time. "Perfect attendance" means the employee has not received sick leave or salary continuation benefits and has not taken or been placed on leave without pay. Benefitted part time employees will receive sick leave bonus time on a pro rata basis. Sick leave bonus can be used for any leave purpose authorized by this Manual.

4.8 Accumulation of Sick Leave

Employees may accumulate sick leave up to a maximum of two hundred (200) days (1600 hours) except for the classifications named below.

The Police Chief and Fire Chief may accumulate sick leave in excess of the 1600-hour limit by 100 hours per year.

4.9 Payout for Excessive Sick Leave for Employees Hired on or Before June 30, 2013

All employees, except employees in the classification of Deputy Fire Chief hired on or before June 30, 2013 in the career service who regularly work one-half time or more who have attained the two hundred (200) 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 days (or if earning sick leave at the rate of two (2) working days each month of service, one-third (1/3) of the first twenty-four (24) days of sick leave days), for which sick leave days they become eligible, they do not use and they would otherwise forfeit because of the two hundred (200) 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 the first full pay period in January. Such payment shall be at the employee's salary rate in effect on the preceding December 31, and shall be made only in units of whole days and will not be made for any fraction of a day.

4.9.1 **Deputy Fire Chief:** For employees in the classification of Deputy Fire Chief, the following provisions shall apply. In each year following that 1200 hour base year, the employee may, on a form provided by the City, elect to receive pay for excess sick leave or may elect to increase his or her sick leave accumulated base by the 96 hours and take any additional

excess sick leave in pay at the following prescribed rate: employees who choose to increase their sick leave accumulated base by the 96 hours will receive 50% pay off rate in March; employees who choose to receive pay out for excess sick leave over the base, and do not exercise the option of increasing their accumulated sick leave base by 96 hours in any particular year, will be paid for excess sick leave at the 38% pay off rate in March.

Forms, provided by the City along with projected excess sick leave balances, shall be distributed to affected employees by February of each year and shall be returned to the City by February 15th. If an employee uses part of an established "sick leave maximum accumulation level", the employee may replenish the used portion at the applicable rate.

Determination of eligibility for such payment shall be made on an annual basis, and payment for such sick leave for any calendar year shall be made during the month of March each year. Such payment shall be made at the employee's regular monthly salary rate in effect on the last day of the first pay period to end in March. An employee shall be eligible for this provision whether or not the employee is on the payroll as of the last day of the first pay period to begin and end in March.

4.9.2 **Police Chief and Fire Chief Hired on or before June 30, 2013:** For the Police Chief and Fire Chief hired on or before June 30, 2013, the maximum sick leave accrual allowed shall be adjusted at the rate of 100 additional hours per year above the 1600-hour limit. The employee may elect to receive pay for the excess sick leave or may elect to increase the base by 100 hours, in each subsequent year. Payment for excess sick leave is prescribed at 1/3 of the excess leave balance.

4.10 Effect of Leave without Pay on Sick Leave Accrual

Sick leave will not accrue during any period of absence without pay. Sick leave credits are accrued on the basis of actual straight time hours worked or paid, based on a forty-hour workweek.

4.11 Accrued Sick Leave Canceled Upon Termination

Except as otherwise provided under the CalPERS conversion of sick leave retirement credit benefit (California Government Code Section 20965) and the other exceptions set forth below, all accrued sick leave shall be canceled upon termination of an employee. Such leave shall be credited back to the employee if the employee returns to City employment within two (2) years of termination except as otherwise provided by the City Council, or within three (3) years of termination if re-employed under the City's Layoff Policy provided in this Manual.

4.11.1 **CalPERS Miscellaneous Members, Chief of Police Hired on or before June 30, 2013 Sick Leave Payout**: For CalPERS

Miscellaneous members and Chief of Police hired on or before June 30, 2013 who voluntarily separate from service with a vested pension and at least twenty (20) years of benefitted City of Berkeley service or to employees retiring on permanent disability arising out of and incurred in the course and scope of their employment with the City shall be entitled to liquidate a portion of their accrued but unused sick leave as follows: Upon termination, employees with between twenty (20) years and twenty-eight (28) years of benefitted City of Berkeley service shall be entitled to receive payment in an amount equal to 38% of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days.

All employees hired on or after July 1, 2013 shall not be eligible for payment of any unused sick leave days.

Employees hired on or before June 30, 2013 who voluntarily separate from service with a vested pension and at least twenty-eight (28) years of benefitted 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 years of benefitted City of Berkeley service, shall be entitled to receive payment in an amount equal to 50% of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days. Employees hired on or after July 1, 2013 shall not be eligible for payment of any unused sick leave days.

4.11.2 **Fire Chief and Deputy Fire Chief Hired on or before June 30, 2014 Sick Leave Payout:** For employees hired on or before June 30, 2014 in the classification of Fire Chief and Deputy Fire Chief who retire or voluntarily terminate with twenty (20) years of service or who retire on permanent disability arising out of and incurred in the course and scope of their employment with the City, shall be entitled apply any portion of the value defined by the table below of the sick leave accrual to the City of Berkeley Deferred Compensation Plan up to allowable IRS limits, the City of Berkeley 401(a) Supplemental Retirement Plan, the City of Berkeley SRIP II Plan, apply accrued sick leave hours to service credit in accordance with the City's agreement with CalPERS, or absent such election, the City shall implement the sick leave transfer to the employee's Medical Trust account at retirement or termination of unused sick leave days, based on the following schedule:

Number of Days	% of Payment
0-74 Days	38%
75-99 Days	41%
100-124 Days	44%
125-149 Days	47%
150 Days and over	50%

Employees in classifications identified in this Section 4.11.2 (Fire Chief and Deputy Fire Chief Hired on or before June 30, 2014 Sick Leave Payout) hired on or after July 1, 2014 shall not be eligible for payment

of any unused sick leave days.

4.12 City of Berkeley Supplemental Retirement Plan [Termination 401(a)]

Employees who retire on a vested pension shall be eligible to participate in the City of Berkeley Supplemental Retirement Plan. The Supplemental Retirement Plan provides for negotiated required roll-forwards of accrued but unused leave, and also permits the City to do a “tax pick-up” of employee contributions under Section 414(h)(2) of the Internal Revenue Code. A tax pick-up works through an irrevocable payroll deduction authorization, on an individual by individual elective basis, to contribute accrued but unused sick leave, vacation leave, compensatory time, floating holiday and bonus sick leave into an Internal Revenue Code 401(a) defined contribution plan. The Supplemental Retirement Plan Document shall govern administration of the Plan.

4.13 Accrued Sick Leave Applied to CalPERS Retirement Credit

The conversion of unused sick leave to retirement credit benefit under Government Code Section 20965 offered by CalPERS as an optional benefit to contracting agencies shall be made available to employees who retire with a vested pension.

4.14 Sick Leave Benefits and State Disability Insurance

Employees may use their accrued sick leave benefits during the normal seven day period before the eligible employees are paid benefits from State Disability Insurance. Following the seven day period, an employee will continue to receive accrued sick pay until exhausted and then, upon approval by the department head, accrued vacation or compensatory pay, less the disability benefits actually received.

4.15 Workers’ Compensation and Salary Continuation

Workers' compensation payments shall commence in accordance with State law, on the fourth day following an industrial injury, unless the employee is hospitalized in which case payment commences on the first day of injury. For the purpose of this Section (Workers’ Compensation and Salary Continuation), "hospitalized" means confinement.

For all career and regular at-will employees who are receiving or shall receive workers' compensation benefits for an industrial injury, the City will pay retroactive compensation benefits to the eligible employee for the normal three day waiting period before the employee is paid workers' compensation benefits for temporary disability pursuant to California law governing the industrial injury or illness.

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 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 shall cease to pay the difference.

4.15.1 Salary Continuation Benefit

1. New Accepted Claim with Overlapping Previously Accepted Injury - Where an Employee sustains a subsequent industrial injury as part of a new accepted workers' compensation claim that includes a previously accepted body part in the same five (5) year period, Employee shall be entitled to a period of time not to exceed 183 days of Salary Continuation Benefits.
2. New Accepted Claim with No Overlapping Previously Accepted Injury - Where an Employee sustains another industrial injury resulting in a new accepted workers' compensation claim within the same five (5) year period that does not include a previously accepted body part, the Employee's new accepted claim shall be entitled to a period of time not to exceed 365 days of the Salary Continuation Benefit.
3. New Accepted Claim for Same Previously Accepted Injury after Five (5) Years - Where an Employee sustains an industrial injury to a previously claimed body part after five (5) years from the initial Date of Injury, the Employee shall be entitled to a new period of time not to exceed 365 days of the Salary Continuation Benefit. In effect, after five (5) years from the initial Date of Injury, the benefit resets with respect to a previously claimed body part.
4. Workers' Compensation Medical Appointments and Salary Continuation - For the purposes of the Salary Continuation Benefit, effective January 1, 2019, the City shall calculate absences from work to attend medical appointments for the treatment of an accepted industrial injury in one (1) hour increments for the purposes of running against the maximum 365 days of Salary Continuation.

4.16 Sick Leave Accrual for Department Heads and Deputy City Managers

At the time of appointment of new hires in regular at-will department head classifications and Deputy City Managers, the City Manager may authorize credit for accrual of sick leave based on sick leave accrual with a prior employer in an amount that does not exceed four weeks of sick leave credit.

ARTICLE 5 - HOLIDAYS

5.1 Holidays

The City observes the following holidays and provides all full time regular, at-will and career employees.

Holiday	Day Observed
New Year's Day	January 1 or observed weekday
Martin Luther King, Jr.'s Birthday	Third Monday in January
Lincoln's Birthday	February 12 or observed weekday
Washington's Birthday	Third Monday in February
Farmworkers Day	Last Monday in March
Malcolm X's Birthday	Monday or Friday nearest May 19
Memorial Day	Last Monday in May
Juneteenth	June 19 or observed weekday
Independence Day	July 4 or observed weekday
Labor Day	First Monday in September
Indigenous People's Day	Second Monday in October
Veterans' Day	November 11 or observed weekday
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas	December 25 or observed weekday

5.2 Floating Holidays

Full time, regular at-will, and career employees who have worked for the City six (6) months or more shall be granted three (3) floating holidays each calendar year. Employees may take floating holidays in one (1) hour increments. Employees who terminate employment within the first six (6) months of initial employment shall not be eligible for payout of any accrued but unused floating holiday.

In the first calendar year of employment, employees shall be granted prorated floating holidays as follows:

Date of Hire	Number of Floating Holidays
Hired January 1 - April 30	3 days
Hired May 1 - August 31	2 days
Hired September 1- December 31	1 day

All use of floating holidays must be approved, in advance, by the employee's department head, on forms approved by the City. The days on which the employee shall take his or her floating holiday(s) 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. If the requirements of the service are such that a department head

cannot permit the employee to take the floating holiday(s) within a particular calendar year, the employee shall add the unused floating holiday(s) to the employee's accrued vacation according to Section 3.5 (Maximum Vacation Accumulation).

5.3 Eligibility

In order to be eligible for holiday pay, an employee must be on paid leave status on his or her regularly scheduled workdays before the holiday.

5.4 Part-Time Employee Eligibility

Benefitted part time employees are eligible for holiday benefits on a pro rata basis.

5.5 No Work on the Holiday

Employees in the career service who are not scheduled to work on the day observed as a holiday will be granted an alternative scheduled holiday. The alternative holiday must be scheduled, by the department head, during the same workweek.

5.6 Work on the Holiday

FLSA non-exempt benefitted employees who work on a scheduled holiday shall be paid at one and one-half times their normal base rate for all hours worked or shall be granted the equivalent amount of compensatory time off. In either event, the holiday pay shall be in addition to the employees' regular salary.

5.7 Eight Hour Value

Each designated holiday or floating holiday shall be valued at eight (8) hours regardless of the employee’s regular work schedule or scheduled hours on the holiday.

ARTICLE 6 - OTHER PAID LEAVES OF ABSENCE

6.1 Family Bereavement Leave

Any benefitted employee who experiences a death in the immediate family is shall be entitled to remain absent from duty with pay in order to grieve the passing of a loved one, for a period not to exceed 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 attending a service outside the State of California, all five (5) working days shall be with pay. Bereavement leave need not be taken in consecutive days but shall be taken within three (3) months of the death of the immediate family member.. Employees in the classification of Fire Chief and Deputy Fire Chief shall be granted one week (five (5) consecutive calendar days) for a death in the immediate family whether in state or out of state for the purpose of attending the funeral or memorial service.

For all employees except those employees in the classification of Fire Chief and Deputy Fire Chief, "immediate family" is limited to spouse, domestic partner, child,

child-in-law, stepchild, child of the domestic partner, foster child, parent, parent-in-law, or parent of domestic partner, sibling, step-sibling, sibling-in-law, grandparent, grandparent-in-law, or grandparent of domestic partner, grandchildren, aunt, uncle, any relative living in the immediate household of the employee, or any other person sharing the relationship of in loco parentis . For employees in the classification of Fire Chief and Deputy Fire Chief, "immediate family" is limited to spouse, parent, sibling, child, grandparent, aunt, uncle, parent-in-law, sibling-in-law, child in-law, and grandchildren or dependent residing within the household.

Bereavement leave will be paid at the employee's normal base rate of pay for the actual time lost and is allowed solely for the purpose of attending funeral or memorial services. The department head may, within his or her discretion, grant the employee additional time off provided that all accrued vacation and/or sick leave shall be used prior to taking a leave of absence without pay for this purpose.

In special cases, with the approval of the department head, the City Manager (or the City Attorney, in the case of the City Attorney's Office) may grant death leave within his or her discretion to allow an employee to attend a funeral or memorial services because of the death of persons not included within the definition of immediate family.

6.2 Jury Duty Leave

Any benefitted employee who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his or her department head, shall be entitled to be absent with pay from his or her duties with the City during the period of such jury service while necessarily being present in court or required on call by the County as a result of such call. 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 requirements (on-call status) made by the court that may affect the employee's ability to simultaneously fulfill his or her jury duty service and employment obligations. The employee will keep any payment received for jury service including mileage reimbursement.

6.3 Continuing Education Leave

The City will grant a continuing education leave of absence with pay up to forty hours per year to benefitted employees who are required by their employment or continuing employment with the City of Berkeley to pursue course work in order to:

(a) renew a license issued by the State of California; or

(b) obtain a license issued by the State of California provided that employees verify to the City that the course work for the initial license was not offered as a part of their basic curriculum.

Upon prior approval of the department head, FLSA non-exempt employees who take required course work during non-scheduled work hours in order to obtain or renew a job-required license shall be allowed time off from work on an hour-for-hour basis without loss of compensation or other benefits.

6.4 Sick Leave Accrual

Effective July 1, 2015, once a temporary employee works for 30 days within a calendar year, the employee shall be eligible to accrue one (1) hour of sick leave for every 30 hours worked thereafter, to a maximum accumulation of 48 hours. Once an employee accrues 48 hours sick leave, the employee shall not accrue any additional sick leave hours until his or her sick leave balance is below the maximum of 48 hours. Under no circumstances will an employee be allowed to accrue more than 48 hours sick leave.

6.5 Sick Leave Use

Temporary Employees shall be eligible to use sick leave beginning on the 90th day of work. Sick leave shall be used in a minimum of two (2) hours increments, and limited to a maximum of 24 hours use each calendar year. Unused accrued sick leave hours shall carry over to the following calendar year. The following conditions shall apply to the use of this sick leave as paid time off:

a. Sick Leave may be used for the following purposes: Diagnosis, care, or treatment, of an existing health condition or, preventive care for, an employee or an employee's family member; for an employee who is a victim of domestic violence, sexual assault, or stalking. To qualify for earned as sick leave and if the need for sick leave is foreseeable, the employee must notify the employee's supervisor of an inability to report to work in advance of the scheduled work. If the need for sick leave is unforeseeable, the employee shall provide notice to the immediate supervisor of the need for the leave as soon as practicable.

b. All accrued and unused sick leave shall be cancelled upon separation/termination of employment. Such previously accrued and unused sick leave shall be credited back to the employee if the employee returns to City employment within one (1) year from the date of separation.

ARTICLE 7 - LEAVES OF ABSENCE WITHOUT PAY

7.1 Power to Grant Leave

The City Manager (or the City Attorney, in the case of the City Attorney's Office) shall have the power within his or her sole discretion to grant leaves of absence, with and without pay.

7.2 Authorized Leave Without Pay

Upon request of the employee, a department head may grant or deny a leave of absence to an employee within his or her department without pay for a period not to exceed thirty working days. No leave without pay shall be granted for more than thirty working days except upon written request of the employee and written approval of the City Manager (or the City Attorney, in the case of the City Attorney's Office).

7.2.1 **Required Exhaustion of Accrued Leave:** In the event of an authorized absence due to illness, the employee must use all accrued sick, compensatory and vacation leave prior to receiving authorization for leave without pay. In the event of personal leaves not related to sickness, the employee must use all accrued compensatory and vacation leave prior to receiving authorization for leave without pay. However, employees in the classifications of Legislative Assistant and Assistant to the Mayor are not required to use all accrued compensatory and vacation leave prior to receiving authorization for leave without pay for the employee's respective appointing Councilmember or the Mayor. This subsection does not apply to parental leave or to the exhaustion of sick leave by employees in the classification of Fire Chief and Deputy Fire Chief as referenced in Section 7.2.2 (Fire Chief and Deputy Fire Chief Use of Sick Leave), below.

7.2.2 **Fire Chief and Deputy Fire Chief Use of Sick Leave**: In the event of illness or injury of an employee in the classification of Fire Chief and Deputy Fire Chief requiring the use of sick leave, the employee has the option to notify the City in writing that he/she wishes to freeze the use of sick leave after thirty (30) days, prior to receiving authorization for leave without pay, in order to utilize the International Association of Fire Fighters sponsored Long Term Disability benefit.

7.2.3 **Grounds for Discharge:** Failure on the part of an employee to report to work promptly at the expiration of the authorized leave without pay will result in discipline up to and including termination.

7.3 Unauthorized Leave of Absence

All paid and unpaid leaves of absence must be approved in accordance with the applicable sections of this Manual. Any absence on the part of the employee who has failed to obtain such approval or failure of an employee to report for duty without appropriate authorization as required by each department will result in the employee being placed on unauthorized leave of absence without pay.

7.3.1 Grounds for Discharge: Unauthorized leave of absence without pay shall be cause for disciplinary action up to and including termination.

7.4 Parental Leave

Any employee with one or more years of benefitted employment with the City of Berkeley shall be entitled to up to one year of parental leave upon the birth of a child or the adoption of a child who is five years or younger as provided in Administrative Regulation 2.4 (Family Care Leave).

7.5 Family Care Leave

The City will fully comply with the requirements of the state and federal law regarding pregnancy disability leave and medical/family illness/child care leave where their provisions are more generous than those provided elsewhere in this Manual or Administrative Regulation 2.4 (Family Care Leave). Leaves under this Section 7.5 (Family Care Leave) and Section 7.4 (Parental Leave) and as provided in Administrative Regulation 2.4 may not be combined to yield a larger amount of leave than the state or federal maximums and may not be combined to exceed the maximum one year period of parental leave provided by the City of Berkeley.

7.6 Military Leave

Employees will be granted a leave of absence without pay with appropriate seniority, pay, status and vacation as required by law for the purpose of fulfilling any required military obligation.

ARTICLE 8 - EMPLOYEE FRINGE BENEFITS

8.1 Group Medical-Dental-Vision Insurance Benefits

Benefitted employees and their dependents may participate in the City's group medical and dental benefits, which are summarized in the Appendix. Benefitted employees may participate in the City's group vision benefits, effective January 2025.

8.1.1 **Part Time Employment:** All benefitted employees who work a minimum of twenty hours, but less than forty hours per week, qualify to receive prorated health and dental benefits and shall pay a pro rata portion of the health and dental insurance premiums. Full time career employees who accept part time employment in lieu of layoff shall continue to receive full health and dental benefits paid by the City.

8.1.2 **Medical Plan for Part-Time Employees:** Effective November 1, 2016, the City will pay 75% of the cost of the medical plan which is fully paid for full-time employees for those benefitted part-time employees who work twenty (20) to twenty-nine (29) hours per week. The City will pay 100% of the cost of the medical plan which is fully paid for benefitted full-time employees for those part-time employees who work thirty (30) or more hours per week.

8.1.3 **Medical Contribution Executive Managers**: Effective July 1, 2019, the City Manager, Deputy City Manager, and all department heads shall pay fifty dollars ($50.00) per month via pre-tax payroll deduction toward their health premium, and the City will pay an amount equal to the balance of the Kaiser monthly premium rate for the employee's applicable single, two-party, or family employee category.

8.2 Life Insurance

The City provides basic group life insurance coverage by a carrier of the City's choice to all benefitted employees and pays the full amount of the life insurance coverage. The City also provides the option to benefitted employees to purchase additional coverage, at their own expense. A summary of the terms of the life insurance coverage is in the Appendix.

8.3 Hourly Rated Employees in Lieu of Benefits

Except for employees in the Aquatics Specialist II and Senior Aquatics Specialist classifications, the Salary Resolution shall provide that hourly-rated employees working in career benefitted classifications will receive an additional seven percent (7.0%) in lieu of benefits.

8.4 Public Employees Retirement System:

8.4.1 **Participation**: The City shall continue to participate in the Miscellaneous Employees Plan, the Safety Fire Plan and the Safety

Police Plan of the California Public Employees Retirement System ("CalPERS"). All benefitted employees shall participate in one of these plans.

8.4.2 **"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).

8.4.3 **CalPERS Retirement Formula for Miscellaneous Employees "New Members" as Defined under PEPRA:** Miscellaneous Employees "New Members" as defined by PEPRA who are hired by the City on or after January 1, 2013 shall be entitled to the 2% at age 62 retirement formula with the highest three (3) year average compensation as set forth in PEPRA.

8.4.4 **CalPERS Miscellaneous Employees Retirement Formula and Employer Paid Member Contribution for Classic Employees:** Effective January 1, 2003, the City amended its Miscellaneous Employees Plan contract with CalPERS to provide the 2.7% at age 55-retirement formula benefit improvement and the City's contribution to CalPERS on behalf of Miscellaneous employees increased from 7% to 8%. Effective July 3, 1994, contributions made pursuant to this Section shall be 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 contributions in Section 8.4.4 (CalPERS Miscellaneous Employees Retirement Formula and Employer Paid Member Contribution for Classic Employees) 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 for other differentials; nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary.

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.

8.4.5 **Miscellaneous Employees Classic Employee Pension Contribution through a 20516 Contract Amendment**

8.4.5.1 **June 4, 2017:** Effective June 4, 2017, Miscellaneous employees will contribute one percent (1%) 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. Such employee deductions by the City shall be used towards the City's CalPERS required contributions.

8.4.5.2 **December 31, 2017:** Effective December 31, 2017, Miscellaneous employees will contribute an additional seven percent (7%) towards the City's CalPERS employer share of pension through a 20516 CalPERS contract amendment that allows such contributions on a pre-tax basis, for a total of eight percent (8.0%), via automatic payroll deduction on a pre-tax basis. Such employee deductions by the City shall be used towards the City's CalPERS required contributions. The parties recognize that the Employer Paid Member Contributions (EPMC) shall remain in effect as long as the CalPERS amendment stays in effect.

8.4.5.3 If legislation is enacted requiring employers under the CalPERS retirement system to pay all of the employee's share of retirement, thus eliminating the Employer Paid Member Contribution, the City may convert the employee's contribution to the employer's share under this Section 20516 CalPERS contract amendment to the employee's share toward retirement and may continue to pay the 5.58% wage increase provided on December 31, 2017 associated with the CalPERS swap for Miscellaneous Classic Employees.

8.4.6 **Miscellaneous New Members' Pension Contribution**

8.4.6.1 Miscellaneous New Members as defined in the California Public Employees' Pension Reform Act of 2013 (PEPRA), shall continue to pay 50% of the Normal Cost required under PEPRA.

8.4.7 **Public Safety CalPERS Retirement Formula for "New Members" as Defined Under PEPRA**: Public Safety "New Members" as defined by PEPRA who are hired by the City on or after January 1, 2013 shall be entitled to the 2.7% at age 57 retirement formula with the highest three (3) year average compensation as set forth in PEPRA.

8.4.8 **Public Safety Classic Employees CalPERS Retirement Formula:** The City agrees to provide the 3% at age 50-retirement formula benefit

improvement (December 22, 2000 for Classic Fire Safety; and July 7, 2002 for Classic Police Safety hired prior to December 28, 2011).

For Classic Police Safety Employees hired on or after December 28, 2011, the City provides the 3% at age 55-retirement formula benefit.

8.4.9 **Public Safety Fire Classic Employees' CalPERS Pension Contribution**: On July 1, 1994, the City increased the base salary of Classic Employees participating in the Safety Fire Plan, in the amount of nine percent (9%). Employees then assumed, and shall continue to assume responsibility for payment of the normal employee retirement contribution to CalPERS. The City shall designate such payments as an Employer Pickup as defined under the provisions of Section 414(h)(2) of the Internal Revenue Code. The employee contributions shall be made through automatic payroll deduction.

Cost Share: Effective November 8, 2015 (the first full pay period after Council approval of this Unrepresented Employee Manual), Public Safety Fire Classic Employees shall contribute two percent (2%) toward the City's CalPERS employer contribution rate via automatic payroll deduction on a pre-tax basis.

8.4.10 **Public Safety Police Classic Employees' CalPERS Pension Contribution**: On July 1, 1994, the City increased the base salary of Classic Employees participating in the Safety Police Plan, in the amount of nine percent (9%). Employees then assumed, and shall continue to assume responsibility for payment of the normal employee retirement contribution to CalPERS. The City shall designate such payments as an Employer Pickup as defined under the provisions of Section 414(h)(2) of the Internal Revenue Code. The employee contributions shall be made through automatic payroll deduction.

Effective January 3, 2016, Police Public Safety Classic Employees shall contribute one percent (1%) toward the City's CalPERS employer contribution rate via automatic payroll deduction on a pre-tax basis. And, effective July 3, 2016, Police Public Safety Classic employees shall contribute an additional one percent (1%), for a total of two percent (2%) toward the City's CalPERS employer contribution rate via automatic payroll deduction on a pre-tax basis.

8.4.11 **Public Safety Fire New Members CalPERS Pension Contribution**: Public Safety Fire New Members hired on or after January 1, 2013 shall pay fifty percent (50%) of the normal share of cost as required pursuant to PEPRA.

Cost Share: **Effective** November 8, 2015 (the first full pay period after Council approval of this Unrepresented Employee Manual), Fire New

Members shall also contribute an additional two percent (2%) of pensionable compensation, in addition to the PEPRA mandated 50% of the normal share of cost, toward the City's CalPERS employer contribution rate through automatic payroll deduction on a pre-tax basis

8.4.12 **Public Safety Police New Members CalPERS Pension Contribution**: Public Safety Police New Members New Members hired on or after January 1, 2013 shall pay fifty percent (50%) of the normal share of cost required by PEPRA.

Cost Share: Effective January 3, 2016, Public Safety Police New Members shall also contribute one percent (1%) of pensionable compensation (in addition to contributing 50% of the normal share of cost) towards the City's CalPERS employer contribution rate through automatic payroll deduction on a pre-tax basis. And, effective July 3, 2016, Police Public Safety New Members shall contribute an additional one percent (1%), for a total of two percent (2%), in addition to the PEPRA mandated 50% of the normal share of cost, toward the City's CalPERS employer contribution rate through automatic payroll deduction on a pre-tax basis.

8.4.13 **CalPERS Options Available to Berkeley Employees**: The City's contract with CalPERS includes the following optional benefits:

a) Classic Employees Only - One-Year Final Compensation as provided in Section 20042 (July 9, 1978 for Miscellaneous; July 22, 1976 for Fire and Police).

b) Post Retirement Survivor Allowance as provided in Sections 21624, 21626 and 21628 (December 16, 1973 for Miscellaneous; March 1, 1973 for Fire and Police).

c) Post Retirement Survivor Allowance to Continue after Remarriage as provided in Section 21635 (July 18, 1986).

d) Credit for Unused Sick Leave as provided in Section 20965 (June 26, 1988).

e) 1959 Survivor Benefits to Surviving Spouse at Age 60 as provided in Section 21580 (December 16, 1973 for Miscellaneous; March 1, 1973 for Fire and Police).

f) Third Level of 1959 Survivor Benefits as provided in Section 21573 (November 28, 1996).

g) Fourth Level of 1959 Survivor Benefits as provided in Section 21574 for Police Safety only (October 15, 1998).

h) Military Service Credit as Public Service as provided in Section 21024 (April 9, 1999 for Miscellaneous; July 14, 2000 for Fire; November 6, 1998 for Police).

i) Public Service Credit for Peace Corps or America Corps: Vista Service as provided in Section 21023.5. (April 14, 2000).

j) Classic Fire - 3% @ 50 for Local Safety Members as provided in Section 21362.2 for Fire members only, (December 22, 2000); and for Police members only (July 7, 2002.).

k) Classic Police Hired Prior to December 28, 2012: 3% @ 50 for Local Safety Classic Members as provided in Section 21362.2 for Police members only (July 7, 2002).

l) Classic Police: 3% @ 55 for Local Safety Classic Members as provided in Section 21363.1 for Police members only (December 28, 2012).

m) Classic Miscellaneous: 2.7% at age 55 for miscellaneous members as provided in Section 21354.2 on January 5, 2003.

n) New Members Miscellaneous: 2% at age 62 for Miscellaneous New Members as defined by PEPRA on January 1, 2013.

o) New Members Police and Fire: 2.7% @ 57 for Local Safety New Members as defined by PEPRA (January 1, 2013).

p) Indexed Level of 1959 Survivor Benefits as provided in Section 21574.5 for Fire Safety only (June 13, 2003).

8.4.14 **Unused Sick Leave Conversion**: The conversion of unused sick leave to CalPERS Retirement Credit for Unused Sick Leave under Government Section 20965 shall be made available to qualified retiring employees. This allows employees to convert unused accumulated sick leave at time of retirement, for which the employee receives no compensation, to additional service credit at the rate of 0.004 year of service credit for each day. This credit applies to qualified employees

whose effective date of retirement is within four months of separation from employment. The CalPERS sick leave conversion applies to accumulated sick leave, exclusive of the amount of accumulated sick leave paid out to the employee pursuant to Section 4.11 (Accrued Sick Leave Cancellation Upon Termination), of this Manual.

8.4.15 **Retirement Benefit Allowance**: CalPERS retirement benefits are calculated on a formula based on the participating employee's years of service, age at retirement, and percentage of highest year compensation. For employees participating in the Local Miscellaneous Employees Plan, the percentage is 2.7% at age 55 effective January 5, 2003. For Classic Employees participating in the Fire Safety Employees Plan, the percentage is three percent (3%) at age 50 effective December 22, 2000. For Classic Employees participating in the Police Safety Employees Plan, the percentage is three percent (3%) at age 50 effective July 7, 2002. For Classic Employees participating in the Police Safety Employee Plan effective December 28, 2012, the percentage is three percent (3%) at age 55.

8.5 Supplementary Retirement and Income Plans

In lieu of participating in the Federal Social Security Program, the City provides a supplemental retirement and income plan to most benefitted employees. There are three supplementary retirement and income plans: Supplementary Retirement and Income Plans I, II and III ("SRIP I, II and III"). The City's contributions to these plans on behalf of participating employees is not subject to income tax until it is paid out to the employees upon retirement or termination, or to the employee's beneficiary in the event of the employee's death.

8.5.1 **SRIP I:** In SRIP I, the City contributes 5.7% of the participating employee's salary (up to a maximum annual salary of $32,400) into an investment account and 1% into a long term permanent disability plan. SRIP I was closed to new participants on July 22, 1988.

8.5.2 **SRIP II:** In SRIP II, the City contributes 6.7% of the participating employee's salary (up to a maximum annual salary of $32,400) into an investment account and pays into a disability insurance benefit plan on the employee's behalf; and employees may also borrow up to 50% of the balance in their SRIP II investment accounts, subject to certain limitations. All employees, including the Fire Chief, hired (or who are subsequently enrolled by resolution of the City Council) after July 22, 1988 are automatically enrolled in SRIP II.

The Deputy Fire Chief is enrolled, effective July 1, 1993.

8.5.3 **SRIP III**: For eligible Police Safety employees, the City contributes 2% of the employee's salary (up to a maximum annual salary of $32,400) into the investment account, SRIP III.

8.6 Deferred Compensation

Benefitted City employees are eligible to participate in the City's Deferred Compensation Plan through voluntary payroll deductions from the employee's salary. The Deferred Compensation Plan allows employees to defer part of their salaries, in accordance with Internal Revenue Service limits, to a separate fund, which is not subject to income tax until it is paid out to the employee upon retirement or termination, or to the employee's beneficiary in the event of the employee's death.

8.7 PARS

At-will employees who are not eligible to receive fringe benefits under this chapter are automatically enrolled in the Public Agency Retirement System ("PARS"). Each pay period, such employee shall contribute 3.75% of his or her salary into the employee's PARS account on a tax deferred basis and the City shall contribute a matching amount equaling 3.75 % of the employee's salary. The employee's PARS account balance will be distributed to the employee upon retirement or termination, or to the employee's beneficiary in the event of the employee's death.

8.8 Public Safety Uniform Allowance

Due to the requirement for sworn fire and police department management personnel to wear standard and dress uniforms in the performance of their duties, the City Manager may provide for the payment of uniform allowance, in keeping with the allowance provided to other fire and police personnel. The uniform allowance is intended to cover uniform expenses incurred during active service prior to the payment and shall be paid semi-annually, in installments of equal amounts. To comply with CALPERS requirement, Union allowance payments shall be paid over twenty-six (26) equal biweekly installments instead of twice a year payment. The amounts shall be $1,400 for sworn Police personnel and $1400 for sworn Fire personnel.

8.9 Supplemental Retirement Plan and Trust Agreement

Effective July 1, 2001, the City adopted a Supplemental Retirement Plan and Trust Agreement to provide supplemental retirement income and other benefits for eligible unrepresented career benefited and regular at-will employees through the liquidation of termination pay. Termination pay means pay due to an eligible unrepresented career benefited and regular at-will employee from the City on account of termination of his or her employment, but only including the commuted value of the following such accumulated pay: vacation, sick leave, sick leave bonus, compensatory time and floating holidays. The Supplemental Retirement Plan includes both mandatory contributions of termination pay and voluntary contributions for employees who provide the City with an irrevocable payroll deduction authorization at least 90 days in advance of the date of termination.

ARTICLE 9 - EMPLOYMENT AT-WILL

9.1 Employment At-Will

An employee who is employed in a position that is excluded from the career service by Berkeley Municipal Code Section 4.04.120 of the Personnel Ordinance is employed by the City in an "at-will" status. This means that both the at-will employee and the City have the right to terminate employment at any time, with or without advance notice, and with or without cause. No employee or officer of the City of Berkeley has the authority to alter the employee's at-will status or to enter into an oral or written agreement for employment for a specified period of time, or to make any promises, assurances or agreements contrary to this the provisions of this Section.

9.2 No Right to Appeal Discharge

An at-will employee who is discharged has no right of appeal or hearing in any manner provided by this Manual.

9.3 Benefits

Those offices, positions and employments named in the Berkeley Municipal Code, Sections 4.04.120 (A), (B) and (C) who regularly work twenty or more hours per week are classified as regular at-will employees and shall be entitled to those benefits as specified for benefitted employees by this. A list of regular at-will positions entitled to receive such benefits is in the Appendix.

All other offices, positions and employments named in the Berkeley Municipal Code, Section 4.04.120, are not eligible for any benefits provided under these Rules, except those expressly specified for temporary employees, such as the Earned Leave benefit or those required by State or Federal law such as Family Care Leave and enrollment in the City's PARS retirement plan, as provided in this Manual.

9.4 Standards of Conduct

At-will employees are subject to the same standards of conduct that prevail over employees in the career service. Any evaluations, warnings or disciplinary action provided to at-will employees regarding their conduct or job performance does not create any obligation or duty on the City's part to provide a warning or evaluation or corrective progressive discipline prior to discharge and in no way negates or otherwise abrogates the City's right to discharge at-will employees for any reason without notice at any time during their employment and without right of appeal.

9.5 Transfer or Appointment of Career Employee to an At-Will Position

Any employee in the career service who accepts a transfer or appointment to an at-will position shall be reinstated to the career position from which he or she was transferred or appointed if within six months after such transfer or appointment, action is taken to dismiss the employee, unless charges are filed and the employee

is discharged in accordance with these Rules. After expiration of the six month period, the employee is excluded from the career service and from any retreat rights to former career positions and is subject to termination at any time, with or without advance notice, with or without cause, and without the right of appeal.

ARTICLE 10 - LAYOFF POLICY AND PROCEDURE

10.1 Statement of Intent

This layoff policy is intended to provide the maximum employment protection to employees in the career service and to minimize the impact on the City's affirmative action accomplishments should a layoff become necessary.

10.2 Announcement of Layoff

The City Council, City Manager and department heads 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 to lay off career City employees. A reduction in the workforce for more than thirty 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 fund. In the event of a layoff, the City Manager shall notify the Director of Human Resources of the intended action and the reason for the layoff.

10.2.1 **Layoffs in City Attorney's Office:** Layoffs in the City Attorney's Office shall be treated independently of layoffs initiated by the City Manager. Only the City Attorney may recommend reductions in the workforce of the City Attorney's Office, and such reductions must be approved by City Council action. Unless otherwise directed by the City Council, layoffs in the City Attorney's Office shall proceed in the Order of Layoff specified in Section 10.6.

10.3 Vacancy Freeze

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 career service in similar and related classes to those likely to be targeted for layoff. The City Manager shall notify the department heads of a freeze of vacancies in their departments and shall require that requisitions continue to be submitted for any budgeted positions which the department head intends to fill and for which funding is available.

10.4 Seniority Service Date

All service in the employ of the City shall be counted toward the establishment of an employee's Seniority Service Date, including permanent, probationary, provisional, temporary, part time (on a prorated basis), seasonal, regular at-will employment, and approved military and parental leaves of absence. All other leaves without pay, including time off as a result of formal disciplinary action will be subtracted from the Seniority Service Date.

10.5 Establishment of Seniority Lists

Layoffs shall be made according to City-wide class Seniority Lists which the Human Resources Department will immediately establish for probationary and permanent employees in each class targeted for layoff. The names of all City employees holding permanent and probationary appointments in a given class will

be listed on the appropriate list in descending order by Seniority Service Date.

Probationary or permanent employees temporarily acting out of class and holding a provisional appointment in another class will be listed on the Seniority List of the class in which they hold permanent or probationary status.

10.6 Order of Layoff

Employees within a specific class 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 classes similar to those identified for layoff must be terminated prior to the layoff of probationary and permanent employees. Probationary employees will be laid off prior to permanent employees for a specific class.

10.6.1 **Tie:** If two or more employees on a Seniority List have an identical Seniority Service Date, the tie shall be broken in the following order: (1) time in class--the employee having least time in the class shall be laid off first, and (2) by lot.

10.6.2 **Administrative & Fiscal Services Manager Position in the Berkeley Public Library:** This is a specialty designated position within the Administrative & Fiscal Services Manager classification, and will be treated as a separate classification for the purpose of administering the Layoff Policy and Procedure.

10.7 Notification

Permanent and probationary employees should be notified individually, in writing, of pending layoffs as soon as possible, with no less than thirty calendar days notification if targeted for termination or retreat to a lower class.

All other employees to be laid off shall be given, whenever possible, at least a fourteen (14) calendar day prior notice.

10.8 Employee Retreat Rights

A probationary or permanent employee affected by layoff shall have the right to displace an employee in a lower level class in which the affected employee once had permanent status or in a subsequently created intermediate level career class which provides normal progression through the class series. Retreat rights shall also extend to employees who have not previously been promoted through a class but for whom the class is a natural progression or beginning in the class series. Retreat rights into a lower class will be granted in order of the highest seniority date on the Seniority List for employees in that class.

10.8.1 **Qualified to Retreat into More than One Classification:** When an employee is qualified to retreat into more than one class, the options shall be discussed with the employee and due consideration given to the employee's preferences. However, it is the prerogative of the City Manager (or the City Attorney, in the case of the City Attorney's Office) to determine the final placement offer to the employee

10.8.2 **Salary Step:** Employees retreating to a lower class or being flexibly placed in a similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

10.8.3 **Reinstatement after Transfer**: An employee whose position is abolished and is transferred in lieu of layoff shall have the right to return to the position if it is restored within one year of the date of the transfer.

10.9 Flexible Placement Program

After all frozen vacant positions have been filled by employees entitled to retreat rights under Section 10.8 (Employee Retreat Rights) of this chapter, the Human Resources Department will review and identify the remaining frozen vacant classes into which career employees targeted for layoff who have not retreated into a lower class may be placed on the basis of total experience and education.

10.9.1 **Failure to Meet Minimum Requirements**: Where the targeted employee does not meet the minimum qualifications of a frozen vacant position, the City Manager has the discretion to either waive the minimum qualifications and/or substitute the targeted employee's job-related experience and education for the minimum qualifications, but under no circumstances is the City Manager required to do so. Where the employee does not meet the minimum qualifications, flexible placement can occur only if the City Manager determines that management and supervisory personnel are able to provide adequate supervised on-the-job training to the employee to meet the requirements of the job. The employee must successfully complete the training within six months as determined by the Director of Human Resources or the employee shall be again subject to the layoff procedures. For the City Attorney's Office, the City Attorney shall have the authority granted to the City Manager and Director of Human Resources otherwise allocated by this paragraph.

10.9.2 **Salary Range**: 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.

10.9.3 **Order of Assignment**: Offers to positions under the Flexible Placement Program shall be made according to the employee's standing on the Seniority List.

10.10 Failure to Accept Offer under Layoff

Failure on the part of an employee to accept a written bona fide offer to retreat to a lower class or be flexibly placed in an alternative job within ten calendar days after the offer is made shall result in forfeiture of any further right to employment retention. Acceptance of a reassignment to a lower class does not remove the employee's right of appeal under Section 10.12 (Appeal Procedures) nor does acceptance of an alternative job under the Flexible Placement Program jeopardize an employee's standing on the re-employment lists as further provided in this

Section 10.10 (Failure to Accept Offer under Layoff).

10.11 Re-Employment List

The names of probationary and permanent employees laid off in accordance with this chapter shall be entered on a re-employment list for both those classes from which they were separated as well as other classes to which they have retreat rights.

10.11.1 **Duration of List:** Re-employment lists for laid off employees who are separated from City service shall remain in effect for three years. Re-employment lists for laid off employees who are demoted shall remain in effect indefinitely.

10.11.2 **Use of List:** Re-employment lists shall be used by each department when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

10.11.3 **Order of Appointment:** Employees on the re-employment list shall be certified and appointed to a vacancy in the appropriate class according to their standing on the Seniority List.

10.11.4 **Failure to Appoint from Re-Employment List:** If a vacancy is filled from an eligible list in a class for which a re-employment list exists which is a violation of this Section, the employee on the re-employment list who should have been appointed shall be appointed to the vacancy and paid retroactively from the date the vacancy occurred.

10.11.5 **Failure to Accept Bona Fide Offer:** Failure on the part of the employee on the re-employment list to accept a bona fide written offer of re-employment within fifteen calendar days will result in removal of the employee's name from the re-employment list from which the offer was made. Failure to accept an offer of re-employment to the class with the highest salary range for which the employee is eligible for re-employment will result in automatic removal of the employee's name from all re-employment lists. The employee may, however, accept or decline temporary re-employment without jeopardizing his or her standing the re-employment list for the class from which he or she was originally terminated.

10.11.6 **Salary Step:** Upon reappointment to the class from which the employee was originally separated or demoted, the employee shall be placed at the salary step that the employee held at the time of the separation or demotion.

10.11.7 **Reinstatement List:** Any former employee on a re-employment list shall be included as an eligible on the reinstatement list for a specific class at or below the class from which layoff occurred, upon written request by the employee for reinstatement which is submitted with a current, completed City of Berkeley application and upon meeting the

minimum qualifications of the specific class unless waived by the City Manager as provided under flexible placement.

10.12 Appeal Procedures

The decision of the City Manager (or the City Attorney, in the case of the City Attorney's Office) to implement a layoff is not appealable. Any unrepresented career employee who believes that the layoff procedure, as defined herein, has been improperly administered as to the employee may appeal the action under the Complaints, Appeals and Hearing Procedure of this Manual. Employees are entitled to review all records pertaining to their class and their rights under the provisions of the layoff policy.

10.13 Audit

In the event of a dispute between an employee and the City over the application of the re-employment list and if either party so requests, the City Manager's Office shall order an audit by an outside auditor of all vacant positions filled in each department to determine whether vacancies were filled in compliance with the procedures for appointments from re-employment lists set forth in Section 10.11 (Re-Employment List) of this Manual. In the event vacancies for which re-employment lists were in existence remain unfilled, the auditor shall offer an opinion as to whether or not the reasons for leaving the positions vacant appear to be legitimate. A report of the audit shall be transmitted to the City Manager, City Attorney, and the City Council.

ARTICLE 11 - DISCIPLINARY ACTION

11.1 Policy

Prior to the suspension, disciplinary demotion or discharge of an employee in the career service for disciplinary purposes, the procedure set forth in this Article 11 (Disciplinary Action) shall be complied with provided, however, that only those employees in the career service who are not represented by a labor organization shall be entitled to the notice, rights and procedures provided under Section 11.3 (Disciplinary Actions).

11.2 Final Decision Maker for Disciplinary Action

For purposes of this chapter, the City Manager is the final decision maker for City of Berkeley employees, except that: (1) the City Attorney is the final decision maker for City Attorney's Office employees; (2) the Rent Stabilization Board is the final decision maker for Rent Stabilization Program employees; and (3) the Library Board of Trustees is the final decision maker for Library employees.

11.3 Disciplinary Actions

The department head shall initiate disciplinary procedures, as set forth here. The department head may suspend a subordinate employee for not more than three working days at any one time. For suspensions of more than three days, disciplinary demotions and discharge, the department head shall make a recommendation to the final decision-maker. The final decision-maker may suspend an employee from a position at any time for cause. Suspension without pay shall not exceed thirty working days, nor shall any employee be penalized by suspension for more than thirty working days in any continuous twelve month period. However, FLSA exempt employees shall not be suspended in less than regular workweek increments except for safety or security violations. A "regular workweek" is defined elsewhere by this Manual.

11.4 Written Reprimands for Fire Safety Employees

Consistent with the Firefighter Bill of Rights Act, the Deputy Fire Chief receiving a written reprimand shall have the right to a non-evidentiary administrative appeal to the Fire Chief or Fire Chief's designee. The employee must request an administrative appeal in writing to the Fire Chief within ten (10) working days of receipt of the written reprimand. Failure to do so shall be deemed a waiver of the employee's right to appeal. The Fire Chief or Fire Chief's designee shall have discretion regarding how the appeal meeting is conducted, including whether and the extent to which witnesses other than the employee and employee's representative are required and may participate. The Fire Chief or Fire Chief's designee shall notify the employee of his or her decision within ten (10) working days of the appeal meeting. An employee and the Association have no further right to appeal or grieve a written reprimand beyond the administrative appeal described in this paragraph.

11.5 Written Reprimands for Non- Safety Employees

In the event that an employee receives a written reprimand, the employee may write a rebuttal within thirty (30) calendar days of receiving the written reprimand and such rebuttal will be placed in the Personnel File along with the written reprimand. Employees have not right to appeal or grieve a written reprimand.

ARTICLE 12 - COMPLAINTS, APPEALS AND HEARINGS

12.1 Policy

The procedure for filing complaints and appeals by employees set forth under this Article 12 shall be complied with provided, however, that only those employees in the career service who are not represented by a labor organization shall be entitled to file complaints with the City and appeals to the Personnel Board pursuant to the provisions of this Manual.

12.2 Final Decision Maker for Purposes of this Article

For purposes of this chapter, the City Manager is the final decision maker for City of Berkeley employees, except that (1) the City Attorney is the final decision maker for City Attorney's Office employees; (2) the Rent Stabilization Board is the final decision maker for Rent Stabilization Program employees; and (3) the Library Board of Trustees is the final decision maker for Library employees.

12.3 Complaints

Disciplinary action shall be taken in accordance with Article 11 (Disciplinary Action) of this Manual. All other complaints by employees, except complaints about compensation, which allege a violation of the Personnel Ordinance or this Manual shall be filed through proper channels, commencing with the department head, and then to the final decision maker.

12.3.1 **Compensation Complaints**: All complaints involving or concerning the payment of compensation shall be initially filed in writing with the Director of Human Resources. The Director of Human Resources shall respond in writing within thirty (30) working days. If the complaint has not been resolved within thirty (30) working days of filing with the Director of Human Resources, the complaint may be moved to the final decision maker. Only complaints, which allege that employees are not being compensated in accordance with the policies, rules and resolutions of the City Council, shall be considered as complaints under this Section. No compensation adjustment shall be retroactive for more than thirty calendar days from the date upon which the complaint was filed or thirty calendar days from the date when an employee may reasonably be expected to have learned of the claimed violation.

Appeal: If the grievant is not satisfied with the decision of the Director of Human Resources or his or her designee, the grievant may move the complaint to the final decision maker within ten (10) days of receipt of the decision rendered under Section 12.3.1 above. Failure by the employee to file an appeal within the specified time limits specified constitutes a dropping of the complaint. If both parties agree, the time limits may be waived for a specific period of time at any step in this procedure.

12.3.2 **Discrimination Complaints:** An employee may file a complaint concerning a violation of the "FAIR EMPLOYMENT" provision specified by the rules of this Manual, and the complaint shall be processed in accordance with the EEO Complaint Investigation and Resolution Procedure of the City of Berkeley EEO/Affirmative Action Program, as established in Resolution No. 54,926-N.S., as amended from time to time.

12.4 Right of Appeal

An aggrieved employee shall have the right to appeal the decision of the final decision-maker regarding the aggrieved employee's disciplinary dismissal, demotion, suspension or complaint to the Personnel Board except in instances where the right to appeal is prohibited by the Personnel Ordinance or the provisions of this Manual.

12.5 Method of Appeal

Appeals to the Personnel Board shall be in writing, signed by the aggrieved employee and filed with the Director of Human Resources within ten calendar days after the action is imposed. The appeal shall be a written statement, addressed to the Chair of the Personnel Board, explaining the matter appealed from and setting forth a statement of the action desired by the aggrieved employee, supported by his or her reasons. The Director of Human Resources shall, within ten calendar days after receipt of the appeal, inform the Chair of the Personnel Board, the City Manager, the City Attorney, and the affected department head of the filing and contents of the appeal with the Board.

12.6 Investigations and Hearings

Upon receipt of any appeal, the Personnel Board shall make such investigation, as it may deem necessary.

An aggrieved employee who has been demoted for a disciplinary purpose, suspended or discharged is entitled to a hearing upon appeal before the Personnel Board. As to all other appeals, the Personnel Board may grant a hearing or decide the appeal without a hearing as it may deem warranted.

12.7 Hearing Procedures

In cases where the employee is entitled to a hearing as a matter of right and in other cases whenever the Board may deem it advisable to hold a hearing, these procedures shall apply.

12.7.1 **Notice:** The Personnel Board shall schedule a hearing on the appeal within forty-five calendar days from the date of the filing of an appeal. The Director of Human Resources shall notify all interested parties of the date, time and place of the hearing at such places as the Personnel Board shall prescribe.

12.7.2 **Hearing Procedure:** The aggrieved employee shall appear personally unless physically unable to do so before the Personnel Board at the time and place of the hearing. The aggrieved employee may be represented by any person or attorney as may be selected and may at the hearing produce relevant oral or documentary evidence. The party who has the burden of proof shall state the case first after which opposition matter may be presented. Rebuttal matter that is not repetitive may be allowed at the discretion of the Personnel Board. Cross-examination of witnesses shall be permitted. Hearings need not be conducted according to technical rules relating to evidence and witnesses, but shall be conducted according to any rules of applicable procedures. Hearings shall be closed unless otherwise required by the Ralph M. Brown Act, Government Code Section 54950, as amended from time to time, or any other applicable law.

12.8 Findings and Recommendations

The Personnel Board shall, within thirty calendar days after the conclusion of the hearing, or if no hearing was conducted, within thirty calendar days of its decision, certify its findings and recommendation(s) in writing to the aggrieved employee and to the final decision-maker. The final decision maker shall review the findings and recommendation(s) of the Personnel Board and may then affirm, reject or modify the Personnel Board's findings and recommendation(s) as, in his or her judgment, seems warranted, and the final decision maker's decision shall be final. Any member of the Personnel Board may submit a minority or supplemental report which shall be attached to the findings and recommendation(s) of the Board.

ARTICLE 13 – MISCELLANEOUS PROVISIONS

13.1 Administrative Leave

Employees who are in career, benefitted, or at-will benefitted classifications which are FLSA Exempt may be approved by the City Manager (or the City Attorney, in the case of the City Attorney's Office) to receive up to an additional 50 hours of compensated administrative leave beginning on January 1, 2016, and at the beginning of each calendar year thereafter, or prorated during the course of the year when employed less than a full year. This administrative leave is granted to employees whose job responsibilities cause them to work numerous hours in excess of the normal City workweek. The City Manager (or the City Attorney, in the case of the City Attorney's Office) has the authority to rescind administrative leave in those instances of abuse or misuse of the intent of this provision.

Administrative leave taken must be approved in advance by the department head and posted to the employee's timecard. Unused administrative leave may be carried over to the next calendar year, providing the total of excess vacation and unused administrative leave do not exceed 320 hours. Otherwise, the excess administrative leave must be taken within the calendar year in which it was earned or it may be forfeited. Upon termination or retirement, no monetary award will be authorized for unused accumulated administrative leave.

13.1.1 **Prorated Administrative Leave**: A benefitted employee who is otherwise eligible for overtime and who is on a temporary or provisional benefitted appointment in an FLSA Exempt classification for a period of one month or longer, and is ineligible to earn overtime, shall be entitled to prorated Administrative leave for the duration of the temporary or provisional appointment. Any unused administrative leave at the end of the temporary or provisional appointment will roll into vacation, provided the total of accrued and unused vacation and accrued administrative leave do not exceed 320 hours.

13.2 Automobile Allowance

The City reimbursement rate for the use of a private automobile on authorized City business will be equal to the amount established by the Internal Revenue Service.

13.3 Bilingual Premium Pay

13.3.1 **As Part of Regular Job Assignment:** An employee who is required as an essential part of his or her job to provide non-English language services, including Braille and sign language, routinely and consistently as part of his or her regular job assignment as determined by the City

will receive a Bilingual Premium Pay Differential of 5%. The employee must agree to use the bilingual skill during his or her normal work shift regardless of assignment. The Bilingual Premium Pay Differential of 5% will be reported to CalPERS as Bilingual Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

13.3.2 **Occasional Assignments:** An employee assigned occasionally to provide non-English language services, including Braille and sign language, when either a) assigned by management, or b) at the request of the employee with the supervisor's agreement, or, c) after a job audit will receive a Bilingual Premium Pay Differential of 2%. The employee must agree to use the bilingual skill during his or her normal work shift regardless of assignment. The Bilingual Premium Pay Differential of 2% will be reported to CalPERS as Bilingual Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

13.3.3 **Competency and Management Rights:** The bilingual premium will not be applicable under any circumstances except to an employee who possesses second language competency. Management reserves the right to test for second language appropriate competency prior to a Bilingual Premium Pay Differential.

13.3.4 **Temporary Designation:** The City may designate an employee to receive either the 5% or 2% Bilingual Premium Pay Differential on a temporary basis for a specified period provided the employee met the requirements contained in the first or second paragraph of this Section.

13.4 Cash-In-Lieu Payments

For those employees who are able to show proof of ongoing alternate group medical coverage, the City will compensate employees $560.00 per month, prorated for less than full-time employees. This benefit shall be frozen at this amount. To comply with FLSA laws, health insurance in-lieu payments shall be paid over twenty-six (26) equal biweekly installments instead of once a month.

13.5 Dependent Care

Employees shall be allowed to designate a specific amount of salary, consistent with State and Federal tax laws, to be redirected to pay for dependent care costs through pre-tax salary deductions. The amount of funds designated should be considered carefully, because under the current tax code, any unexpended funds which have not been spent for the specific purpose of paid dependent care and remain in the employee's account at the end of the year, will be forfeited.

13.6 Life Insurance

The City shall provide paid group life insurance, by a carrier of the City's choice, in the amount of $25,000 which shall include a standard accidental death and dismemberment provision of a like amount. Employees in the classification of Police Chief and Fire Chief shall be provided with life insurance in the amount of $100,000, which shall include a standard accidental death and dismemberment provision of a like amount. Life insurance shall become effective the first day of the calendar month following appointment, and shall continue until the last day of the calendar month in a pay status.

In addition, all unrepresented benefitted employees may purchase additional coverage, in increments of $10,000, up to a maximum of $300,000, at the rate offered by the City's insurance carrier, subject to any rules and restrictions of the carrier, including but not limited to any medical exam that might be required by the insurance carrier.

13.7 Medical/Dental Insurance for Employees/Dependents

Except as provided in Section 8.1 (Group Medical-Dental Insurance Benefits), the City offers fully paid and/ or partially paid health insurance plans and a fully paid dental plan for the employee and eligible dependents, including a domestic partner. The dental plan currently provides orthodontic coverage for the employee's dependent children through age 26 and 90% of the Bay Area Usual, Customary and Reasonable charges. Effective January 1, 2007, the maximum annual coverage will be $2,000 annual coverage, and $2,000 lifetime orthodontia limit. Any employee, who is required to partially pay premiums, shall be allowed to make these payments with pre-tax deductions. The medical and dental benefit coverage for dependent children extends to the date of their 26th birthday, providing they meet the Internal Revenue Service definition of "dependent". If an employee chooses to complete and submit an Affidavit of Domestic Partnership and sign up for medical benefits and/or dental benefits for his or her domestic partner, the employee shall be subject to federal and state income tax withholding.

Medical and dental 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, except in the case of parental and Family and Medical Leave Act, as described in the Administrative Regulation No. 2.4. Maximum annual coverage amounts are found in the Employee Benefits Handbook.

13.7.1 **Dental Coverage for Fire Management**: Effective January 15, 2015, employees in the classification of Fire Chief and Deputy Fire Chief, shall be provided with dental insurance with an annual maximum coverage of $3,000 and lifetime orthodontia limit of $3,000.

13.8 Retiree Medical Plan

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.

13.9 Amendment of Retiree Health Premium Assistance Plans I and II, effective June 28, 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 this Unrepresented Employee Manual, the City shall amend the Retiree Health Premium Assistance Plans I and II 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 or the retiree's spouse/domestic partner. There shall be no cash in lieu payments made under this benefit.

The City will also amend the Retiree Premium Assistance Plans I and II to allow eligible retirees who retired prior to June 21, 2015 to enroll in a non-City sponsored health plan.

13.10 Retiree Medical for Unrepresented Benefitted Employees

Effective June 28, 1998, the City will provide the retiree medical coverage set forth below for all unrepresented benefitted employees, except employees in the classifications of Police Chief, Deputy Police Chief, Fire Chief, and Deputy Fire Chief (see separate plans below). An employee's entitlement to any and all benefits provided by the City under this retiree medical plan is subject to the funding limitations set forth in the plan document.

13.10.1 **Eligibility and Percentage of City Contribution:** An employee is eligible for the retiree health insurance coverage as set forth in Sections 13.10.3 (Pre Age 65 Retiree Health Insurance) and 13.10.4 (Retiree

Benefits for Employees Age 65 or Over) below if he or she meets all the following criteria:

a. retires from career-benefited service with the City on or after June 28, 1998;
b. is vested with CalPERS;
c. has at least eight (8) years of career-benefited service with the City; and
d. is at least age 55.

An "Eligible Retiree" also includes individuals who meet the definition as set forth in Section 2.11.1 of the Retiree Health Premium Assistance Plan I for Confidential and Executive Management Employees (Representation UNR0; UNR1; UNR2; ; UNR3 and Elected Officials) Restated and Amended effective as of March 22, 2011 (Resolution No. 65,196-N.S.) for "Eligible Retiree."

Percentage of City Contribution: 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	Percentage of City Contribution
8	30%
9	40%
10	50%
11	58%
12	66%
13	74%
14	82%
15	90%
16	92%
17	94%
18	96%
19	98%
20	100%

13.10.2 **Annual Increase:** Retirees will pay the difference between the City's monthly contribution and the actual monthly medical insurance premium charged by the health plan he or she has elected for retiree medical coverage. If 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.

13.10.3 **Pre Age 65 Retiree Health Insurance:** Beginning June 28, 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.

13.10.4 **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 Section 13.10.1 (Eligibility) ceases. On reaching age 65, the City will make available health insurance coverage in addition to Medicare. When an employee or retiree reaches age 65, the City will contribute no more than $16.17 per month on the employee's behalf for single party health insurance coverage and no more than $32.34 per month for two-party health coverage.

13.10.5 **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 Section13.10 (Retiree Medical for Unrepresented Benefitted Employees).

13.10.6 **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, has at least eight (8) years of CalPERS qualifying employment with the City will retain eligibility for the retiree medical benefits provided in Section 13.10.1 (Eligibility) 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.

13.10.7 **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 Section 13.10.1 (Eligibility) 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.

13.10.8 **City Funding of Retiree Health Benefit**: City contributions to the retiree medical benefit began on July 1, 1998. Funding of this benefit has been 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, so that contributions are at 1% of the payroll after four years. 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 July 4, 2004, an additional charge of 0.25% of payroll was charged each year in the subsequent four years so that contributions are at 2% by July 1, 2007. The purpose of this 1% increase in payroll contribution is to fund post age 65 Medicare supplement plans. As a result of this change, the amount the City contributes toward the post-65 Medicare Supplement coverage under the Retiree Health Premium Assistance Plan was $102 effective July 7, 2002 for all post 65 retirees as well as future retirees.

13.10.9 **Retiree Medical Plan for Unrepresented Employees (Rep Units UNR2):** Eligible retirees who retired from positions in Representation Units UNR2 on or after July 1, 2008.

Not Medicare Eligible: Effective July 1, 2008, between the ages of 55 and 65 who retire on or after June 29, 2008 the amount the City contributes toward payment of the health care premium cost for the Retiree Health Premium Assistance Plan will increase by $50 per month in addition to the 4.5% that occurs on July 1 as provided in Section 13.10.2 (Annual Increase). Effective July 1, 2009, the amount the City contributes toward payment of the health care premium cost for the Retiree Health Premium Assistance Plan will increase by an additional $25 per month (i.e., an aggregate $75 per month increase) in addition to the 4.5% that occurs on July 1 as provided in Section 13.10.2 (Annual Increase). Effective July 1, 2011, the amount the City contributes toward payment of the health care premium cost for the Retiree Health Premium Assistance Plan will increase by an additional $25 per month (i.e., an aggregate $100 per month increase) in addition to the 4.5% that occurs on July 1 as provided in Section 13.10.2 (Annual Increase).

13.10.10 Retiree Medical Plan for Confidential and Executive Management Employees (Rep Unit – UNR0; UNR1; UNR2; UNR3; and Elected Officials): Eligible retirees who retired from positions in Representation Unit UNR1 on or after July 1, 2008.

Medicare and Not Medicare Eligible: Effective June 29, 2008, an additional charge of 0.50% of payroll will be charged so that contributions are at 2.5%. The purpose of this 0.50% increase in payroll contribution is to fund both pre-65 retiree health care premium costs and post age 65 Medicare Supplement plans for eligible retiree who retired from positions in Representation Unit – UNR0; UNR1; UNR2; UNR3 and Elected Officials on or after July 1, 2008. As a result of this change, the amount the City contributes toward pre age 65 health insurance premium costs shall increase from $258.19 per month to $309.39 per month for single coverage and from $516.38 per month to $618.78 per month for 2-party coverage. The City's contribution toward the post-65 Medicare Supplement coverage shall increase from $132.83 per month to $184.03 per month for single coverage and from $265.67 per month to $368.06 per month for 2-party coverage.

13.11 Reimbursement Plan

After Council approval of this Unrepresented Employee Manual, the City shall amend the Retiree Health Premium Assistance Plans I and II as soon as practicable to allow for the reimbursement of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner until the death of both. If there is no spouse or domestic partner at the time of retirement, the City shall only reimburse the single party rate. The reimbursement shall be paid directly to the retiree or surviving spouse or domestic partner. The maximum amount the City will reimburse for the cost of Medical Insurance Premiums is based on the schedule described in Section 13.10.1 (Eligibility and Percentage of City Contribution) above.

13.11.1 **Retiree Medical Reimbursement Plan for Unrepresented Confidential and Executive Management Employees (Rep Units – UNR0; UNR1; UNR2; UNR3; and Elected Officials) Who Retire on or After June 28, 1998 through June 30, 2008**

13.11.1.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner until the death of both as follows:

a. **Reimbursement as of June 28, 1998:** Effective June 28, 1998, as provided in Section 13.10.2 (Annual Increase), each month after the employee retires, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $166.26 for single party coverage for the retiree or $332.52 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Annual Increase), total $338.60 for single party coverage for the retiree or $677.19 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.1.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of June 28, 1998**: Effective June 28, 1998, as provided in Section 13.10.4 (Retiree Benefits for Employees Age 65 and Over) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $16.17 for single party coverage for the retiree or $32.34 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of July 7, 2002**: Effective July 7, 2002, as provided in Section 13.10.8 (City Funding of Health Benefits) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $102.00 for single party coverage for the retiree or $204.00 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

c. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $172.98 for single party coverage for the retiree or $345.96 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.2 **Retiree Medical Reimbursement Plan for Unrepresented Confidential and Executive Management Employees (Rep Units – UNRO; UNR1; UNR2; UNR3 and Elected Officials) Who Retire on or After July 1, 2008**

13.11.2.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008:** On July 1, 2008, as provided in Section 13.10.10 (Retiree Medical Plan for Unrepresented Confidential and Executive Management Employees), the City will reimburse the cost of Medical Insurance Premiums in an amount totaling $309.39 for single party coverage for the retiree or $618.78 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $405.73 for single party coverage for the retiree or $811.46 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.2.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008**: Effective July 1, 2008, as provided in Section 13.10.10 (Retiree Medical Plan for Unrepresented Confidential and Executive Management Employees), each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $184.03 for single party coverage for the retiree or $368.06 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $239.65 for single party coverage for the retiree or $479.31 for two party

coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.3 **Retiree Medical Reimbursement Plan for Unrepresented Employees (Rep Units – UNR0; UNR2; UNR2) Who Retire on or After June 28, 1998 through June 30, 2008**

13.11.3.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of June 28, 1998:** Effective June 28, 1998, as provided in Section 13.10.2 (Annual Increase), each month after the employee retires, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $166.26 for single party coverage for the retiree or $332.52 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Annual Increase), total $338.60 for single party coverage for the retiree or $677.19 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.3.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of June 28, 1998**: Effective June 28, 1998, as provided in Section 13.10.4 (Retiree Benefits for Employees Age 65 and Over) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $16.17 for single party coverage for the retiree or $32.34 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of July 7, 2002**: Effective July 7, 2002, as provided in Section 13.10.8 (City Funding of

Health Benefits) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $102.00 for single party coverage for the retiree or $204.00 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

c. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $180.76 for single party coverage for the retiree or $361.53 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.4 **Retiree Medical Reimbursement Plan for Unrepresented Employees (Rep Units – UNR0; UNR2; UNR2) Who Retire on or After June 29, 2008**

13.11.4.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008:** On July 1, 2008, as provided in Section 13.10.9 (Retiree Medical Plan for Unrepresented Employees), the City will reimburse the cost of Medical Insurance Premiums in an amount totaling $297.08 for single party coverage for the retiree or $544.16 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of July 1, 2009**: As of July 1, 2009, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.9 (Retiree Medical Plan for Unrepresented Employees), total $335.45 for single party coverage for the retiree or $593.64 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

c. **Reimbursement as of July 1, 2011**: As of July 1, 2011, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.9 (Retiree Medical

Plan for Unrepresented Employees), total $391.32 for single party coverage for the retiree or $673.27 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

d. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $469.92 for single party coverage for the retiree or $808.52 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

3.11.4.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008:** As of July 1, 2008, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $138.81 for single party coverage for the retiree or $277.62 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $172.98 for single party coverage for the retiree or $345.96 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.5 **Enrollment in City Group Plans**
Retiring employees may receive continuing health coverage in City sponsored group health plans subject to the limitations and co-pay amounts permitted by the health care providers.

13.12 Fire Chief and Deputy Fire Chief Retiree Medical Plan

Internal City of Berkeley candidates who promote and are appointed to the Fire Chief or Deputy Fire Chief classification, without a break in service, shall be eligible for the same Retiree Medical Plan as provided to sworn fire employees in Representation Unit B. An employee covered by this provision who leaves City service and defers CalPERS retirement shall qualify for this benefit upon meeting the Representation Unit B eligibility requirements, provided Berkeley is the employee's final CalPERS-covered employer. An employee covered by this

provision who leaves City service and defers CalPERS retirement shall qualify for this benefit upon meeting the Representation Unit B eligibility requirements, provided Berkeley is the employee's final CalPERS covered employer.

13.12.1 **Retiree Medical Benefits for External Appointments**: External City of Berkeley candidates appointed to the Fire Chief or Deputy Fire Chief classifications shall be covered by the Retiree Health Premium Assistance Plan described herein at Section 13.10 (Retiree medical Plan) et seq., except that the employee shall not be required to meet the eligibility requirements of sub-Sections 13.10.1(b) and 13.10.1(c) and instead credited with 15 years of qualifying years of service for eligibility in the Plan and shall receive benefits as a Representation Unit UNR0 employee.

13.13 Retiree Medical and Training/Certification Differentials for Police Chief and Deputy Police Chief Classifications

Internal City of Berkeley candidates who promote and are appointed to the Police Chief or Deputy Police Chief classification, without a break in service, shall be eligible for the same Retiree Medical Plan as provided to sworn police employees in Representation Units E and F. An employee covered by this provision who leaves City service and defers CalPERS retirement shall qualify for this benefit upon meeting the Representation Units E and F eligibility requirements, provided Berkeley is the employee's final CalPERS-covered employer.

The Police Chief and Deputy Police Chief classifications shall be eligible for the POST (Police Officer Standards and Training) certification differential for which members of the Berkeley Police Association qualify (up to 13%); however, the POST certificates for the Police Chief and Deputy Police Chief must be at the Management level to qualify for the differential.

13.13.1 **Retiree Medical Benefits for External Appointments**: External City of Berkeley candidates appointed to the Police Chief or Deputy Police Chief classification shall be covered by the Retiree Health Premium Assistance Plan described herein at Section 13.10 (Retiree medical Plan) et seq., except that the employee shall not be required to meet the eligibility requirements of sub-Sections 13.10.1(b) and 13.10.1(c) and instead credited with 15 years of qualifying years of service for eligibility in the Plan and shall receive benefits as a Representation Unit UNR1 employee.

13.14 Partially Subsidized YMCA Membership

The City currently provides a partially subsidized membership in the Berkeley YMCA for those employees who agree to pay the required monthly fee. Use of a YMCA membership by a City of Berkeley employee, as provided by this provision, is not part of the employee's work related duties, is not required for continued employment and is not considered part of a City sponsored physical fitness program. The City of Berkeley nor its Claims Administrator shall not be liable for any injury that may arise out of a City of Berkeley employee's participation in and use of a YMCA membership. The amount the City contributes toward the employee's monthly membership fee is subject to federal and state income tax withholding.

13.15 Part-Time Employees Eligible for Full Benefits

Those part time employees who have been continuously employed by the City in

benefitted part time career positions since prior to July 1, 1977 and who have not accepted a full time career position are eligible to participate in the City's health and dental insurance programs with the City's payment of premiums at the same level as for full time benefitted employees.

13.16 Probationary Periods for Unrepresented Classifications

The competitive appointment to a career classification will include a probationary period during which time the incumbent may be dismissed without right of appeal. The probationary period for unrepresented classifications varies from six (6) months of actual work hours (1040 hours for full time employees and 520 hours for half time) to one year of actual work hours (2080 hours for full time and 1040 hours for half time).

Presently, unrepresented classifications require a six (6) month probationary period except for the following unrepresented classifications which require a one year probationary period:

(a) All classifications in Unit **UNR1** in the career service; and
(b) All classifications in Unit **UNR2** in the career service.

13.17 Regular "At-Will" Classifications

The following classifications are exempt from the career service and in accordance with the Personnel Ordinance (Berkeley Municipal Code Section 4.04.120), At-Will appointments are eligible to receive benefits:

- All department heads
- Assistant City Manager
- Assistant to the City Attorney
- Assistant to the Mayor
- Assistant, Associate and Senior Management Analyst in the City Manager's Department and in the Office of Budget and Fiscal Management
- Budget Manager
- Capital Improvement Programs Manager
- Deputy City Manager
- Economic Development Manager
- Employee Relations Manager
- Health Officer
- Legislative Assistant
- Police Review Commission Investigator
- Police Review Commission Officer
- Secretary to the Mayor, Administrative Secretary and Secretary in the Mayor's Office
- Supervising Psychiatrist

13.18 City Manager Department Differential

Assistant, Associate, Senior Management Analysts, Communication Specialists, Program Managers II, Office Specialists III, and Accounting Office Specialists III in the City Manager's Department and in the Office of Budget and Fiscal

Management shall receive a 5% salary differential.

13.19 Shift Differential

Employees whose regular schedules meet the definition, as specified by Unrepresented Employee Manual Section 1.12 (Shift Differential), for shift differential, for the hours of 5:00 p.m. to 12:00 a.m., shall be paid their regular salary plus seven and one-half percent (7.5%) of their monthly salary per month. Those whose regular schedule meets the definition for shift differential, for the hours of 12:00 a.m. to 7:00 a.m., shall be paid their regular monthly salary plus ten percent (10%) of their monthly salary per month.

13.20 SRIP II Disability Insurance

The City shall pay the premium for the current cost of long term disability insurance for SRIP covered employees who are enrolled in the SRIP II (Supplementary Retirement and Income Plan).

13.21 Vacation Schedules

Unrepresented employees, except those confidential executive, management and professional employees in Section 13.20.1 (Confidential Executive Management and Professional Employees) below, shall be entitled to earn annual vacation leave as follows:

Authorized Annual Vacation (in work weeks)	Years of Actual Benefitted Service
2-workweeks (FTE 80 hours)	During the first 3-years
3-workweeks (FTE 120 hours)	During the 4th through 11th year
4-workweeks (FTE 160 hours)	During the 12th through 17th year
5-workweeks (FTE 200 hours)	During the 18th through 24th year
6 workweeks (FTE 240 hours)	During the 25th and subsequent years

13.21.1 **Confidential Executive, Management and Professional Employees:** Confidential executive, management and professional employees who were eligible under the City's Administrative Leave Policy are entitled to earn annual vacation leave as follows:

Authorized Annual Vacation (in work weeks)	Years of Actual Benefitted Service
2-workeeks (FTE 80 hours)	During the first 2-years
3-workweeks (FTE 120 hours)	During the 3rd through 5th year
4-workweeks (FTE 160 hours)	During the 6th through 17th year
5-workweeks (FTE 200 hours)	During the 18th through 24th year
6 workweeks (FTE 240 hours)	During the 25th and subsequent years

13.21.2 **Director of Library Services and Deputy Director of Library Services:** Employees in the classifications of Director of Library Services and Deputy Director of Library Services are entitled to earn annual vacation Leave as follows:

Years of Actual Benefited Service	Authorized Annual Vacation Accrual
Through the first 5 Years of Service	3 weeks (120 Hours)
Beginning the 6th through 17th Years of Service	4 weeks (160 Hours)
Beginning the 18th through 24th Years of Service	5 weeks (200 Hours)
Beginning the 25th and subsequent Years of Service	6 weeks (240 Hours)

13.22 Special Pay for Camps Personnel

When an employee, who has a valid Red Cross Senior Lifesaving Certificate and occupies a camps classification, is specifically assigned in writing by the Camps Manager or an authorized representative, with approval by the City Manager, to temporarily serve as a lifeguard for one day or more, said employee shall be paid a five percent (5%) differential, more than the employee's current salary.

13.23 Longevity Pay

Effective the first full pay period after Council adoption, employees in Representation Units UNR2 completing nineteen (19) years of service shall receive a three percent (3%) differential above their base rate of pay beginning with the anniversary date of beginning the twentieth (20) 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 in July 2026.

Effective the first full pay period of July 2026, employees in Representation Units UNR2 who complete fourteen (14) years of service shall receive a three percent (3%) differential above their base rate of pay 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” under PERL Section 571.a.(1) Incentive Pay.

13.24 Longevity Pay for Confidential and Executive Management Employees

Effective the first full pay period after Council adoption, and except as noted below in Section 13.24.1 (Longevity Pay for Unit UNR0 Fire Chief and Deputy Fire Chief), employees in Representation Unit UNR1 who have completed nineteen (19) years of service shall receive a three percent (3%) differential above their base rate of pay beginning with the anniversary date of beginning the twentieth (20) 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 in July 2026.

Effective the first full pay period of July 2026, and except as noted below in Section 13.24.1 (Longevity Pay for Unit UNR0 Fire Chief and Deputy Fire Chief), employees in Representation Unit UNR0 who have completed fourteen (14) years of service shall receive a three percent (3%) differential above their base rate of pay

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.

13.24.1 **Longevity Pay for Unit UNR0 Fire Chief and Deputy Fire Chief**: The longevity pay for the Fire Chief and Deputy Fire Chief classifications is intended to provide the same benefits as the Longevity Pay for represented sworn fire employees under the Berkeley Fire Fighters Association (Unit B) Memorandum of Understanding. The current schedule is:

- 12th Year (completion of 11 years) 4.0%
- 15th Year (completion of 14 years 4.0% (Total of 8%)
- 20th Year (completion of 19 years) 4.0% (Total of 12%)

Eligible service is for years worked in a classification represented by the Association. These differentials above their base rate of pay shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay.

13.24.2 **Longevity Pay for Unit UNR0 Police Chief and Deputy Police Chief**: The longevity pay for the Police Chief and Deputy Police Chief classifications will provide the same benefits as the Longevity Pay for represented sworn police employees under the Berkeley Police Association (Units E & F) Memorandum of Understanding. The current benefit is:

Upon the anniversary date of the beginning of the following years of service as an employee in a classification represented by the Association, shall receive the following differentials above their base rate of pay:

- Eighth (8th) Year of Service: three percent (3%)
- Twelfth (12th) Year of Service: an additional three percent (3%) for a total of six percent (6%)
- Fifteenth (15th) Year of Service: an additional three percent (3%) for a total of nine percent (9%)
- Eighteenth (18th) Year of Service: an additional three percent (3%) for a total of twelve percent (12%)

Employees who have already reached these levels of service shall receive the new premiums effective immediately.

Effective the first full pay period after January 1, 2027, the prior longevity premium structure shall be discontinued and replaced with the following:

Upon the anniversary date of the beginning of the following years of service as an employee in a classification represented by the Association, shall receive the following differentials above their base rate of pay:

- Sixth (6th) Year of Service: three percent (3%)
- Tenth (10th) Year of Service: an additional three percent (3%) for a total of six percent (6%)
- Thirteenth (13th) Year of Service: an additional three percent (3%)

for a total of nine percent (9%)

- Sixteenth (16th) Year of Service: an additional three percent (3%) for a total of twelve percent (12%)

Employees who have met the revised years-of-service thresholds shall receive the applicable longevity premium effective the first full pay period following January 1, 2027. The revised longevity schedule shall not be applied retroactively, and no employee shall receive back pay or credit for prior periods based on the revised thresholds.

13.25 Automobile Allowance for Police Chief

The City Manager may authorize an automobile allowance of $400 per month in lieu of a City provided vehicle for an employee appointed after November 1, 2009 to the classification of Police Chief.

13.26 Video Display Terminal Screening/Glasses

The City offers VDT screening and glasses as medically required, every two years, to employees who in the course of their employment operate VDT equipment more than four hours in a work day.

13.27 Emergency Medical Technician

Employees in the classifications of Fire Chief and Deputy Fire Chief who maintain current Emergency Medical Technician (EMT) certification shall receive an EMT pay differential of five percent (5%) above base pay. This EMT differential shall be reported to CalPERS as Emergency Medical Technician Pay. Any hours worked on overtime are excluded from CalPERS-reported "compensation earnable" under California Government Code Section 20635.

13.28 Training Differential

13.28.1 **Trainer Differential:** Effective July 1, 2016, any employee, excluding those classifications that require training as part of the assignment (e.g. supervisors), designated by the department and approved by the Director of Human Resources as qualified trainers or instructors for specific specialized skills (identified by the departments in consultation with Human Resources) who is required to provide formalized training to a new employee or an employee who management has identified as needing formalized training, shall receive a five percent (5%) differential in salary for that time served in such capacity. Such assignment shall be in writing by the department and approved by the Director of Human Resources. This Training Differential will be reported to CalPERS as Training Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

13.28.2 **Higher Class Training Differential:** For training purposes, employees not meeting all of the minimum qualifications of a higher classification may be temporarily assigned for a minimum of one (1) week, to perform the duties of the higher classification and will receive a five percent (5%) increase in their current base salary for the duration of the temporary

assignment. Such assignments shall be in writing and shall indicate the reasons, length and duties of the assignment. Assignments shall be approved in advance by the City Manager (or the City Attorney, in the case of the City Attorney's Office), or his or her designee by an Employee Transaction Form, and forwarded to the Human Resources Department for inclusion in the employee's official Personnel file.

13.28.3 **Trainee Differential**: For training purposes and to enhance an employee skills and abilities, any employee designated in advance by the department director and approved by the Director of Human Resources to perform duties that are outside of the employee's classification, shall receive a three percent (3%) differential in salary for that time served in such capacity. Such assignments shall be in writing and shall indicate the reasons, length and duties of the assignment. Assignments shall be approved in advance by the City Manager (or the City Attorney, in the case of the City Attorney's Office), or his or her designee by an Employee Transaction Form, and forwarded to the Human Resources Department for inclusion in the employee's official Personnel file.

13.29 Summary of May 2017 Changes to the Unrepresented Employee Manual

- Included reference to Unrepresented Unit UNR3 (Deputy Director Rent Stabilization Program).
- Former Section 1.14 (One-Time Allocation) - deleted obsolete provision.
- Section 5.2 (Floating Holidays) - corrected omission of one (1) day.
- Section 8.3 (Hourly Rated Employees in Lieu of Benefits) – codified existing benefit.
- Section 13.11 (Reimbursement Plan) – revise plan as reimbursement.
- Section 13.12 (Fire Chief and Deputy Fire Chief Retiree Medical Plan) – clarified benefit for internal and external appointments.
- Section 13.13 (Retiree medical for Police Chief Classification) – clarified benefit for internal and external appointments.
- Section 13.18 (Regular "At-Will" Classifications) – deleted duplicate classification.
- Section 13.31.3 (Trainee Differential) – included provision authorizing differential for employees assigned duties outside of classification.

13.30 Summary of October 2017 Changes to the Unrepresented Employee Manual

- Section 8.4.5 Miscellaneous Employees Classic Employee Pension Contribution through a 20516 Contract Amendment – added subsection 8.4.5.3

13.31 Summary of July 2018 Changes to the Unrepresented Employee Manual

- Section 1.14 (One-Time Allocation) - $2,000 paid August 17, 2018.
- Section 8.1.3 (Medical Contribution Executive Managers) – Cost-share of $50.00 for medical contributions by all department heads, City Manager and Deputy City Manager effective July 1, 2019.
- Section 8.4.6.4 – Correct typographical error.
- Section 11.5 (Written Reprimand for Non-Safety Employees) – Include provision allowing written rebuttal.
- Section 12.3.1 (Compensation Complaints) – Include provision that specifies appeal time lines.
- 13.1 (Administrative Leave) – Clarify leave extended to career and benefitted at-will employees; benefit is prorated based on assignment; and codifies practice that unused administrative leave rolls into vacation.
- 13.24 (Hazard Premium Pay for Clerical Mental Health Personnel) – Clarify pay is reportable to CalPERS.
- 13.25 (Longevity Pay) – Include CalPERS reportable section.
- 13.30 (Shoe Allowance) – Clarify benefit extended to benefitted employees.

- Shoe Allowance
- 13.31 Training Differential
- 13.32 Summary of July 2018 Changes to the Unrepresented Employee Manual
- 13.33 Summary of October 2017 Changes to the Unrepresented Employee Manual

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13.32 Summary of July 2020 Changes to the Unrepresented Employee Manual

Section	Change
Term Duration	Parties agree to a one-year term Agreement ending on June 30, 2021
Living Wage –	NEW LANGUAGE: The City agrees to pay each of its direct employees an hourly wage of no less than $18.33 effective the first full pay period in January 2021. The City agrees to pay each of its direct employees an hourly wage of no less than $19.33 effective the first full pay period in June 2021. If the Living Wage increases beyond $19.33, as outlined in the Berkeley Municipal Code effective July 2021, the City shall implement the increases the first full pay period in September 2021 and July 1st of each year thereafter
Additional City Emergency Paid Sick Leave Allocation	NEW LANGUAGE: The City shall provide an additional 80 hours of emergency paid sick leave to be used for COVID-19 related reasons as listed in the Emergency Paid Sick Leave Act. Part-time employees receive a prorated number of hours. In order to use this additional City emergency paid sick leave, the employee must first exhaust all hours that they received under the Emergency Paid Sick Leave Act. The City will use a specific pay code for this additional emergency paid sick leave and these additional hours will be available until June 30, 2021. These additional 80 emergency paid sick leave hours shall have no cash value and may not be used towards any CalPERS retirement service credit as outlined 4.13 of the Unrepresented Employees Manual.

Additional Floating Holidays	NEW LANGUAGE: 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 Agreement for classifications which, due to the nature of the assignment, require backfill, employees will be paid a stipend in the amount of the earned floating holiday hours up to a maximum of 32 hours the first full pay period in August 2020. The City will use a specific pay code for these additional floating holiday hours will be available until June 30, 2021. These additional 32 hours of floating holiday shall have no cash value and may not be used towards CalPERS retirement service credit as outlined 4.13 of the Unrepresented Employees Manual.
Additional language on Layoffs for the Term of the Agreement	NEW LANGUAGE: The City recognizes the important role that the employee workforce plays in delivering public services; therefore, during the period ending June 30, 2021 the City agrees to not layoff any Unrepresented career employees. However, should the City determine that its expenditures exceed its revenues during the period ending June 24, 2021, the City may notice the Unrepresented group in writing and the Unrepresented group shall be provided an opportunity to meet and discuss one-time cost savings and alternatives such as furloughs, VTO, etc. Nothing in this section requires the City to retain positions (filled or vacant) where state, federal or grant funding has been reduced or eliminated and would require the City to backfill such positions. All other provisions on Layoffs remain unchanged.
Provisional Employee	No employees shall hold a provisional appointment in the same position for more than 12 months. The City Manager may extend the provisional appointment beyond this 12- month limitation with the mutual agreement of the parties.
Limited Reopener	If during the fiscal year 2020 -2021 the City reaches agreement with SEIU or extends to other unrepresented employees an opportunity to confer on an across the board Cost of Living Adjustment (COLA) increase and/or an additional City contribution towards medical premiums, the City agrees to a limited reopener to meet and discuss with the Unrepresented group on these increases.

13.33 Summary of July 2023 Changes to the Unrepresented Employee Manual

- Add second sentence to section 1.6.
- Add sections 3.3.6, 3.3.7, 3.3.8, and 13.26.2.
- Add “group” to section 13.4.
- Add “Office Specialists III” to section 13.19.
- Revise section 13.29.

13.34 Summary of March 2024 Changes to the Unrepresented Employee Manual

- Add Section 1.16 – Employee Relations Manager Salary Differential.
- Add Deputy Police Chief to Sections 13.10 and 13.13 (Retiree Medical); modify Section 13.13 to include training and POST certification differentials for Police Chief and Deputy Police Chief.
- Add Assistant to the City Attorney and Employee Relations Manager to at-will classifications (Section 13.18).

13.35 Summary of June 2024 Changes to the Unrepresented Employee Manual

- Revise Section 1.15.1 – Salary Resolution.
- Revise Section 5.1 – Holiday to add Cesar Chavez Day.
- Revise Section 8.1 – Medical-Dental Insurance to add vision insurance.
- Revise Section 13.25 and 13.26 – Longevity to advance the effective year from the end of 19 years of service to the end of 14 years of service.

13.36 Summary of February 2025 Changes to the Unrepresented Employee Manual

- Revise Sections 1.6, 2.3, 6.1, 6.4, 7.1, 7.2, 10.8.1, 10.9.1, 10.13, 11.2, 12.2, 13.1, 13.31.2, and 13.31.3 to assign authority over City Attorney’s Office to City Attorney, pursuant to Measure KK.
- Revise Section 8.4.6 to reflect Council action in January 2024 eliminating cost-share
- Add Section 10.2.1 - Layoffs in City Attorney’s Office, pursuant to Measure KK.
- Revise Section 3.3.5 to authorize City Attorney to make determinations on vacation accrual for City Attorney’s Office.
- Revise Section 12.5 to require that the City Attorney be notified of appeals by employees under Article 12.
- Revise Section 13.19 to add the Accounting Office Specialist III, Program Manager II and Communications Specialist classifications to the list receiving the differential.
- Revise Sections 13.25 and 13.26 to clarify that longevity benefit changes in July 2026.

13.37 Summary of December 2026 Changes to the Unrepresented Employee Manual

- Revise documents throughout to replace FUND$ employee designations with ERMA designations.
- Removed the following outdated sections: 1.14, 1.15, 6.4 – 6.7. 13.24, 13.30
- Updated sections 3.3.6 and 3.3.7 to include actual vacation accrual rates.
- Update 3.6 such that vacation leave may be used before retirement with certain approvals.

- Add 5.7 to clarify that all holidays and floating holidays are valued at 8 hours.
- Update 6.1 to reflect Bereavement Leave language in miscellaneous MOUs.
- Update 6.2 to reflect remote “on-call” Jury Duty systems.
- Update 8.8 to specify Public Safety Uniform Allowance Amounts and bring them in line with underlying MOUs.
- Update 13.10.1 language to more accurately conform with current practice for retiree medical eligibility.
- Revise sections 13.12, 13.26.1, and 13.29 to specify exact benefits for Fire Management employees mirroring the BFFA contract.
- Revise Section 13.26.2 to specify exact benefits for Police Management employees mirroring the BPA contract revising the benefit effective January 2027.
- Update Appendix to Article 13 – Miscellaneous Provisions
- Added FUND$ vs ERMA Bargaining Unit Crosswalk Appendix

Unrepresented Manual
FUND$ vs ERMA Bargaining Unit Crosswalk Appendix

The following FUND$ employee designations and their ERMA equivalents are listed below. The FUND$ designations were updated in the November 2026 update.

FUND$ B/U	ERMA B/U
Z1	UNRO - UNREP POLICE/FIRE/DEP - CHIEF
Z1	UNR1 - UNREP CONFIDENTIAL MGMT
Z2, Z3, Z5	UNR2 - UNREP CAREER PROF/CLERICAL
Z9	UNR3 - UNREP RENT BOARD DIR/DEP DIR
INACTIVE IN ERMA	UNR4 - LEGISLATIVE ASSISTANT
Z4	UNR5 - UNREP NON-CAREER NON-BENFITTED
ADDED IN ERMA FOR PARAMEDICS	UNR6 - UNREP CAREER SAFETY
Z6	CSLA
X	MC03
X1 & X2	UNR5



City of Berkeley

Unrepresented Employee Manual

~~February 20, 2025~~November 2026

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~~RESOLUTION NO. 71,409-N.S.~~

~~UNREPRESENTED EMPLOYEE GROUP SALARIES, LONGEVITY DIFFERENTIAL, AND VISION INSURANCE (2024-2027)~~

~~WHEREAS, the Unrepresented Employee Group salaries and benefits have traditionally mirrored the City's economic agreement with the Service Employees International Group (SEIU) Local 1021 Maintenance & Clerical Chapters in order to maintain internal equity and external competitiveness; and~~

~~WHEREAS, in a separate agenda item, the City Council will be considering salary and benefit adjustments for SEIU Local 1021 Maintenance & Clerical Chapters; and~~

~~WHEREAS, the City Manager is recommending similar changes in salary and benefit adjustments for the Unrepresented Employee Group.~~

~~NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to revise and execute a new Unrepresented Employee Manual and effectuate' the following changes for the Unrepresented Employee Group: (1) COLA Increases: 6.0% wage increase effective the start of the first full pay period after Council adoption; a 4.0% wage increase effective the first full pay period in July 2025; and a 4.5% wage increase in the FY 2026-2027 fiscal year, of which 2.5% will be effective the first full pay period in July 2026 and 2.0% will be effective the first full pay period in January 2027; (2) Longevity Pay: effective the first full pay period in July 2026, the longevity pay structure will be modified to provide 3% longevity pay beginning with the 15th year of service; (3) Holiday: the last Monday in March will be observed as Cesar Chavez Day.~~

~~BE IT FURTHER RESOLVED that since the City's tentative agreement with SEIU-MC envisions modest modifications to differentials and allowances that would not apply to Unrepresented employees, members of the Unrepresented Employee Group with career, benefited status shall have vision insurance added as a benefit effective January 2025.~~

~~BE IT FINALLY RESOLVED that the Council of the City of Berkeley approves, and the City Manager is hereby authorized to effectuate, a new Classification and Salary table for Unrepresented Employee Group classifications that implement the salary adjustments reflected in the new Unrepresented Employee Manual and supersede prior salary resolutions.~~

The foregoing Resolution was adopted by the Berkeley City Council on June 25, 2024 by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, Wengraf, and Arreguin.

Noes: None.

Absent: None.

Susan Wengraf, Mayor Pro Tempore

Attest:
Mark Numainville, City Clerk

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UNREPRESENTED EMPLOYEE MANUAL

This document establishes the rules governing benefits and working conditions, which are in effect for Unrepresented employees which have been approved by the City Council of the City of Berkeley.

This Unrepresented Employment Manual provides the personnel policies and procedures that affect the working conditions and benefits of unrepresented employees in the City of Berkeley. For purpose of categorization, all classifications are designated by a representation unit. Unrepresented employees are in classifications included in representation units - UNR0, ~~Z-1~~ UNR1; ~~Z-2~~ UNR2; ~~Z-3~~ UNR2; ~~Z-9~~ UNR3; ~~X~~; and ~~X-1~~ UNR5, as noted in the City's Classification/Salary Resolution. The working conditions and benefits for represented employees are contained in their respective memoranda agreements. Rules, which describe general policies of the City's personnel system, are found in the City of Berkeley Personnel Rules and Regulations.

ARTICLE 1 - SALARY, OTHER PAY AND OVERTIME

1.1 Intent

This Section (Salary, Other Pay and Overtime) is intended only to define the normal hours of work and the time for which salary shall be paid, and to provide the basis for the calculation of overtime pay. Nothing in these rules shall be construed as a guarantee of hours of work per day or per week, or of days of work per week. The City's pay records, practices and procedures shall govern the payment of all wages.

1.2 Hours and Days of Work

Hours and days of work shall be governed by rules established by the City.

1.3 Workweek

The workweek shall consist of seven days beginning at 12:01 a.m. on Sunday to and including 12:00 midnight the following Saturday.

1.4 Regular Workweek

The regular workweek shall consist of forty hours of work within the workweek.

1.5 Payment of Salaries

Payment of salaries shall be bi-weekly and shall cover a pay period of two (2) consecutive workweeks. Each payment shall be made not later than Friday following the ending of each payroll period and shall include payment for all earnings reported during the previous payroll period.

1.6 Salary Ranges without Salary Steps

In those classes of positions for which a salary range is established without a designation of salary steps, the City Manager (or, in the case of the City Attorney's Office, the City Attorney) is authorized to fix the salary rate at any point within the established salary range. Subsequent increases, if approved by the City Manager (or, in the case of the City Attorney's Office, the City Attorney), shall be effectuated at the start of the pay period closest to the employee's anniversary date (defined as the date of hire into the employee's current classification).

1.7 Automobile Allowances

In addition to the salaries provided in the salary resolution, employees may be reimbursed for the use of automobiles owned by employees of the City of Berkeley and used on City business, as authorized by the City. Current automobile allowances are appended to this Manual, as shown in the Appendix, Section 13.27 (Automobile Allowance).

1.8 Mandatory Professional Fees and Licenses

The City will assume full payment of the mandatory professional fees and licenses required by employees in the following unrepresented classes in order to maintain their continued employment with the City of Berkeley as listed as a minimum requirement in the relevant job classification:

City Attorney
Director of Public Works
Deputy Director of Public Works (Registered)
Audit Manager
Assistant City Attorney
Deputy City Attorney I-IV
Staff Attorney I-III
Medical Director
Health Officer
Supervising Psychiatrist
Veterinarian

Thie City Manager may authorize additional professional fee and license payments as necessary.

1.9 Bilingual Pay

Employees appointed to positions requiring bilingual abilities, including Braille and sign language shall receive additional compensation as established by the City Council. Only those employees who possess second language competency, can demonstrate second language competency, and are serving in a position requiring competency in that particular language are entitled to receive the bilingual premium pay. The current level of approved compensation and procedures for qualifying and receiving bilingual pay are appended to these Rules, as shown in Appendix, Section 13.3 (Bilingual Premium Pay).

1.10 Overtime for FLSA Non-Exempt Employees

All employees who are covered by the overtime provisions of the Fair Labor Standards Act are designated as "FLSA non-exempt employees." Unless otherwise required by the Fair Labor Standards Act, all FLSA non-exempt employees, and employees in the classification of Battalion Chief, who are required to work in excess of ~~their regular workweek~~their regular schedule ~~-~~shall be paid overtime compensation at the rate of one and one-half times the ~~straight~~ regular time rate based upon the regular monthly salaries or shall be given compensatory time off in lieu of payment at the rate of one and one-half hours off with pay for each overtime hour worked. The following provisions regarding overtime apply only to FLSA non-exempt employees and do not apply to FLSA exempt employees. FLSA non-exempt employees, temporarily promoted to FLSA exempt classifications, will be ineligible for overtime compensation for the duration of the appointment.

1.10.1 **Manner of Compensation:** An employee may be compensated for overtime by either compensatory time off or by payment; the method of overtime compensation shall be agreed upon by the employee and the

supervisor at the time of obtaining approval to work overtime.

1.10.2 **Pre-Authorization:** No employee may work overtime without the express prior approval of his or her department head.

1.10.3 **Accrual Limit on Compensatory Time:** Compensatory time shall not accumulate in excess of sixty (60) overtime hours worked which is the equivalent of ninety (90) hours of compensatory time. Overtime accumulation in excess of sixty (60) hours shall be paid as compensation.

1.10.4 **Use of Compensatory Time:** All use of compensatory time off must be approved, in advance, by the employee's department head, on forms provided by the City.

1.10.5 **Effect of Termination on Compensatory Time:** An employee is entitled to compensation for any accumulated overtime upon resignation or termination.

1.11 Emergency Overtime

All FLSA non-exempt employees who are called to duty from their living quarters outside of their regular work hours and work days shall be paid emergency overtime compensation for the actual time worked provided, however, that each employee shall be paid a minimum of two (2) hours pay for emergency overtime unless such emergency overtime work is performed prior to the beginning of his or her work regularly scheduled work period without a break in service in which case, compensation shall be paid only for the actual time worked.

1.12 Shift Differential

All unrepresented FLSA non-exempt employees (except for Police Aides) who regularly work a shift of eight hours or more, which includes more than four hours between the hours of 5:00 p.m. and 12:00 a.m., or between 12:00 a.m. and 7:00 a.m., are paid a shift differential in addition to their regular base rate of pay in an amount established by the City Council. The current shift differential rate paid to unrepresented employees is in the Appendix to this Manual.

1.13 Fifty-Six (56) Hour per Week Work Schedule Leave Conversion Factor

The conversion factor for Fire Management employees accruing and using vacation leave, sick leave or sick leave bonus bank of hours is as shown below. The intent of the parties is to have the dollar value of the vacation leave, sick leave or sick leave bonus bank of hours accrued be the same whether an employee is assigned to a fifty-six (56) hour per week schedule or a forty (40) hour per week schedule.

1.13.1 **Leave Accrual for 56 Hour per Week Schedule:** Vacation leave, sick leave or sick leave bonus bank of hours accrued on a fifty-six (56) hour per week scheduled is converted to a forty (40) hour per week schedule by multiplying number of hours of vacation leave or sick leave accrued by the conversion factor of 0.7143.

1.13.2 **Leave Accrual for 40 Hour per Week Schedule:** Vacation leave, sick leave or sick leave bonus bank of hours accrued on a forty (40) hour per week scheduled is converted to a fifty-six (56) hour per week schedule by multiplying number of hours of vacation leave accrued by the conversion factor of 1.4.

~~1.14 One-Time Allocation~~

~~Employees in Units Z-1 UNR, Z-2 UNR, Z-3, Z-6 and Z-9 UNR3 who are in paid status as of July 29, 2018 will receive a one-time allocation of $2,000.00 (prorated for part-time employees) on August 17, 2018, minus applicable local, state and/or federal taxes.~~

~~1.15 Payroll Specialty Pay~~

~~City shall provide ("payroll clerks") identified by the City in Unrepresented Employees a one-time lump sum payment of $500.00 effective the first full pay period after Council adoption of this successor agreement and a second $500.00 one-time lump sum payment the first full pay period in January 2022 for only those employees in the Accounting Office Specialist III classification. Such payments are subject to applicable payroll taxes and will not be considered pensionable salary. At the time of each payment, employee must be still employed by the City and must still be in the Accounting Office Specialist III classification. Employees working less than full-time (40 hours per week, 2,080 hours per year) shall receive a pro rata share of the one-time lump sum payment based on the number of hours they are assigned to work. For example, an employee working 30 hours per week, shall receive 75% of the one-time lump sum payment ($375 effective the first full pay period after Union ratification and Council adoption of this successor agreement and $375.00 the first full pay period in January 2022).~~

~~1.15~~1.13.3 Salary Resolution

Effective the first full pay period in July 2024 after Council adoption on its regular agenda, the salary ranges for those classifications covered by this Manual shall receive a salary increase of six percent (6.0%).

Effective the first full pay period in July 2025, the salary ranges for those classifications covered by this Manual shall be increased by four percent (4.0%)

Effective the first full pay period in July 2026, the salary ranges for those classifications covered by this Manual shall be increased by 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 Manual as listed in Exhibit A shall be increased by two percent (2.0%).

~~1.16~~1.14 Employee Relations Manager Salary Differential

The Employee Relations Manager in the Human Resources Department shall receive a 5% salary differential.

ARTICLE 2 - PROBATIONARY PERIOD

2.1 Length of Probationary Period

All original and promotional appointments to positions in the career service shall be tentative and subject to a probationary period. The length of the probationary period shall be determined for each class by the City Council. However, the length of the probationary period shall not be less than six months of actual service (1040 hours) or more than two years of actual service (4160 hours). A six (6) month probationary period must be completed in no more than one (1) year. A one (1) year probationary period (2080 hours) must be completed in no more than two (2) years. A two (2) year probationary period must be completed in no more than three (3) years. A current schedule of probationary periods for unrepresented classes is appended to this Manual, as shown in Appendix, Section 13.16 (Probationary Periods for Unrepresented Classifications).

2.2 Objectives of Probationary Period

The probationary period shall be regarded as a part of the selection process and shall be used to closely observe and evaluate the employee's work, to secure the most effective adjustment of a new employee to his or her position, and to eliminate any probationary employee whose performance does not meet the required standards of work.

2.3 Rejection of Probationers

During the probationary period, an employee may be rejected from employment at any time by the City Manager (or the City Attorney, in the case of the City Attorney's Office) without cause and without the right of appeal.

2.4 Rejection during Probationary Promotion

An employee rejected during the probationary period following a promotional appointment shall be reinstated to the classification from which he or she was promoted unless charges are filed and he or she is discharged in the manner provided in the Personnel Ordinance and these rules.

ARTICLE 3 - VACATION

3.1 Vacation Leave

All benefitted employees shall be entitled to annual vacation leave subject to the provisions in this chapter.

3.2 Vacation Approval

All vacations must be approved, in advance, by the employee's department head, on forms provided by the City.

3.3 Vacation Accrual

3.3.1 **Full Time Benefitted Employees:** During the first two (2) calendar years of employment, all full time benefitted employees shall be entitled to take only such annual vacation leave as the employees earn based on their continuous length of service measured from the date of hire. After two (2) years of service, employees may request, and upon approval, take up to a maximum of two (2) weeks of their annual vacation, in advance of actual earning. Approval of requests for advance vacation shall be solely at the discretion of management.

Vacation accrues according to schedules established by the City Council and can vary for different groups of employees. The current vacation schedules for full time unrepresented employees are in the Appendix to this Manual.

3.3.2 **Part Time and Temporary Employees**: Benefitted part-time employees working a minimum of twenty (20) hours per week accrue vacation benefits on a pro rata basis. Employees who work less than twenty (20) hours per week and temporary employees, unless otherwise authorized, do not accrue leave benefits

3.3.3 **Accrual of Vacation Credits**: Vacation leave credits are only accrued for each straight time hour for which the employee is paid.

3.3.4 **Effect of Extended Leave on Vacation Accrual**: An employee who has returned from extended military leave or an extended authorized leave of absence without pay of six (6) months or more or who has been re-employed or reinstated shall be entitled, during the calendar year in which the employee returns to the City service, to earn vacation according to a schedule based upon the total years in the career 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, the employee's vacation leave shall accrue as provided in this Manual.

3.3.5 **New Hire Vacation Accrual**: For new hires, the City Manager may authorize vacation accrual at a higher rate, up to the maximum accrual rate, depending upon the paid leave accrual of the potential employee at his or her present employer. The new hire must be able to document his or her current paid leave accrual, which has been earned for general use, such as vacation. The waiting period to advance to the next accrual rate would be the actual number of years between the respective accrual levels. The City Attorney may authorize vacation accrual at a higher rate for new employees of the City Attorney's Office and may increase the rate of vacation accrual for existing employees of the City Attorney's Office.

3.3.6 **Vacation Accrual for ~~Unit Z1~~ UNR0 Police Chief and Deputy Police Chief**: The vacation accrual rate for the Police Chief and Deputy Police Chief classifications will provide the same benefits as the vacation accrual for represented sworn police employees under the Berkeley Police Association (Units E & F) Memorandum of Understanding, as follows:~~:~~

Years of Service	Vacation Accrual
The first (1) through third (3) years of service	80 work hours
Fourth (4) through eleventh (11) years of service	120 work hours
Twelfth (12) through seventeenth (17) years of service	160 work hours
Eighteenth (18) through twentieth (20) years of service	200 work hours
Twenty-first (21) and subsequent years of service	240 work hours

3.3.7 **Vacation Accrual for ~~Unit Z1~~ UNR0 Fire Chief and Deputy Fire Chief**: The vacation accrual rate for the Fire Chief and Deputy Police Chief classifications will provide the same benefits as the vacation accrual for represented sworn fire employees under the Berkeley Fire Fighters Association (Units B) Memorandum of Understanding, as follows: ~~:~~

Years of Service	Vacation Accumulation	
	56 Hours	40 Hours
Through the first five (5) years of service	144 hours	80 hours
Six (6) through eleven (11) years of service	216 hours	120 hours
Twelve (12) through eighteen (18) years of service	288 hours	160 hours
Nineteen (19 through twenty-four (24) years of service	360 hours	200 hours
Twenty-five (25) and subsequent years of service	432 hours	240 hours

3.3.8 The classifications identified within Sections 3.3.6 and 3.3.7 shall be allowed to participate in the annual vacation leave sell back to the extent such rights are afforded to the bargaining units they supervise in their respective memoranda of understanding.

3.4 Vacation Scheduling

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. If the requirements of the service are such that a department head cannot permit the employee to take an annual vacation leave or any part of such leave within a particular calendar year, the employee may accrue vacation according to Section 3.3 (Vacation Accrual) of this Manual.

3.5 Maximum Vacation Accumulation

Employees may defer vacation earned up to a maximum cumulative total of eight (8) weeks. An employee who has attained maximum accumulation may be required to take all excess earned vacation at the option of the City. Not later than October 1 of each year, the City will advise employees who have attained a maximum accumulation of vacation whether such excess earned vacation must be scheduled as time off prior to March 31. Such time off shall be scheduled in accordance with the provisions of Section 3.2 (Vacation Approval).

The City shall require all employees to reduce their accrued vacation balances to no more than 320 hours, as of the last pay period in February of each year. To effectuate the requirement that employees not accrue more than 320 hours vacation leave, no later than November 15 of each year the City will provide Department Heads with a report identifying all employees who have accrued two hundred and eighty (280) hours of vacation leave and appear in danger of exceeding the 320 hour limit.

Employees who have accrued 280 hours of vacation leave, as of that date, will be advised by their supervisor that they must take vacation leave to reduce their vacation leave accrual by February of the following year.

Supervisors should be flexible in granting employee vacation requests to those employees above, or approaching the 320 hours limit, and further, that with regard to employees who are in danger of exceeding the 320 hour limit, no vacation request by such an employee shall be unreasonably denied. If an employee who is in danger of exceeding the 320 hour limit ~~fails~~ does not ~~by December 31 to~~ schedule a vacation by December 31 to be taken before the last pay period in February, the City has the authority to direct the employee to go on vacation leave to reduce the employee's accrued vacation.

If, due to operational necessity, a department head denies an employee vacation leave and does not provide the employee with an alternate vacation date, and as a result causes the employee to exceeds the 320 vacation leave limit, said employee shall nonetheless be entitled to use that vacation leave in the next calendar year to the extent necessary to reduce their accrued vacation to not more

than 320 hours. Under no circumstances will the City liquidate any vacation leave balances for any employee during employment.

3.6 Vacation Leave before Retirement

Accumulated vacation shall not be used immediately prior to retirement without department head approval, which has the effect of extending the date of retirement, but shall be paid out in full upon retirement. Vacation leave in excess of 30 calendar days used immediately prior to retirement must be approved by the City Manager.

3.7 Vacation Leave in Lieu of Sick Leave

Except for absences that qualify for benefits under Administrative Regulation 2.4 (Family Care Leave) Vacation leave shall not be used in lieu of accrued sick leave for absences due to illness. If accrued sick leave is exhausted, vacation leave may be used for absences due to illness, only if such leave is approved by the employee's department head.

3.8 Payout upon Termination or Extended Unpaid Leave

Upon termination, including death, extended military leave or other extended leave without pay, an employee or his or her estate shall be paid for all accrued unused vacation leave at the employee's base rate at the time of his or her termination, and such employee or his or her estate shall reimburse the City for any vacation leave taken before it had accrued, in accordance with provisions established by the City Manager.

3.9 Holidays Occurring during Vacation

If an observed City holiday occurs during an employee's scheduled vacation, no deduction from accrued vacation will be made for the holiday period.

ARTICLE 4 - SICK LEAVE

4.1 Eligibility

All full-time benefitted employees are eligible for one (1) sick leave day (eight [8] hours) per month of service, except that the Police Chief hired before September 11, 2012 is eligible for two (2) sick leave days for each month of service during the twenty-first (21) year of employment and thereafter. Employees in the classifications of Fire Chief and Deputy Fire Chief shall be credited with two (2) sick leave days for each month of service during the seventeenth (17th) year of employment and thereafter. Part time benefitted employees are eligible to accrue sick leave on a pro rata basis.

4.2 Sick Leave ~~Not a Privilege~~

Sick leave ~~shall not be considered a privilege, which an employee~~ may be used at an employee's ~~his or her~~ discretion, but shall be allowed only in the case of his or her sickness or disability or in the case of illness within the defined family of the employee.

4.3 Family Sick Leave

As of January 1, 1999, employees may use up to fifteen (15) working days of accrued sick leave in a calendar year to care for a family member, limited to one of the following: a legal dependent, parent, spouse, son, daughter or domestic partner.

4.4 Notice to Department Head

In order to qualify for sick leave benefits, the employee shall notify his or her department head or designee prior to or within two (2) hours after the time set for the beginning of the employee's daily duties, or as otherwise required by the department head. Leave for non-emergency medical appointments shall be requested as far in advance of the workday as practicable.

4.5 Medical Verification

The City of Berkeley retains the right to request a verification from a licensed medical practitioner under appropriate circumstances which include (1) showing that an employee's illness or disability has started or ended, before the City will allow an employee to take a leave or to return from leave, (2) showing regular updates during a medical leave of absence regarding the employee's medical status and the date the employee expects to return to work, (3) where reasonable cause exists to believe that the employee is not medically fit to perform the essential functions of the job or that the employee cannot perform the job without endangering the health and safety of the employee or others, and (4) where reasonable cause exists to believe that the employee is abusing sick leave or family sick leave. Sick leave pay may be withheld if a satisfactory verification is not received.

4.6 Injury Incurred in Outside Employment

No sick leave shall be allowed for time off for an injury incurred while working for another employer, provided that the injury is covered by California's workers' compensation law or by provisions of the other employer granting payment for time off because of the injury. In the event the injury is not covered either by the workers' compensation law or by the other employer's provisions, sick leave will be granted in accordance with this chapter only if the outside employment had been authorized by the City before the injury occurred.

4.7 Bonus for Unused Sick Leave

For every six (6) months of perfect attendance, the employee will receive eight (8) hours of bonus time. "Perfect attendance" means the employee has not received sick leave or salary continuation benefits and has not taken or been placed on leave without pay. Benefitted part time employees will receive sick leave bonus time on a pro rata basis. Sick leave bonus can be used for any leave purpose authorized by this Manual.

4.8 Accumulation of Sick Leave

Employees may accumulate sick leave up to a maximum of two hundred (200) days (1600 hours) except for the classifications named below.

The Police Chief and Fire Chief may accumulate sick leave in excess of the 1600-hour limit by 100 hours per year.

4.9 Payout for Excessive Sick Leave for Employees Hired on or Before June 30, 2013

All employees, except employees in the classification of Deputy Fire Chief hired on or before June 30, 2013 in the career service who regularly work one-half time or more who have attained the two hundred (200) 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 days (or if earning sick leave at the rate of two (2) working days each month of service, one-third (1/3) of the first twenty-four (24) days of sick leave days), for which sick leave days they become eligible, they do not use and they would otherwise forfeit because of the two hundred (200) 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 the first full pay period in January. Such payment shall be at the employee's salary rate in effect on the preceding December 31, and shall be made only in units of whole days and will not be made for any fraction of a day.

4.9.1 **Deputy Fire Chief:** For employees in the classification of Deputy Fire Chief, the following provisions shall apply. In each year following that 1200 hour base year, the employee may, on a form provided by the City, elect to receive pay for excess sick leave or may elect to increase his or her sick leave accumulated base by the 96 hours and take any additional

excess sick leave in pay at the following prescribed rate: employees who choose to increase their sick leave accumulated base by the 96 hours will receive 50% pay off rate in March; employees who choose to receive pay out for excess sick leave over the base, and do not exercise the option of increasing their accumulated sick leave base by 96 hours in any particular year, will be paid for excess sick leave at the 38% pay off rate in March.

Forms, provided by the City along with projected excess sick leave balances, shall be distributed to affected employees by February of each year and shall be returned to the City by February 15th. If an employee uses part of an established "sick leave maximum accumulation level", the employee may replenish the used portion at the applicable rate.

Determination of eligibility for such payment shall be made on an annual basis, and payment for such sick leave for any calendar year shall be made during the month of March each year. Such payment shall be made at the employee's regular monthly salary rate in effect on the last day of the first pay period to end in March. An employee shall be eligible for this provision whether or not the employee is on the payroll as of the last day of the first pay period to begin and end in March.

4.9.2 **Police Chief and Fire Chief Hired on or before June 30, 2013:** For the Police Chief and Fire Chief hired on or before June 30, 2013, the maximum sick leave accrual allowed shall be adjusted at the rate of 100 additional hours per year above the 1600-hour limit. The employee may elect to receive pay for the excess sick leave or may elect to increase the base by 100 hours, in each subsequent year. Payment for excess sick leave is prescribed at 1/3 of the excess leave balance.

4.10 Effect of Leave without Pay on Sick Leave Accrual

Sick leave will not accrue during any period of absence without pay. Sick leave credits are accrued on the basis of actual straight time hours worked or paid, based on a forty-hour workweek.

4.11 Accrued Sick Leave Canceled Upon Termination

Except as otherwise provided under the CalPERS conversion of sick leave retirement credit benefit (California Government Code Section 20965) and the other exceptions set forth below, all accrued sick leave shall be canceled upon termination of an employee. Such leave shall be credited back to the employee if the employee returns to City employment within two (2) years of termination except as otherwise provided by the City Council, or within three (3) years of termination if re-employed under the City's Layoff Policy provided in this Manual.

4.11.1 **CalPERS Miscellaneous Members, Chief of Police Hired on or before June 30, 2013 Sick Leave Payout**: For CalPERS

Miscellaneous members and Chief of Police hired on or before June 30, 2013 who voluntarily separate from service with a vested pension and at least twenty (20) years of benefitted City of Berkeley service or to employees retiring on permanent disability arising out of and incurred in the course and scope of their employment with the City shall be entitled to liquidate a portion of their accrued but unused sick leave as follows: Upon termination, employees with between twenty (20) years and twenty-eight (28) years of benefitted City of Berkeley service shall be entitled to receive payment in an amount equal to 38% of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days.

All employees hired on or after July 1, 2013 shall not be eligible for payment of any unused sick leave days.

Employees hired on or before June 30, 2013 who voluntarily separate from service with a vested pension and at least twenty-eight (28) years of benefitted 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 years of benefitted City of Berkeley service, shall be entitled to receive payment in an amount equal to 50% of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days. Employees hired on or after July 1, 2013 shall not be eligible for payment of any unused sick leave days.

4.11.2 **Fire Chief and Deputy Fire Chief Hired on or before June 30, 2014 Sick Leave Payout:** For employees hired on or before June 30, 2014 in the classification of Fire Chief and Deputy Fire Chief who retire or voluntarily terminate with twenty (20) years of service or who retire on permanent disability arising out of and incurred in the course and scope of their employment with the City, shall be entitled apply any portion of the value defined by the table below of the sick leave accrual to the City of Berkeley Deferred Compensation Plan up to allowable IRS limits, the City of Berkeley 401(a) Supplemental Retirement Plan, the City of Berkeley SRIP II Plan, apply accrued sick leave hours to service credit in accordance with the City's agreement with CalPERS, or absent such election, the City shall implement the sick leave transfer to the employee's Medical Trust account at retirement or termination of unused sick leave days, based on the following schedule: ~~to receive payment at retirement or termination of unused sick leave days, based on the following schedule:~~

Number of Days	% of Payment
0-~~75~~ 74 Days	38%
75-99 Days	41%
100-124 Days	44%
125-149 Days	47%
150 Days and over	50%

Employees in classifications identified in this Section 4.11.2 (Fire Chief

and Deputy Fire Chief Hired on or before June 30, 2014 Sick Leave Payout) hired on or after July 1, 2014 shall not be eligible for payment of any unused sick leave days.

4.12 City of Berkeley Supplemental Retirement Plan [Termination 401(a)]

Employees who retire on a vested pension shall be eligible to participate in the City of Berkeley Supplemental Retirement Plan. The Supplemental Retirement Plan provides for negotiated required roll-forwards of accrued but unused leave, and also permits the City to do a “tax pick-up” of employee contributions under Section 414(h)(2) of the Internal Revenue Code. A tax pick-up works through an irrevocable payroll deduction authorization, on an individual by individual elective basis, to contribute accrued but unused sick leave, vacation leave, compensatory time, floating holiday and bonus sick leave into an Internal Revenue Code 401(a) defined contribution plan. The Supplemental Retirement Plan Document shall govern administration of the Plan.

4.13 Accrued Sick Leave Applied to CalPERS Retirement Credit

The conversion of unused sick leave to retirement credit benefit under Government Code Section 20965 offered by CalPERS as an optional benefit to contracting agencies shall be made available to employees who retire with a vested pension.

4.14 Sick Leave Benefits and State Disability Insurance

Employees may use their accrued sick leave benefits during the normal seven day period before the eligible employees are paid benefits from State Disability Insurance. Following the seven day period, an employee will continue to receive accrued sick pay until exhausted and then, upon approval by the department head, accrued vacation or compensatory pay, less the disability benefits actually received.

4.15 Workers’ Compensation and Salary Continuation

Workers' compensation payments shall commence in accordance with State law, on the fourth day following an industrial injury, unless the employee is hospitalized in which case payment commences on the first day of injury. For the purpose of this Section (Workers’ Compensation and Salary Continuation), "hospitalized" means confinement.

For all career and regular at-will employees who are receiving or shall receive workers' compensation benefits for an industrial injury, the City will pay retroactive compensation benefits to the eligible employee for the normal three day waiting period before the employee is paid workers' compensation benefits for temporary disability pursuant to California law governing the industrial injury or illness.

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 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 shall cease to pay the difference.

4.15.1 Salary Continuation Benefit

1. New Accepted Claim with Overlapping Previously Accepted Injury - Where an Employee sustains a subsequent industrial injury as part of a new accepted workers' compensation claim that includes a previously accepted body part in the same five (5) year period, Employee shall be entitled to a period of time not to exceed 183 days of Salary Continuation Benefits.
2. New Accepted Claim with No Overlapping Previously Accepted Injury - Where an Employee sustains another industrial injury resulting in a new accepted workers' compensation claim within the same five (5) year period that does not include a previously accepted body part, the Employee's new accepted claim shall be entitled to a period of time not to exceed 365 days of the Salary Continuation Benefit.
3. New Accepted Claim for Same Previously Accepted Injury after Five (5) Years - Where an Employee sustains an industrial injury to a previously claimed body part after five (5) years from the initial Date of Injury, the Employee shall be entitled to a new period of time not to exceed 365 days of the Salary Continuation Benefit. In effect, after five (5) years from the initial Date of Injury, the benefit resets with respect to a previously claimed body part.
4. Workers' Compensation Medical Appointments and Salary Continuation - For the purposes of the Salary Continuation Benefit, effective January 1, 2019, the City shall calculate absences from work to attend medical appointments for the treatment of an accepted industrial injury in one (1) hour increments for the purposes of running against the maximum 365 days of Salary Continuation.

4.16 Sick Leave Accrual for Department Heads and Deputy City Managers

At the time of appointment of new hires in regular at-will department head classifications and Deputy City Managers, the City Manager may authorize credit for accrual of sick leave based on sick leave accrual with a prior employer in an amount that does not exceed four weeks of sick leave credit.

ARTICLE 5 - HOLIDAYS

5.1 Holidays

The City observes the following holidays and provides all full time regular, at-will and career employees.

Holiday	Day Observed
New Year's Day	January 1 or observed weekday
Martin Luther King, Jr.'s Birthday	Third Monday in January
Lincoln's Birthday	February 12 or observed weekday
Washington's Birthday	Third Monday in February
~~Cesar Chavez Day~~City ~~Holiday~~Farmworkers Day	Last Monday in March
Malcolm X's Birthday	Monday or Friday nearest May 19
Memorial Day	Last Monday in May
Juneteenth	June 19 or observed weekday
Independence Day	July 4 or observed weekday
Labor Day	First Monday in September
Indigenous People's Day	Second Monday in October
Veterans' Day	November 11 or observed weekday
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas	December 25 or observed weekday

5.2 Floating Holidays

Full time, regular at-will, and career employees who have worked for the City six (6) months or more shall be granted three (3) floating holidays each calendar year. Employees may take floating holidays in one (1) hour increments. Employees who terminate employment within the first six (6) months of initial employment shall not be eligible for payout of any accrued but unused floating holiday.

In the first calendar year of employment, employees shall be granted prorated floating holidays as follows:

Date of Hire	Number of Floating Holidays
Hired January 1 - April 30	3 days
Hired May 1 - August 31	2 days
Hired September 1- December 31	1 day

All use of floating holidays must be approved, in advance, by the employee's department head, on forms approved by the City. The days on which the employee shall take his or her floating holiday(s) 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. If the requirements of the service are such that a department head

cannot permit the employee to take the floating holiday(s) within a particular calendar year, the employee shall add the unused floating holiday(s) to the employee's accrued vacation according to Section 3.5 (Maximum Vacation Accumulation).

5.3 Eligibility

In order to be eligible for holiday pay, an employee must be on paid leave status on his or her regularly scheduled workdays before the holiday.

5.4 Part-Time Employee Eligibility

Benefitted part time employees are eligible for holiday benefits on a pro rata basis.

5.5 No Work on the Holiday

Employees in the career service who are not scheduled to work on the day observed as a holiday will be granted an alternative scheduled holiday. The alternative holiday must be scheduled, by the department head, during the same workweek.

5.6 Work on the Holiday

FLSA non-exempt benefitted employees who work on a scheduled holiday shall be paid at one and one-half times their normal base rate for all hours worked or shall be granted the equivalent amount of compensatory time off. In either event, the holiday pay shall be in addition to the employees' regular salary.

5.7 Eight Hour Value

Each designated holiday or floating holiday shall be valued at eight (8) hours regardless of the employee's regular work schedule or scheduled hours on the holiday.

ARTICLE 6 - OTHER PAID LEAVES OF ABSENCE

6.1 Family Bereavement Leave

Any benefitted employee who experiences a death in the immediate family is ~~granted~~shall be entitled to remain absent from duty with pay in order to grieve the passing of a loved one, for a period not to exceed 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 attending a service outside the State of California, all five (5) working days shall be with pay. Bereavement leave need not be taken in consecutive days but shall be taken within three (3) months of the death of the immediate family member. ~~death leave of up to three (3) working days for the purpose of attending the funeral or memorial service in the State of California, or up to five (5) working days for the purpose of attending the funeral or memorial service outside the State of California~~. Employees in the classification of Fire Chief and Deputy Fire Chief shall be granted one week (five (5) consecutive calendar days) for a death in the immediate family whether in state or out of state for the purpose of attending the funeral or memorial service.

For all employees except those employees in the classification of Fire Chief and Deputy Fire Chief, "immediate family" is limited to spouse, domestic partner, child, child-in-law, stepchild, child of the domestic partner, foster child, parent, parent-in-law, or parent of domestic partner, sibling, step-sibling, sibling-in-law, grandparent, grandparent-in-law, or grandparent of domestic partner, grandchildren, aunt, uncle, any relative living in the immediate household of the employee, or any other person sharing the relationship of in loco parentis ~~wife, husband, mother, father, sister, brother, child, grandmother, grandfather, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, dependent or domestic partner~~. For employees in the classification of Fire Chief and Deputy Fire Chief, "immediate family" is limited to spouse, parent, sibling, child, grandparent, aunt, uncle, parent-inlaw, sibling-in-law, child in-law, and grandchildren or dependent residing within the household~~wife, husband, domestic partner mother, father, sister, brother, child, grandmother, grandfather, aunt, uncle mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren or dependent residing within the household~~.

Bereavement leave will be paid at the employee's normal base rate of pay for the actual time lost and is allowed solely for the purpose of attending funeral or memorial services. The department head may, within his or her discretion, grant the employee additional time off provided that all accrued vacation and/or sick leave shall be used prior to taking a leave of absence without pay for this purpose.

In special cases, with the approval of the department head, the City Manager (or the City Attorney, in the case of the City Attorney's Office) may grant death leave within his or her discretion to allow an employee to attend a funeral or memorial services because of the death of persons not included within the definition of immediate family.

6.2 Jury Duty Leave

Any benefitted employee who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his or her department head, shall be entitled to be absent with pay from his or her duties with the City during the period of such jury service ~~and~~ while necessarily being present in court or required on call by the County as a result of such call. 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 requirements (on-call status) made by the court that may affect the employee's ability to simultaneously fulfill his or her jury duty service and employment obligations. The employee will keep any payment received for jury service including mileage reimbursement.

6.3 Continuing Education Leave

The City will grant a continuing education leave of absence with pay up to forty hours per year to benefitted employees who are required by their employment or continuing employment with the City of Berkeley to pursue course work in order to:

(a) renew a license issued by the State of California; or

(b) obtain a license issued by the State of California provided that employees verify to the City that the course work for the initial license was not offered as a part of their basic curriculum.

Upon prior approval of the department head, FLSA non-exempt employees who take required course work during non-scheduled work hours in order to obtain or renew a job-required license shall be allowed time off from work on an hour-for-hour basis without loss of compensation or other benefits.

~~6.4 Administrative Leave Program~~

~~The City Manager (or, in the case of the City Attorney's Office, the City Attorney) provides for paid administrative leave to eligible employees as set forth in the Appendix to this Manual. Administrative leave is not charged against other accrued leave balances.~~

~~6.5 Temporary Employees – Earned Leave~~

~~A temporary employee who works one thousand forty (1040) hours or more in a calendar year and is in active employment during December of such year, shall be credited with forty (40) hours of paid time off to be used by such employee in the subsequent calendar year for either paid vacation or paid sick leave. The following conditions shall apply to the use of this earned leave as paid time off:~~

~~a. To qualify for earned leave as vacation, the employee must apply, in writing, to the employee's supervisor at least thirty calendar days in advance of the desired time off. The granting or denial of the requested time off shall be in writing and shall be controlled by program considerations as established by the City.~~

~~b. To qualify for earned as sick leave, the employee must notify the employee's supervisor of an inability to report to work by reason of illness or injury in advance of the scheduled work.~~

~~c. An employee who has any unused earned leave credit shall receive payment for such time upon termination of temporary employment. All credited earned leave not utilized by employees at the end of the calendar year in which the employees are eligible to take such leave will be paid at the end of such year as wages and this earned leave shall not be accumulated from year to year.~~

~~6.6 Abolishment of Temporary Employees – Earned Leave~~

~~Effective July 1, 2015, Section 6.5 (Temporary Employees – Earned Leave) is abolished in its entirety and replaced with the following Section 6.7 (Temporary Employees Sick Leave).~~

~~6.7 Temporary Employees Sick Leave~~

~~Effective January 1, 2015, Temporary Employees who have been employed for at least 90 days on July 1, 2015 are eligible to accrue and use sick leave based on hours worked after July 1, 2015 as provided in Section 6.8 (Sick Leave Accrual) below.~~

~~6.8~~6.4 Sick Leave Accrual

Effective July 1, 2015, once a temporary employee works for 30 days within a calendar year, the employee shall be eligible to accrue one (1) hour of sick leave for every 30 hours worked thereafter, to a maximum accumulation of 48 hours. Once an employee accrues 48 hours sick leave, the employee shall not accrue any additional sick leave hours until his or her sick leave balance is below the maximum of 48 hours. Under no circumstances will an employee be allowed to accrue more than 48 hours sick leave.

~~6.9~~6.5 Sick Leave Use

Temporary Employees shall be eligible to use sick leave beginning on the 90th day of work. Sick leave shall be used in a minimum of two (2) hours increments, and limited to a maximum of 24 hours use each calendar year. Unused accrued sick leave hours shall carry over to the following calendar year. The following conditions shall apply to the use of this sick leave as paid time off:

a. Sick Leave may be used for the following purposes: Diagnosis, care, or treatment, of an existing health condition or, preventive care for, an employee or an employee's family member; for an employee who is a victim of domestic violence, sexual assault, or stalking. To qualify for earned as sick leave and if the need for sick leave is foreseeable, the employee must notify the employee's supervisor of an inability to report to work in advance of the scheduled work. If the need for sick leave is unforeseeable, the employee shall provide notice to the immediate supervisor of the need for the leave as soon as practicable.

b. All accrued and unused sick leave shall be cancelled upon separation/termination of employment. Such previously accrued and unused sick leave shall be credited back to the employee if the employee returns to City employment within one (1) year from the date of separation.

ARTICLE 7 - LEAVES OF ABSENCE WITHOUT PAY

7.1 Power to Grant Leave

The City Manager (or the City Attorney, in the case of the City Attorney's Office) shall have the power within his or her sole discretion to grant leaves of absence, with and without pay.

7.2 Authorized Leave Without Pay

Upon request of the employee, a department head may grant or deny a leave of absence to an employee within his or her department without pay for a period not to exceed thirty working days. No leave without pay shall be granted for more than thirty working days except upon written request of the employee and written approval of the City Manager (or the City Attorney, in the case of the City Attorney's Office).

7.2.1 **Required Exhaustion of Accrued Leave:** In the event of an authorized absence due to illness, the employee must use all accrued sick, compensatory and vacation leave prior to receiving authorization for leave without pay. In the event of personal leaves not related to sickness, the employee must use all accrued compensatory and vacation leave prior to receiving authorization for leave without pay. However, employees in the classifications of Legislative Assistant and Assistant to the Mayor are not required to use all accrued compensatory and vacation leave prior to receiving authorization for leave without pay for the employee's respective appointing Councilmember or the Mayor. This subsection does not apply to parental leave or to the exhaustion of sick leave by employees in the classification of Fire Chief and Deputy Fire Chief as referenced in Section 7.2.2 (Fire Chief and Deputy Fire Chief Use of Sick Leave), below.

7.2.2 **Fire Chief and Deputy Fire Chief Use of Sick Leave**: In the event of illness or injury of an employee in the classification of Fire Chief and Deputy Fire Chief requiring the use of sick leave, the employee has the option to notify the City in writing that he/she wishes to freeze the use of sick leave after thirty (30) days, prior to receiving authorization for leave without pay, in order to utilize the International Association of Fire Fighters sponsored Long Term Disability benefit.

7.2.3 **Grounds for Discharge:** Failure on the part of an employee to report to work promptly at the expiration of the authorized leave without pay will result in discipline up to and including termination.

7.3 Unauthorized Leave of Absence

All paid and unpaid leaves of absence must be approved in accordance with the applicable sections of this Manual. Any absence on the part of the employee who has failed to obtain such approval or failure of an employee to report for duty without appropriate authorization as required by each department will result in the employee being placed on unauthorized leave of absence without pay.

7.3.1 **Grounds for Discharge:** Unauthorized leave of absence without pay shall be cause for disciplinary action up to and including termination.

7.4 Parental Leave

Any employee with one or more years of benefitted employment with the City of Berkeley shall be entitled to up to one year of parental leave upon the birth of a child or the adoption of a child who is five years or younger as provided in Administrative Regulation 2.4 (Family Care Leave).

7.5 Family Care Leave

The City will fully comply with the requirements of the state and federal law regarding pregnancy disability leave and medical/family illness/child care leave where their provisions are more generous than those provided elsewhere in this Manual or Administrative Regulation 2.4 (Family Care Leave). Leaves under this Section 7.5 (Family Care Leave) and Section 7.4 (Parental Leave) and as provided in Administrative Regulation 2.4 may not be combined to yield a larger amount of leave than the state or federal maximums and may not be combined to exceed the maximum one year period of parental leave provided by the City of Berkeley.

7.6 Military Leave

Employees will be granted a leave of absence without pay with appropriate seniority, pay, status and vacation as required by law for the purpose of fulfilling any required military obligation.

ARTICLE 8 - EMPLOYEE FRINGE BENEFITS

8.1 Group Medical-Dental-Vision Insurance Benefits

Benefitted employees and their dependents may participate in the City's group medical and dental benefits, which are summarized in the Appendix. Benefitted employees may participate in the City's group vision benefits, effective January 2025.

8.1.1 **Part Time Employment:** All benefitted employees who work a minimum of twenty hours, but less than forty hours per week, qualify to receive prorated health and dental benefits and shall pay a pro rata portion of the health and dental insurance premiums. Full time career employees who accept part time employment in lieu of layoff shall continue to receive full health and dental benefits paid by the City.

8.1.2 **Medical Plan for Part-Time Employees:** Effective November 1, 2016, the City will pay 75% of the cost of the medical plan which is fully paid for full-time employees for those benefitted part-time employees who work twenty (20) to twenty-nine (29) hours per week. The City will pay 100% of the cost of the medical plan which is fully paid for benefitted full-time employees for those part-time employees who work thirty (30) or more hours per week.

8.1.3 **Medical Contribution Executive Managers**: Effective July 1, 2019, the City Manager, Deputy City Manager, and all department heads shall pay fifty dollars ($50.00) per month via pre-tax payroll deduction toward their health premium, and the City will pay an amount equal to the balance of the Kaiser monthly premium rate for the employee's applicable single, two-party, or family employee category.

8.2 Life Insurance

The City provides basic group life insurance coverage by a carrier of the City's choice to all benefitted employees and pays the full amount of the life insurance coverage. The City also provides the option to benefitted employees to purchase additional coverage, at their own expense. A summary of the terms of the life insurance coverage is in the Appendix.

8.3 Hourly Rated Employees in Lieu of Benefits

Except for employees in the Aquatics Specialist II and Senior Aquatics Specialist classifications, the Salary Resolution shall provide that hourly-rated employees working in career benefitted classifications will receive an additional seven percent (7.0%) in lieu of benefits.

8.4 Public Employees Retirement System:

8.4.1 **Participation**: The City shall continue to participate in the Miscellaneous Employees Plan, the Safety Fire Plan and the Safety

Police Plan of the California Public Employees Retirement System ("CalPERS"). All benefitted employees shall participate in one of these plans.

8.4.2 **"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).

8.4.3 **CalPERS Retirement Formula for Miscellaneous Employees "New Members" as Defined under PEPRA:** Miscellaneous Employees "New Members" as defined by PEPRA who are hired by the City on or after January 1, 2013 shall be entitled to the 2% at age 62 retirement formula with the highest three (3) year average compensation as set forth in PEPRA.

8.4.4 **CalPERS Miscellaneous Employees Retirement Formula and Employer Paid Member Contribution for Classic Employees:** Effective January 1, 2003, the City amended its Miscellaneous Employees Plan contract with CalPERS to provide the 2.7% at age 55-retirement formula benefit improvement and the City's contribution to CalPERS on behalf of Miscellaneous employees increased from 7% to 8%. Effective July 3, 1994, contributions made pursuant to this Section shall be 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 contributions in Section 8.4.4 (CalPERS Miscellaneous Employees Retirement Formula and Employer Paid Member Contribution for Classic Employees) 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 for other differentials; nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary.

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.

8.4.5 **Miscellaneous Employees Classic Employee Pension Contribution through a 20516 Contract Amendment**

8.4.5.1 **June 4, 2017:** Effective June 4, 2017, Miscellaneous employees will contribute one percent (1%) 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. Such employee deductions by the City shall be used towards the City's CalPERS required contributions.

8.4.5.2 **December 31, 2017:** Effective December 31, 2017, Miscellaneous employees will contribute an additional seven percent (7%) towards the City's CalPERS employer share of pension through a 20516 CalPERS contract amendment that allows such contributions on a pre-tax basis, for a total of eight percent (8.0%), via automatic payroll deduction on a pre-tax basis. Such employee deductions by the City shall be used towards the City's CalPERS required contributions. The parties recognize that the Employer Paid Member Contributions (EPMC) shall remain in effect as long as the CalPERS amendment stays in effect.

8.4.5.3 If legislation is enacted requiring employers under the CalPERS retirement system to pay all of the employee's share of retirement, thus eliminating the Employer Paid Member Contribution, the City may convert the employee's contribution to the employer's share under this Section 20516 CalPERS contract amendment to the employee's share toward retirement and may continue to pay the 5.58% wage increase provided on December 31, 2017 associated with the CalPERS swap for Miscellaneous Classic Employees.

8.4.6 **Miscellaneous New Members' Pension Contribution**

8.4.6.1 Miscellaneous New Members as defined in the California Public Employees' Pension Reform Act of 2013 (PEPRA), shall continue to pay 50% of the Normal Cost required under PEPRA.

8.4.7 **Public Safety CalPERS Retirement Formula for "New Members" as Defined Under PEPRA**: Public Safety "New Members" as defined by PEPRA who are hired by the City on or after January 1, 2013 shall be entitled to the 2.7% at age 57 retirement formula with the highest three (3) year average compensation as set forth in PEPRA.

8.4.8 **Public Safety Classic Employees CalPERS Retirement Formula:** The City agrees to provide the 3% at age 50-retirement formula benefit

improvement (December 22, 2000 for Classic Fire Safety; and July 7, 2002 for Classic Police Safety hired prior to December 28, 2011).

For Classic Police Safety Employees hired on or after December 28, 2011, the City provides the 3% at age 55-retirement formula benefit.

8.4.9 **Public Safety Fire Classic Employees' CalPERS Pension Contribution**: On July 1, 1994, the City increased the base salary of Classic Employees participating in the Safety Fire Plan, in the amount of nine percent (9%). Employees then assumed, and shall continue to assume responsibility for payment of the normal employee retirement contribution to CalPERS. The City shall designate such payments as an Employer Pickup as defined under the provisions of Section 414(h)(2) of the Internal Revenue Code. The employee contributions shall be made through automatic payroll deduction.

Cost Share: Effective November 8, 2015 (the first full pay period after Council approval of this Unrepresented Employee Manual), Public Safety Fire Classic Employees shall contribute two percent (2%) toward the City's CalPERS employer contribution rate via automatic payroll deduction on a pre-tax basis.

8.4.10 **Public Safety Police Classic Employees' CalPERS Pension Contribution**: On July 1, 1994, the City increased the base salary of Classic Employees participating in the Safety Police Plan, in the amount of nine percent (9%). Employees then assumed, and shall continue to assume responsibility for payment of the normal employee retirement contribution to CalPERS. The City shall designate such payments as an Employer Pickup as defined under the provisions of Section 414(h)(2) of the Internal Revenue Code. The employee contributions shall be made through automatic payroll deduction.

Effective January 3, 2016, Police Public Safety Classic Employees shall contribute one percent (1%) toward the City's CalPERS employer contribution rate via automatic payroll deduction on a pre-tax basis. And, effective July 3, 2016, Police Public Safety Classic employees shall contribute an additional one percent (1%), for a total of two percent (2%) toward the City's CalPERS employer contribution rate via automatic payroll deduction on a pre-tax basis.

8.4.11 **Public Safety Fire New Members CalPERS Pension Contribution**: Public Safety Fire New Members hired on or after January 1, 2013 shall pay fifty percent (50%) of the normal share of cost as required pursuant to PEPRA.

Cost Share: **Effective** November 8, 2015 (the first full pay period after Council approval of this Unrepresented Employee Manual), Fire New

Members shall also contribute an additional two percent (2%) of pensionable compensation, in addition to the PEPRA mandated 50% of the normal share of cost, toward the City's CalPERS employer contribution rate through automatic payroll deduction on a pre-tax basis

8.4.12 **Public Safety Police New Members CalPERS Pension Contribution**: Public Safety Police New Members New Members hired on or after January 1, 2013 shall pay fifty percent (50%) of the normal share of cost required by PEPRA.

Cost Share: Effective January 3, 2016, Public Safety Police New Members shall also contribute one percent (1%) of pensionable compensation (in addition to contributing 50% of the normal share of cost) towards the City's CalPERS employer contribution rate through automatic payroll deduction on a pre-tax basis. And, effective July 3, 2016, Police Public Safety New Members shall contribute an additional one percent (1%), for a total of two percent (2%), in addition to the PEPRA mandated 50% of the normal share of cost, toward the City's CalPERS employer contribution rate through automatic payroll deduction on a pre-tax basis.

8.4.13 **CalPERS Options Available to Berkeley Employees**: The City's contract with CalPERS includes the following optional benefits:

a) Classic Employees Only - One-Year Final Compensation as provided in Section 20042 (July 9, 1978 for Miscellaneous; July 22, 1976 for Fire and Police).

b) Post Retirement Survivor Allowance as provided in Sections 21624, 21626 and 21628 (December 16, 1973 for Miscellaneous; March 1, 1973 for Fire and Police).

c) Post Retirement Survivor Allowance to Continue after Remarriage as provided in Section 21635 (July 18, 1986).

d) Credit for Unused Sick Leave as provided in Section 20965 (June 26, 1988).

e) 1959 Survivor Benefits to Surviving Spouse at Age 60 as provided in Section 21580 (December 16, 1973 for Miscellaneous; March 1, 1973 for Fire and Police).

f) Third Level of 1959 Survivor Benefits as provided in Section 21573 (November 28, 1996).

g) Fourth Level of 1959 Survivor Benefits as provided in Section 21574 for Police Safety only (October 15, 1998).

h) Military Service Credit as Public Service as provided in Section 21024 (April 9, 1999 for Miscellaneous; July 14, 2000 for Fire; November 6, 1998 for Police).

i) Public Service Credit for Peace Corps or America Corps: Vista Service as provided in Section 21023.5. (April 14, 2000).

j) Classic Fire - 3% @ 50 for Local Safety Members as provided in Section 21362.2 for Fire members only, (December 22, 2000); and for Police members only (July 7, 2002.).

k) Classic Police Hired Prior to December 28, 2012: 3% @ 50 for Local Safety Classic Members as provided in Section 21362.2 for Police members only (July 7, 2002).

l) Classic Police: 3% @ 55 for Local Safety Classic Members as provided in Section 21363.1 for Police members only (December 28, 2012).

m) Classic Miscellaneous: 2.7% at age 55 for miscellaneous members as provided in Section 21354.2 on January 5, 2003.

n) New Members Miscellaneous: 2% at age 62 for Miscellaneous New Members as defined by PEPRA on January 1, 2013.

o) New Members Police and Fire: 2.7% @ 57 for Local Safety New Members as defined by PEPRA (January 1, 2013).

p) Indexed Level of 1959 Survivor Benefits as provided in Section 21574.5 for Fire Safety only (June 13, 2003).

8.4.14 **Unused Sick Leave Conversion**: The conversion of unused sick leave to CalPERS Retirement Credit for Unused Sick Leave under Government Section 20965 shall be made available to qualified retiring employees. This allows employees to convert unused accumulated sick leave at time of retirement, for which the employee receives no compensation, to additional service credit at the rate of 0.004 year of service credit for each day. This credit applies to qualified employees

whose effective date of retirement is within four months of separation from employment. The CalPERS sick leave conversion applies to accumulated sick leave, exclusive of the amount of accumulated sick leave paid out to the employee pursuant to Section 4.11 (Accrued Sick Leave Cancellation Upon Termination), of this Manual.

8.4.15 **Retirement Benefit Allowance**: CalPERS retirement benefits are calculated on a formula based on the participating employee's years of service, age at retirement, and percentage of highest year compensation. For employees participating in the Local Miscellaneous Employees Plan, the percentage is 2.7% at age 55 effective January 5, 2003. For Classic Employees participating in the Fire Safety Employees Plan, the percentage is three percent (3%) at age 50 effective December 22, 2000. For Classic Employees participating in the Police Safety Employees Plan, the percentage is three percent (3%) at age 50 effective July 7, 2002. For Classic Employees participating in the Police Safety Employee Plan effective December 28, 2012, the percentage is three percent (3%) at age 55.

8.5 Supplementary Retirement and Income Plans

In lieu of participating in the Federal Social Security Program, the City provides a supplemental retirement and income plan to most benefitted employees. There are three supplementary retirement and income plans: Supplementary Retirement and Income Plans I, II and III ("SRIP I, II and III"). The City's contributions to these plans on behalf of participating employees is not subject to income tax until it is paid out to the employees upon retirement or termination, or to the employee's beneficiary in the event of the employee's death.

8.5.1 **SRIP I:** In SRIP I, the City contributes 5.7% of the participating employee's salary (up to a maximum annual salary of $32,400) into an investment account and 1% into a long term permanent disability plan. SRIP I was closed to new participants on July 22, 1988.

8.5.2 **SRIP II:** In SRIP II, the City contributes 6.7% of the participating employee's salary (up to a maximum annual salary of $32,400) into an investment account and pays into a disability insurance benefit plan on the employee's behalf; and employees may also borrow up to 50% of the balance in their SRIP II investment accounts, subject to certain limitations. All employees, including the Fire Chief, hired (or who are subsequently enrolled by resolution of the City Council) after July 22, 1988 are automatically enrolled in SRIP II.

The Deputy Fire Chief is enrolled, effective July 1, 1993.

8.5.3 **SRIP III**: For eligible Police Safety employees, the City contributes 2% of the employee’s salary (up to a maximum annual salary of $32,400) into the investment account, SRIP III.

8.6 Deferred Compensation

Benefitted City employees are eligible to participate in the City's Deferred Compensation Plan through voluntary payroll deductions from the employee's salary. The Deferred Compensation Plan allows employees to defer part of their salaries, in accordance with Internal Revenue Service limits, to a separate fund, which is not subject to income tax until it is paid out to the employee upon retirement or termination, or to the employee's beneficiary in the event of the employee's death.

8.7 PARS

At-will employees who are not eligible to receive fringe benefits under this chapter are automatically enrolled in the Public Agency Retirement System ("PARS"). Each pay period, such employee shall contribute 3.75% of his or her salary into the employee's PARS account on a tax deferred basis and the City shall contribute a matching amount equaling 3.75 % of the employee's salary. The employee's PARS account balance will be distributed to the employee upon retirement or termination, or to the employee's beneficiary in the event of the employee's death.

8.8 Public Safety Uniform Allowance

Due to the requirement for sworn fire and police department management personnel to wear standard and dress uniforms in the performance of their duties, the City Manager may provide for the payment of uniform allowance, in keeping with the allowance provided to other fire and police personnel~~, as shown in the Appendix~~. The uniform allowance is intended to cover uniform expenses incurred during active service prior to the payment and shall be paid semi-annually, in installments of equal amounts. To comply with CALPERS requirement, Union allowance payments shall be paid over twenty-six (26) equal biweekly installments instead of twice a year payment. The amounts shall be $1,400 for sworn Police personnel and $1400 for sworn Fire personnel.

8.9 Supplemental Retirement Plan and Trust Agreement

Effective July 1, 2001, the City adopted a Supplemental Retirement Plan and Trust Agreement to provide supplemental retirement income and other benefits for eligible unrepresented career benefited and regular at-will employees through the liquidation of termination pay. Termination pay means pay due to an eligible unrepresented career benefited and regular at-will employee from the City on account of termination of his or her employment, but only including the commuted value of the following such accumulated pay: vacation, sick leave, sick leave bonus, compensatory time and floating holidays. The Supplemental Retirement Plan includes both mandatory contributions of termination pay and voluntary contributions for employees who provide the City with an irrevocable payroll deduction authorization at least 90 days in advance of the date of termination.

ARTICLE 9 - EMPLOYMENT AT-WILL

9.1 Employment At-Will

An employee who is employed in a position that is excluded from the career service by Berkeley Municipal Code Section 4.04.120 of the Personnel Ordinance is employed by the City in an "at-will" status. This means that both the at-will employee and the City have the right to terminate employment at any time, with or without advance notice, and with or without cause. No employee or officer of the City of Berkeley has the authority to alter the employee's at-will status or to enter into an oral or written agreement for employment for a specified period of time, or to make any promises, assurances or agreements contrary to this the provisions of this Section.

9.2 No Right to Appeal Discharge

An at-will employee who is discharged has no right of appeal or hearing in any manner provided by this Manual.

9.3 Benefits

Those offices, positions and employments named in the Berkeley Municipal Code, Sections 4.04.120 (A), (B) and (C) who regularly work twenty or more hours per week are classified as regular at-will employees and shall be entitled to those benefits as specified for benefitted employees by this. A list of regular at-will positions entitled to receive such benefits is in the Appendix.

All other offices, positions and employments named in the Berkeley Municipal Code, Section 4.04.120, are not eligible for any benefits provided under these Rules, except those expressly specified for temporary employees, such as the Earned Leave benefit or those required by State or Federal law such as Family Care Leave and enrollment in the City's PARS retirement plan, as provided in this Manual.

9.4 Standards of Conduct

At-will employees are subject to the same standards of conduct that prevail over employees in the career service. Any evaluations, warnings or disciplinary action provided to at-will employees regarding their conduct or job performance does not create any obligation or duty on the City's part to provide a warning or evaluation or corrective progressive discipline prior to discharge and in no way negates or otherwise abrogates the City's right to discharge at-will employees for any reason without notice at any time during their employment and without right of appeal.

9.5 Transfer or Appointment of Career Employee to an At-Will Position

Any employee in the career service who accepts a transfer or appointment to an at-will position shall be reinstated to the career position from which he or she was transferred or appointed if within six months after such transfer or appointment, action is taken to dismiss the employee, unless charges are filed and the employee

is discharged in accordance with these Rules. After expiration of the six month period, the employee is excluded from the career service and from any retreat rights to former career positions and is subject to termination at any time, with or without advance notice, with or without cause, and without the right of appeal.

ARTICLE 10 - LAYOFF POLICY AND PROCEDURE

10.1 Statement of Intent

This layoff policy is intended to provide the maximum employment protection to employees in the career service and to minimize the impact on the City's affirmative action accomplishments should a layoff become necessary.

10.2 Announcement of Layoff

The City Council, City Manager and department heads 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 to lay off career City employees. A reduction in the workforce for more than thirty 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 fund. In the event of a layoff, the City Manager shall notify the Director of Human Resources of the intended action and the reason for the layoff.

10.2.1 **Layoffs in City Attorney's Office:** Layoffs in the City Attorney's Office shall be treated independently of layoffs initiated by the City Manager. Only the City Attorney may recommend reductions in the workforce of the City Attorney's Office, and such reductions must be approved by City Council action. Unless otherwise directed by the City Council, layoffs in the City Attorney's Office shall proceed in the Order of Layoff specified in Section 10.6.

10.3 Vacancy Freeze

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 career service in similar and related classes to those likely to be targeted for layoff. The City Manager shall notify the department heads of a freeze of vacancies in their departments and shall require that requisitions continue to be submitted for any budgeted positions which the department head intends to fill and for which funding is available.

10.4 Seniority Service Date

All service in the employ of the City shall be counted toward the establishment of an employee's Seniority Service Date, including permanent, probationary, provisional, temporary, part time (on a prorated basis), seasonal, regular at-will employment, and approved military and parental leaves of absence. All other leaves without pay, including time off as a result of formal disciplinary action will be subtracted from the Seniority Service Date.

10.5 Establishment of Seniority Lists

Layoffs shall be made according to City-wide class Seniority Lists which the Human Resources Department will immediately establish for probationary and permanent employees in each class targeted for layoff. The names of all City employees holding permanent and probationary appointments in a given class will

be listed on the appropriate list in descending order by Seniority Service Date.

Probationary or permanent employees temporarily acting out of class and holding a provisional appointment in another class will be listed on the Seniority List of the class in which they hold permanent or probationary status.

10.6 Order of Layoff

Employees within a specific class 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 classes similar to those identified for layoff must be terminated prior to the layoff of probationary and permanent employees. Probationary employees will be laid off prior to permanent employees for a specific class.

10.6.1 **Tie:** If two or more employees on a Seniority List have an identical Seniority Service Date, the tie shall be broken in the following order: (1) time in class--the employee having least time in the class shall be laid off first, and (2) by lot.

10.6.2 **Administrative & Fiscal Services Manager Position in the Berkeley Public Library:** This is a specialty designated position within the Administrative & Fiscal Services Manager classification, and will be treated as a separate classification for the purpose of administering the Layoff Policy and Procedure.

10.7 Notification

Permanent and probationary employees should be notified individually, in writing, of pending layoffs as soon as possible, with no less than thirty calendar days notification if targeted for termination or retreat to a lower class.

All other employees to be laid off shall be given, whenever possible, at least a fourteen (14) calendar day prior notice.

10.8 Employee Retreat Rights

A probationary or permanent employee affected by layoff shall have the right to displace an employee in a lower level class in which the affected employee once had permanent status or in a subsequently created intermediate level career class which provides normal progression through the class series. Retreat rights shall also extend to employees who have not previously been promoted through a class but for whom the class is a natural progression or beginning in the class series. Retreat rights into a lower class will be granted in order of the highest seniority date on the Seniority List for employees in that class.

10.8.1 **Qualified to Retreat into More than One Classification:** When an employee is qualified to retreat into more than one class, the options shall be discussed with the employee and due consideration given to the employee's preferences. However, it is the prerogative of the City Manager (or the City Attorney, in the case of the City Attorney's Office) to determine the final placement offer to the employee

10.8.2 **Salary Step:** Employees retreating to a lower class or being flexibly placed in a similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

10.8.3 **Reinstatement after Transfer**: An employee whose position is abolished and is transferred in lieu of layoff shall have the right to return to the position if it is restored within one year of the date of the transfer.

10.9 Flexible Placement Program

After all frozen vacant positions have been filled by employees entitled to retreat rights under Section 10.8 (Employee Retreat Rights) of this chapter, the Human Resources Department will review and identify the remaining frozen vacant classes into which career employees targeted for layoff who have not retreated into a lower class may be placed on the basis of total experience and education.

10.9.1 **Failure to Meet Minimum Requirements**: Where the targeted employee does not meet the minimum qualifications of a frozen vacant position, the City Manager has the discretion to either waive the minimum qualifications and/or substitute the targeted employee's job-related experience and education for the minimum qualifications, but under no circumstances is the City Manager required to do so. Where the employee does not meet the minimum qualifications, flexible placement can occur only if the City Manager determines that management and supervisory personnel are able to provide adequate supervised on-the-job training to the employee to meet the requirements of the job. The employee must successfully complete the training within six months as determined by the Director of Human Resources or the employee shall be again subject to the layoff procedures. For the City Attorney's Office, the City Attorney shall have the authority granted to the City Manager and Director of Human Resources otherwise allocated by this paragraph.

10.9.2 **Salary Range**: 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.

10.9.3 **Order of Assignment**: Offers to positions under the Flexible Placement Program shall be made according to the employee's standing on the Seniority List.

10.10 Failure to Accept Offer under Layoff

Failure on the part of an employee to accept a written bona fide offer to retreat to a lower class or be flexibly placed in an alternative job within ten calendar days after the offer is made shall result in forfeiture of any further right to employment retention. Acceptance of a reassignment to a lower class does not remove the employee's right of appeal under Section 10.12 (Appeal Procedures) nor does acceptance of an alternative job under the Flexible Placement Program jeopardize an employee's standing on the re-employment lists as further provided in this

Section 10.10 (Failure to Accept Offer under Layoff).

10.11 Re-Employment List

The names of probationary and permanent employees laid off in accordance with this chapter shall be entered on a re-employment list for both those classes from which they were separated as well as other classes to which they have retreat rights.

10.11.1 **Duration of List:** Re-employment lists for laid off employees who are separated from City service shall remain in effect for three years. Re-employment lists for laid off employees who are demoted shall remain in effect indefinitely.

10.11.2 **Use of List:** Re-employment lists shall be used by each department when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

10.11.3 **Order of Appointment:** Employees on the re-employment list shall be certified and appointed to a vacancy in the appropriate class according to their standing on the Seniority List.

10.11.4 **Failure to Appoint from Re-Employment List:** If a vacancy is filled from an eligible list in a class for which a re-employment list exists which is a violation of this Section, the employee on the re-employment list who should have been appointed shall be appointed to the vacancy and paid retroactively from the date the vacancy occurred.

10.11.5 **Failure to Accept Bona Fide Offer:** Failure on the part of the employee on the re-employment list to accept a bona fide written offer of re-employment within fifteen calendar days will result in removal of the employee's name from the re-employment list from which the offer was made. Failure to accept an offer of re-employment to the class with the highest salary range for which the employee is eligible for re-employment will result in automatic removal of the employee's name from all re-employment lists. The employee may, however, accept or decline temporary re-employment without jeopardizing his or her standing the re-employment list for the class from which he or she was originally terminated.

10.11.6 **Salary Step:** Upon reappointment to the class from which the employee was originally separated or demoted, the employee shall be placed at the salary step that the employee held at the time of the separation or demotion.

10.11.7 **Reinstatement List:** Any former employee on a re-employment list shall be included as an eligible on the reinstatement list for a specific class at or below the class from which layoff occurred, upon written request by the employee for reinstatement which is submitted with a current, completed City of Berkeley application and upon meeting the

minimum qualifications of the specific class unless waived by the City Manager as provided under flexible placement.

10.12 Appeal Procedures

The decision of the City Manager (or the City Attorney, in the case of the City Attorney's Office) to implement a layoff is not appealable. Any unrepresented career employee who believes that the layoff procedure, as defined herein, has been improperly administered as to the employee may appeal the action under the Complaints, Appeals and Hearing Procedure of this Manual. Employees are entitled to review all records pertaining to their class and their rights under the provisions of the layoff policy.

10.13 Audit

In the event of a dispute between an employee and the City over the application of the re-employment list and if either party so requests, the City Manager's Office shall order an audit by an outside auditor of all vacant positions filled in each department to determine whether vacancies were filled in compliance with the procedures for appointments from re-employment lists set forth in Section 10.11 (Re-Employment List) of this Manual. In the event vacancies for which re-employment lists were in existence remain unfilled, the auditor shall offer an opinion as to whether or not the reasons for leaving the positions vacant appear to be legitimate. A report of the audit shall be transmitted to the City Manager, City Attorney, and the City Council.

ARTICLE 11 - DISCIPLINARY ACTION

11.1 Policy

Prior to the suspension, disciplinary demotion or discharge of an employee in the career service for disciplinary purposes, the procedure set forth in this Article 11 (Disciplinary Action) shall be complied with provided, however, that only those employees in the career service who are not represented by a labor organization shall be entitled to the notice, rights and procedures provided under Section 11.3 (Disciplinary Actions).

11.2 Final Decision Maker for Disciplinary Action

For purposes of this chapter, the City Manager is the final decision maker for City of Berkeley employees, except that: (1) the City Attorney is the final decision maker for City Attorney's Office employees; (2) the Rent Stabilization Board is the final decision maker for Rent Stabilization Program employees; and (3) the Library Board of Trustees is the final decision maker for Library employees.

11.3 Disciplinary Actions

The department head shall initiate disciplinary procedures, as set forth here. The department head may suspend a subordinate employee for not more than three working days at any one time. For suspensions of more than three days, disciplinary demotions and discharge, the department head shall make a recommendation to the final decision-maker. The final decision-maker may suspend an employee from a position at any time for cause. Suspension without pay shall not exceed thirty working days, nor shall any employee be penalized by suspension for more than thirty working days in any continuous twelve month period. However, FLSA exempt employees shall not be suspended in less than regular workweek increments except for safety or security violations. A "regular workweek" is defined elsewhere by this Manual.

11.4 Written Reprimands for Fire Safety Employees

Consistent with the Firefighter Bill of Rights Act, the Deputy Fire Chief receiving a written reprimand shall have the right to a non-evidentiary administrative appeal to the Fire Chief or Fire Chief's designee. The employee must request an administrative appeal in writing to the Fire Chief within ten (10) working days of receipt of the written reprimand. Failure to do so shall be deemed a waiver of the employee's right to appeal. The Fire Chief or Fire Chief's designee shall have discretion regarding how the appeal meeting is conducted, including whether and the extent to which witnesses other than the employee and employee's representative are required and may participate. The Fire Chief or Fire Chief's designee shall notify the employee of his or her decision within ten (10) working days of the appeal meeting. An employee and the Association have no further right to appeal or grieve a written reprimand beyond the administrative appeal described in this paragraph.

11.5 Written Reprimands for Non- Safety Employees

In the event that an employee receives a written reprimand, the employee may write a rebuttal within thirty (30) calendar days of receiving the written reprimand and such rebuttal will be placed in the Personnel File along with the written reprimand. Employees have not right to appeal or grieve a written reprimand.

ARTICLE 12 - COMPLAINTS, APPEALS AND HEARINGS

12.1 Policy

The procedure for filing complaints and appeals by employees set forth under this Article 12 shall be complied with provided, however, that only those employees in the career service who are not represented by a labor organization shall be entitled to file complaints with the City and appeals to the Personnel Board pursuant to the provisions of this Manual.

12.2 Final Decision Maker for Purposes of this Article

For purposes of this chapter, the City Manager is the final decision maker for City of Berkeley employees, except that (1) the City Attorney is the final decision maker for City Attorney's Office employees; (2) the Rent Stabilization Board is the final decision maker for Rent Stabilization Program employees; and (3) the Library Board of Trustees is the final decision maker for Library employees.

12.3 Complaints

Disciplinary action shall be taken in accordance with Article 11 (Disciplinary Action) of this Manual. All other complaints by employees, except complaints about compensation, which allege a violation of the Personnel Ordinance or this Manual shall be filed through proper channels, commencing with the department head, and then to the final decision maker.

12.3.1 **Compensation Complaints**: All complaints involving or concerning the payment of compensation shall be initially filed in writing with the Director of Human Resources. The Director of Human Resources shall respond in writing within thirty (30) working days. If the complaint has not been resolved within thirty (30) working days of filing with the Director of Human Resources, the complaint may be moved to the final decision maker. Only complaints, which allege that employees are not being compensated in accordance with the policies, rules and resolutions of the City Council, shall be considered as complaints under this Section. No compensation adjustment shall be retroactive for more than thirty calendar days from the date upon which the complaint was filed or thirty calendar days from the date when an employee may reasonably be expected to have learned of the claimed violation.

Appeal: If the grievant is not satisfied with the decision of the Director of Human Resources or his or her designee, the grievant may move the complaint to the final decision maker within ten (10) days of receipt of the decision rendered under Section 12.3.1 above. Failure by the employee to file an appeal within the specified time limits specified constitutes a dropping of the complaint. If both parties agree, the time limits may be waived for a specific period of time at any step in this procedure.

12.3.2 **Discrimination Complaints:** An employee may file a complaint concerning a violation of the "FAIR EMPLOYMENT" provision specified by the rules of this Manual, and the complaint shall be processed in accordance with the EEO Complaint Investigation and Resolution Procedure of the City of Berkeley EEO/Affirmative Action Program, as established in Resolution No. 54,926-N.S., as amended from time to time.

12.4 Right of Appeal

An aggrieved employee shall have the right to appeal the decision of the final decision-maker regarding the aggrieved employee's disciplinary dismissal, demotion, suspension or complaint to the Personnel Board except in instances where the right to appeal is prohibited by the Personnel Ordinance or the provisions of this Manual.

12.5 Method of Appeal

Appeals to the Personnel Board shall be in writing, signed by the aggrieved employee and filed with the Director of Human Resources within ten calendar days after the action is imposed. The appeal shall be a written statement, addressed to the Chair of the Personnel Board, explaining the matter appealed from and setting forth a statement of the action desired by the aggrieved employee, supported by his or her reasons. The Director of Human Resources shall, within ten calendar days after receipt of the appeal, inform the Chair of the Personnel Board, the City Manager, the City Attorney, and the affected department head of the filing and contents of the appeal with the Board.

12.6 Investigations and Hearings

Upon receipt of any appeal, the Personnel Board shall make such investigation, as it may deem necessary.

An aggrieved employee who has been demoted for a disciplinary purpose, suspended or discharged is entitled to a hearing upon appeal before the Personnel Board. As to all other appeals, the Personnel Board may grant a hearing or decide the appeal without a hearing as it may deem warranted.

12.7 Hearing Procedures

In cases where the employee is entitled to a hearing as a matter of right and in other cases whenever the Board may deem it advisable to hold a hearing, these procedures shall apply.

12.7.1 **Notice:** The Personnel Board shall schedule a hearing on the appeal within forty-five calendar days from the date of the filing of an appeal. The Director of Human Resources shall notify all interested parties of the date, time and place of the hearing at such places as the Personnel Board shall prescribe.

12.7.2 **Hearing Procedure:** The aggrieved employee shall appear personally unless physically unable to do so before the Personnel Board at the time and place of the hearing. The aggrieved employee may be represented by any person or attorney as may be selected and may at the hearing produce relevant oral or documentary evidence. The party who has the burden of proof shall state the case first after which opposition matter may be presented. Rebuttal matter that is not repetitive may be allowed at the discretion of the Personnel Board. Cross-examination of witnesses shall be permitted. Hearings need not be conducted according to technical rules relating to evidence and witnesses, but shall be conducted according to any rules of applicable procedures. Hearings shall be closed unless otherwise required by the Ralph M. Brown Act, Government Code Section 54950, as amended from time to time, or any other applicable law.

12.8 Findings and Recommendations

The Personnel Board shall, within thirty calendar days after the conclusion of the hearing, or if no hearing was conducted, within thirty calendar days of its decision, certify its findings and recommendation(s) in writing to the aggrieved employee and to the final decision-maker. The final decision maker shall review the findings and recommendation(s) of the Personnel Board and may then affirm, reject or modify the Personnel Board's findings and recommendation(s) as, in his or her judgment, seems warranted, and the final decision maker's decision shall be final. Any member of the Personnel Board may submit a minority or supplemental report which shall be attached to the findings and recommendation(s) of the Board.

~~APPENDIX~~ ARTICLE 13 – MISCELLANEOUS PROVISIONS

~~This Appendix contains detailed information regarding benefits and compensation which covers unrepresented benefitted employees. It is appended to the Unrepresented Employee Manual but the contents are not part of the resolution establishing the Unrepresented Employee Manual and may be changed to reflect changes in benefit details, as approved by the City Council by resolution.~~

13.1 Administrative Leave

Employees who are in career, benefitted, or at-will benefitted classifications which are FLSA Exempt may be approved by the City Manager (or the City Attorney, in the case of the City Attorney's Office) to receive up to an additional 50 hours of compensated administrative leave beginning on January 1, 2016, and at the beginning of each calendar year thereafter, or prorated during the course of the year when employed less than a full year. This administrative leave is granted to employees whose job responsibilities cause them to work numerous hours in excess of the normal City workweek. The City Manager (or the City Attorney, in the case of the City Attorney's Office) has the authority to rescind administrative leave in those instances of abuse or misuse of the intent of this provision.

Administrative leave taken must be approved in advance by the department head and posted to the employee's timecard. Unused administrative leave may be carried over to the next calendar year, providing the total of excess vacation and unused administrative leave do not exceed 320 hours. Otherwise, the excess administrative leave must be taken within the calendar year in which it was earned or it may be forfeited. Upon termination or retirement, no monetary award will be authorized for unused accumulated administrative leave.

13.1.1 **Prorated Administrative Leave**: A benefitted employee who is otherwise eligible for overtime and who is on a temporary or provisional benefitted appointment in an FLSA Exempt classification for a period of one month or longer, and is ineligible to earn overtime, shall be entitled to prorated Administrative leave for the duration of the temporary or provisional appointment. Any unused administrative leave at the end of the temporary or provisional appointment will roll into vacation, provided the total of accrued and unused vacation and accrued administrative leave do not exceed 320 hours.

13.2 Automobile Allowance

The City reimbursement rate for the use of a private automobile on authorized City business will be equal to the amount established by the Internal Revenue Service.

13.3 Bilingual Premium Pay

13.3.1 **As Part of Regular Job Assignment:** An employee who is required as an essential part of his or her job to provide non-English language services, including Braille and sign language, routinely and consistently as part of his or her regular job assignment as determined by the City

will receive a Bilingual Premium Pay Differential of 5%. The employee must agree to use the bilingual skill during his or her normal work shift regardless of assignment. The Bilingual Premium Pay Differential of 5% will be reported to CalPERS as Bilingual Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

13.3.2 **Occasional Assignments:** An employee assigned occasionally to provide non-English language services, including Braille and sign language, when either a) assigned by management, or b) at the request of the employee with the supervisor's agreement, or, c) after a job audit will receive a Bilingual Premium Pay Differential of 2%. The employee must agree to use the bilingual skill during his or her normal work shift regardless of assignment. The Bilingual Premium Pay Differential of 2% will be reported to CalPERS as Bilingual Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

13.3.3 **Competency and Management Rights:** The bilingual premium will not be applicable under any circumstances except to an employee who possesses second language competency. Management reserves the right to test for second language appropriate competency prior to a Bilingual Premium Pay Differential.

13.3.4 **Temporary Designation:** The City may designate an employee to receive either the 5% or 2% Bilingual Premium Pay Differential on a temporary basis for a specified period provided the employee met the requirements contained in the first or second paragraph of this Section.

13.4 Cash-In-Lieu Payments

For those employees who are able to show proof of ongoing alternate group medical coverage, the City will compensate employees $560.00 per month, prorated for less than full-time employees. This benefit shall be frozen at this amount. To comply with FLSA laws, health insurance in-lieu payments shall be paid over twenty-six (26) equal biweekly installments instead of once a month.

13.5 Dependent Care

Employees shall be allowed to designate a specific amount of salary, consistent with State and Federal tax laws, to be redirected to pay for dependent care costs through pre-tax salary deductions. The amount of funds designated should be considered carefully, because under the current tax code, any unexpended funds which have not been spent for the specific purpose of paid dependent care and remain in the employee's account at the end of the year, will be forfeited.

13.6 Life Insurance

The City shall provide paid group life insurance, by a carrier of the City's choice, in the amount of $25,000 which shall include a standard accidental death and dismemberment provision of a like amount. Employees in the classification of Police Chief and Fire Chief shall be provided with life insurance in the amount of $100,000, which shall include a standard accidental death and dismemberment provision of a like amount. Life insurance shall become effective the first day of the calendar month following appointment, and shall continue until the last day of the calendar month in a pay status.

In addition, all unrepresented benefitted employees may purchase additional coverage, in increments of $10,000, up to a maximum of $300,000, at the rate offered by the City's insurance carrier, subject to any rules and restrictions of the carrier, including but not limited to any medical exam that might be required by the insurance carrier.

13.7 Medical/Dental Insurance for Employees/Dependents

Except as provided in Section 8.1 (Group Medical-Dental Insurance Benefits), the City offers fully paid and/ or partially paid health insurance plans and a fully paid dental plan for the employee and eligible dependents, including a domestic partner. The dental plan currently provides orthodontic coverage for the employee's dependent children through age 26 and 90% of the Bay Area Usual, Customary and Reasonable charges. Effective January 1, 2007, the maximum annual coverage will be $2,000 annual coverage, and $2,000 lifetime orthodontia limit. Any employee, who is required to partially pay premiums, shall be allowed to make these payments with pre-tax deductions. The medical and dental benefit coverage for dependent children extends to the date of their 26th birthday, providing they meet the Internal Revenue Service definition of "dependent". If an employee chooses to complete and submit an Affidavit of Domestic Partnership and sign up for medical benefits and/or dental benefits for his or her domestic partner, the employee shall be subject to federal and state income tax withholding.

Medical and dental 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, except in the case of parental and Family and Medical Leave Act, as described in the Administrative Regulation No. 2.4. Maximum annual coverage amounts are found in the Employee Benefits Handbook.

13.7.1 **Dental Coverage for Fire Management**: Effective January 15, 2015, employees in the classification of Fire Chief and Deputy Fire Chief, shall be provided with dental insurance with an annual maximum coverage of $3,000 and lifetime orthodontia limit of $3,000.

13.8 Retiree Medical Plan

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.

13.9 Amendment of Retiree Health Premium Assistance Plans I and II, effective June 28, 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 this Unrepresented Employee Manual, the City shall amend the Retiree Health Premium Assistance Plans I and II 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 or the retiree's spouse/domestic partner. There shall be no cash in lieu payments made under this benefit.

The City will also amend the Retiree Premium Assistance Plans I and II to allow eligible retirees who retired prior to June 21, 2015 to enroll in a non-City sponsored health plan.

13.10 Retiree Medical for Unrepresented Benefitted Employees

Effective June 28, 1998, the City will provide the retiree medical coverage set forth below for all unrepresented benefitted employees, except employees in the classifications of Police Chief, Deputy Police Chief, Fire Chief, and Deputy Fire Chief (see separate plans below). An employee's entitlement to any and all benefits provided by the City under this retiree medical plan is subject to the funding limitations set forth in the plan document.

13.10.1 **Eligibility and Percentage of City Contribution:** An employee is eligible for the retiree health insurance coverage as set forth in Sections 13.10.3 (Pre Age 65 Retiree Health Insurance) and 13.10.4 (Retiree

Benefits for Employees Age 65 or Over) below if he or she meets all the following criteria:

a. retires from career-benefited service with the City ~~career service~~ on or after June 28, 1998;
b. is vested with CalPERS;
c. has at least eight (8) years of career-benefited ~~CalPERS qualifying~~ service with the City; and
d. is at least age 55.

An "Eligible Retiree" also includes individuals who meet the definition as set forth in Section 2.11.1 of the Retiree Health Premium Assistance Plan I for Confidential and Executive Management Employees (Representation UNR0; ~~Unit Z-1~~ UNR1; ~~Z-5~~ UNR2; ~~Z-7~~; ~~Z-9~~ UNR3 and Elected Officials) Restated and Amended effective as of March 22, 2011 (Resolution No. 65,196-N.S.) for "Eligible Retiree."

Percentage of City Contribution: 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	Percentage of City Contribution
8	30%
9	40%
10	50%
11	58%
12	66%
13	74%
14	82%
15	90%
16	92%
17	94%
18	96%
19	98%
20	100%

13.10.2 **Annual Increase:** Retirees will pay the difference between the City's monthly contribution and the actual monthly medical insurance premium charged by the health plan he or she has elected for retiree medical coverage. If 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.

13.10.3 **Pre Age 65 Retiree Health Insurance:** Beginning June 28, 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.

13.10.4 **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 Section 13.10.1 (Eligibility) ceases. On reaching age 65, the City will make available health insurance coverage in addition to Medicare. When an employee or retiree reaches age 65, the City will contribute no more than $16.17 per month on the employee's behalf for single party health insurance coverage and no more than $32.34 per month for two-party health coverage.

13.10.5 **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 Section13.10 (Retiree Medical for Unrepresented Benefitted Employees).

13.10.6 **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, has at least eight (8) years of CalPERS qualifying employment with the City will retain eligibility for the retiree medical benefits provided in Section 13.10.1 (Eligibility) 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.

13.10.7 **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 Section 13.10.1 (Eligibility) 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.

13.10.8 **City Funding of Retiree Health Benefit**: City contributions to the retiree medical benefit began on July 1, 1998. Funding of this benefit has been 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, so that contributions are at 1% of the payroll after four years. 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 July 4, 2004, an additional charge of 0.25% of payroll was charged each year in the subsequent four years so that contributions are at 2% by July 1, 2007. The purpose of this 1% increase in payroll contribution is to fund post age 65 Medicare supplement plans. As a result of this change, the amount the City contributes toward the post-65 Medicare Supplement coverage under the Retiree Health Premium Assistance Plan was $102 effective July 7, 2002 for all post 65 retirees as well as future retirees.

13.10.9 **Retiree Medical Plan for Unrepresented Employees (Rep Units ~~Z-2~~ UNR2, ~~Z-3~~, ~~Z-6~~):** Eligible retirees who retired from positions in Representation Units ~~Z-2~~ UNR2, ~~Z-3~~ and ~~Z-6~~ on or after July 1, 2008.

Not Medicare Eligible: Effective July 1, 2008, between the ages of 55 and 65 who retire on or after June 29, 2008 the amount the City contributes toward payment of the health care premium cost for the Retiree Health Premium Assistance Plan will increase by $50 per month in addition to the 4.5% that occurs on July 1 as provided in Section 13.10.2 (Annual Increase). Effective July 1, 2009, the amount the City contributes toward payment of the health care premium cost for the Retiree Health Premium Assistance Plan will increase by an additional $25 per month (i.e., an aggregate $75 per month increase) in addition to the 4.5% that occurs on July 1 as provided in Section 13.10.2 (Annual Increase). Effective July 1, 2011, the amount the City contributes toward payment of the health care premium cost for the Retiree Health Premium Assistance Plan will increase by an additional $25 per month (i.e., an aggregate $100 per month increase) in addition to the 4.5% that occurs on July 1 as provided in Section 13.10.2 (Annual Increase).

13.10.10 Retiree Medical Plan for Confidential and Executive Management Employees (Rep Unit ~~–~~ UNR0; ~~Z-1~~ UNR1; ~~Z-5~~ (UNR2; ~~Z-7~~; ~~Z-9~~ UNR3; and Elected Officials): Eligible retirees who retired from positions in Representation Unit ~~Z-1~~ UNR1 on or after July 1, 2008.

Medicare and Not Medicare Eligible: Effective June 29, 2008, an additional charge of 0.50% of payroll will be charged so that contributions are at 2.5%. The purpose of this 0.50% increase in payroll contribution is to fund both pre-65 retiree health care premium costs and post age 65 Medicare Supplement plans for eligible retiree who retired from positions in Representation Unit ~~–~~ UNR0; ~~Z-1~~ UNR1; ~~Z-5~~ UNR2; ~~Z-7~~; ~~Z-9~~ UNR3 and Elected Officials on or after July 1, 2008. As a result of this change, the amount the City contributes toward pre age 65 health insurance premium costs shall increase from $258.19 per month to $309.39 per month for single coverage and from $516.38 per month to $618.78 per month for 2-party coverage. The City's contribution toward the post-65 Medicare Supplement coverage shall increase from $132.83 per month to $184.03 per month for single coverage and from $265.67 per month to $368.06 per month for 2-party coverage.

13.11 Reimbursement Plan

After Council approval of this Unrepresented Employee Manual, the City shall amend the Retiree Health Premium Assistance Plans I and II as soon as practicable to allow for the reimbursement of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner until the death of both. If there is no spouse or domestic partner at the time of retirement, the City shall only reimburse the single party rate. The reimbursement shall be paid directly to the retiree or surviving spouse or domestic partner. The maximum amount the City will reimburse for the cost of Medical Insurance Premiums is based on the schedule described in Section 13.10.1 (Eligibility and Percentage of City Contribution) above.

13.11.1 Retiree Medical Reimbursement Plan for Unrepresented Confidential and Executive Management Employees (Rep Units ~~–~~ UNR0; ~~Z-1~~ UNR1; ~~Z-5~~ UNR2; ~~Z-7~~; ~~Z-9~~ UNR3; and Elected Officials) Who Retire on or After June 28, 1998 through June 30, 2008

13.11.1.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner until the death of both as follows:

a. **Reimbursement as of June 28, 1998:** Effective June 28, 1998, as provided in Section 13.10.2 (Annual Increase), each month after the employee retires, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $166.26 for single party coverage for the retiree or $332.52 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Annual Increase), total $338.60 for single party coverage for the retiree or $677.19 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.1.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of June 28, 1998**: Effective June 28, 1998, as provided in Section 13.10.4 (Retiree Benefits for Employees Age 65 and Over) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $16.17 for single party coverage for the retiree or $32.34 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of July 7, 2002**: Effective July 7, 2002, as provided in Section 13.10.8 (City Funding of Health Benefits) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $102.00 for single party coverage for the retiree or $204.00 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

c. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $172.98 for single party coverage for the retiree or $345.96 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.2 **Retiree Medical Reimbursement Plan for Unrepresented Confidential and Executive Management Employees (Rep Units ~~–~~ UNRO; ~~Z-1~~ UNR1; ~~Z-5~~ UNR2; ~~Z-7~~; ~~Z9~~ UNR3 and Elected Officials) Who Retire on or After July 1, 2008**

13.11.2.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008:** On July 1, 2008, as provided in Section 13.10.10 (Retiree Medical Plan for Unrepresented Confidential and Executive Management Employees), the City will reimburse the cost of Medical Insurance Premiums in an amount totaling $309.39 for single party coverage for the retiree or $618.78 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $405.73 for single party coverage for the retiree or $811.46 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.2.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008**: Effective July 1, 2008, as provided in Section 13.10.10 (Retiree Medical Plan for Unrepresented Confidential and Executive Management Employees), each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $184.03 for single party coverage for the retiree or $368.06 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $239.65 for single party coverage for the retiree or $479.31 for two party

coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.3 **Retiree Medical Reimbursement Plan for Unrepresented Employees (Rep Units ~~–~~ UNR0; ~~Z-2~~ UNR2; ~~Z-3~~ UNR2 ~~; Z-6~~) Who Retire on or After June 28, 1998 through June 30, 2008**

13.11.3.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of June 28, 1998:** Effective June 28, 1998, as provided in Section 13.10.2 (Annual Increase), each month after the employee retires, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $166.26 for single party coverage for the retiree or $332.52 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Annual Increase), total $338.60 for single party coverage for the retiree or $677.19 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.3.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of June 28, 1998**: Effective June 28, 1998, as provided in Section 13.10.4 (Retiree Benefits for Employees Age 65 and Over) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $16.17 for single party coverage for the retiree or $32.34 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of July 7, 2002**: Effective July 7, 2002, as provided in Section 13.10.8 (City Funding of

Health Benefits) each month after the retiree reaches age 65 and is eligible for Medicare, the City's maximum reimbursement for the cost of Medical Insurance Premiums total $102.00 for single party coverage for the retiree or $204.00 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

c. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $180.76 for single party coverage for the retiree or $361.53 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.4 **Retiree Medical Reimbursement Plan for Unrepresented Employees (Rep Units ~~—~~ UNR0; ~~Z-2~~ UNR2; ~~Z-3~~ UNR2; and ~~Z-6~~) Who Retire on or After June 29, 2008**

13.11.4.1 **Not Medicare Eligible**: For retirees who are not eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008:** On July 1, 2008, as provided in Section 13.10.9 (Retiree Medical Plan for Unrepresented Employees), the City will reimburse the cost of Medical Insurance Premiums in an amount totaling $297.08 for single party coverage for the retiree or $544.16 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of July 1, 2009**: As of July 1, 2009, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.9 (Retiree Medical Plan for Unrepresented Employees), total $335.45 for single party coverage for the retiree or $593.64 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

c. **Reimbursement as of July 1, 2011**: As of July 1, 2011, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.9 (Retiree Medical

Plan for Unrepresented Employees), total $391.32 for single party coverage for the retiree or $673.27 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

d. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $469.92 for single party coverage for the retiree or $808.52 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

3.11.4.2 **Medicare Eligible**: For retirees who reach age 65 and are eligible for Medicare, the City will reimburse the cost of Medical Insurance Premiums for the retiree and/or surviving spouse/domestic partner as follows:

a. **Reimbursement as of July 1, 2008:** As of July 1, 2008, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $138.81 for single party coverage for the retiree or $277.62 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

b. **Reimbursement as of January 1, 2017**: As of January 1, 2017, the City's maximum reimbursement for the cost of Medical Insurance Premiums, which were increased in accordance with Section 13.10.2 (Maximum Increase), total $172.98 for single party coverage for the retiree or $345.96 for two party coverage for the retiree and/or surviving spouse/domestic partner coverage.

13.11.5 **Enrollment in City Group Plans**
Retiring employees may receive continuing health coverage in City sponsored group health plans subject to the limitations and co-pay amounts permitted by the health care providers.

13.12 Fire Chief and Deputy Fire Chief Retiree Medical Plan

Internal City of Berkeley candidates who promote and are appointed to the Fire Chief or Deputy Fire Chief classification, without a break in service, shall be eligible for the same Retiree Medical Plan as provided to sworn fire employees in Representation Unit B. An employee covered by this provision who leaves City service and defers CalPERS retirement shall qualify for this benefit upon meeting the Representation Unit B eligibility requirements, provided Berkeley is the employee's final CalPERS-covered employer.

13.12.1 **Retiree Medical Benefits for External Appointments**: External City of Berkeley candidates appointed to the Fire Chief or Deputy Fire Chief classifications shall be covered by the Retiree Health Premium Assistance Plan described herein at Section 13.10 (Retiree medical Plan) et seq., except that the employee shall not be required to meet the eligibility requirements of sub-Sections 13.10.1(b) and 13.10.1(c) and instead credited with 15 years of qualifying years of service for eligibility in the Plan and shall receive benefits as a Representation Unit ~~Z-1~~ **UNR0** employee.

13.13 Retiree Medical and Training/Certification Differentials for Police Chief and Deputy Police Chief Classifications

Internal City of Berkeley candidates who promote and are appointed to the Police Chief or Deputy Police Chief classification, without a break in service, shall be eligible for the same Retiree Medical Plan as provided to sworn police employees in Representation Units E and F. An employee covered by this provision who leaves City service and defers CalPERS retirement shall qualify for this benefit upon meeting the Representation Units E and F eligibility requirements, provided Berkeley is the employee's final CalPERS-covered employer.

~~The Police Chief and Deputy Police Chief classifications shall be eligible for the same training differentials for which members of the Berkeley Police Association qualify, including Crisis Intervention Training and the KIND (Constitutional, Humane, Impartial, Neighborhood-Oriented, and DEI-Centered) Policing Differential.~~

The Police Chief and Deputy Police Chief classifications shall be eligible for the POST (Police Officer Standards and Training) certification differential for which members of the Berkeley Police Association qualify (up to 13~~7~~% ~~in the 2023-2026 MOU~~); however, the POST certificates for the Police Chief and Deputy Police Chief must be at the Management level to qualify for the differential.

13.13.1 **Retiree Medical Benefits for External Appointments**: External City of Berkeley candidates appointed to the Police Chief or Deputy Police Chief classification shall be covered by the Retiree Health Premium Assistance Plan described herein at Section 13.10 (Retiree medical Plan) et seq., except that the employee shall not be required to meet the eligibility requirements of sub-Sections 13.10.1(b) and 13.10.1(c) and instead credited with 15 years of qualifying years of service for eligibility in the Plan and shall receive benefits as a Representation Unit UNR1 ~~Z-1~~ employee.

13.14 Partially Subsidized YMCA Membership

The City currently provides a partially subsidized membership in the Berkeley YMCA for those employees who agree to pay the required monthly fee. Use of a YMCA membership by a City of Berkeley employee, as provided by this provision, is not part of the employee's work related duties, is not required for continued employment and is not considered part of a City sponsored physical fitness program. The City of Berkeley nor its Claims Administrator shall not be liable for any injury that may arise out of a City of Berkeley employee's participation in and

use of a YMCA membership. The amount the City contributes toward the employee's monthly membership fee is subject to federal and state income tax withholding.

13.15 Part-Time Employees Eligible for Full Benefits

Those part time employees who have been continuously employed by the City in benefitted part time career positions since prior to July 1, 1977 and who have not accepted a full time career position are eligible to participate in the City's health and dental insurance programs with the City's payment of premiums at the same level as for full time benefitted employees.

13.16 Probationary Periods for Unrepresented Classifications

The competitive appointment to a career classification will include a probationary period during which time the incumbent may be dismissed without right of appeal. The probationary period for unrepresented classifications varies from six (6) months of actual work hours (1040 hours for full time employees and 520 hours for half time) to one year of actual work hours (2080 hours for full time and 1040 hours for half time).

Presently, unrepresented classifications require a six (6) month probationary period except for the following unrepresented classifications which require a one year probationary period:

(a) All classifications in Unit ~~Z-1~~ **UNR1** in the career service; and
(b) All classifications in Unit ~~Z-2~~ **UNR2** in the career service.

~~13.17 Public Safety Uniform Allowance~~

~~(a) Fire Uniform Allowance: Effective November 9, 2004, $1,000 annual allowance. Effective December 1, 2015, $1,100 annual allowance.~~
~~(b) Police Uniform Allowance: Effective July 7, 2002, $1,000 annual allowance.~~
~~(c) To comply with CALPERS requirement, Union allowance payments shall be paid over twenty-six (26) equal biweekly installments instead of twice a year payment.~~

~~13.18~~13.17 Regular "At-Will" Classifications

The following classifications are exempt from the career service and in accordance with the Personnel Ordinance (Berkeley Municipal Code Section 4.04.120), At-Will appointments are eligible to receive benefits:

- All department heads
- Assistant City Manager
- Assistant to the City Attorney
- ~~Assistant to the City Manager~~
- Assistant to the Mayor
- Assistant, Associate and Senior Management Analyst in the City Manager's Department and in the Office of Budget and Fiscal Management
- Budget Manager

- Capital Improvement Programs Manager
- Deputy City Manager
- Economic Development Manager
- Employee Relations Manager
- Health Officer
- Legislative Assistant
- Police Review Commission Investigator
- Police Review Commission Officer
- Secretary to the Mayor, Administrative Secretary and Secretary in the Mayor's Office
- Supervising Psychiatrist

~~13.19~~13.18 City Manager Department Differential

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

~~13.20~~13.19 Shift Differential

Employees whose regular schedules meet the definition, as specified by Unrepresented Employee Manual Section 1.12 (Shift Differential), for shift differential, for the hours of 5:00 p.m. to 12:00 a.m., shall be paid their regular salary plus seven and one-half percent (7.5%) of their monthly salary per month. Those whose regular schedule meets the definition for shift differential, for the hours of 12:00 a.m. to 7:00 a.m., shall be paid their regular monthly salary plus ten percent (10%) of their monthly salary per month.

~~13.21~~13.20 SRIP II Disability Insurance

The City shall pay the premium for the current cost of long term disability insurance for SRIP covered employees who are enrolled in the SRIP II (Supplementary Retirement and Income Plan).

~~13.22~~13.21 Vacation Schedules

Unrepresented employees, except those confidential executive, management and professional employees in Section 13.20.1 (Confidential Executive Management and Professional Employees) below, shall be entitled to earn annual vacation leave as follows:

Authorized Annual Vacation (in work weeks)	Years of Actual Benefitted Service
2-workweeks (FTE 80 hours)	During the first 3-years
3-workweeks (FTE 120 hours)	During the 4th through 11th year
4-workweeks (FTE 160 hours)	During the 12th through 17th year
5-workweeks (FTE 200 hours)	During the 18th through 24th year
6 workweeks (FTE 240 hours)	During the 25th and subsequent years

~~13.22.1~~13.21.1 **Confidential Executive, Management and Professional Employees:** Confidential executive, management and professional employees who were eligible under the City's Administrative Leave

Policy are entitled to earn annual vacation leave as follows:

Authorized Annual Vacation (in work weeks)	Years of Actual Benefitted Service
2-workeeks (FTE 80 hours)	During the first 2-years
3-workweeks (FTE 120 hours)	During the 3rd through 5th year
4-workweeks (FTE 160 hours)	During the 6th through 17th year
5-workweeks (FTE 200 hours)	During the 18th through 24th year
6 workweeks (FTE 240 hours)	During the 25th and subsequent years

~~13.22.2~~13.21.2 **Director of Library Services and Deputy Director of Library Services:** Employees in the classifications of Director of Library Services and Deputy Director of Library Services are entitled to earn annual vacation Leave as follows:

Years of Actual Benefited Service	Authorized Annual Vacation Accrual
Through the first 5 Years of Service	3 weeks (120 Hours)
Beginning the 6th through 17th Years of Service	4 weeks (160 Hours)
Beginning the 18th through 24th Years of Service	5 weeks (200 Hours)
Beginning the 25th and subsequent Years of Service	6 weeks (240 Hours)

~~13.23~~13.22 Special Pay for Camps Personnel

When an employee, who has a valid Red Cross Senior Lifesaving Certificate and occupies a camps classification, is specifically assigned in writing by the Camps Manager or an authorized representative, with approval by the City Manager, to temporarily serve as a lifeguard for one day or more, said employee shall be paid a five percent (5%) differential, more than the employee's current salary.

~~13.24 Hazard Premium Pay for Clerical Mental Health Personnel~~

~~Clerical employees who are regularly assigned to work in Mental Health Programs, in direct contact with clinic patients, shall receive a five percent (5%) differential. This Hazard Premium Pay shall be reported to CalPERS as "Hazard Premium" under PERL Section 571 (Definition of Special Compensation), (4) Special Assignment Pay.~~

~~13.25~~13.23 Longevity Pay

Effective the first full pay period after Council adoption, employees in Representation Units ~~Z-2~~ UNR2 ~~, Z-3 and Z-6~~ completing nineteen (19) years of service shall receive a three percent (3%) differential above their base rate of pay beginning with the anniversary date of beginning the twentieth (20) 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 in July 2026.

Effective the first full pay period of July 2026, employees in Representation Units

~~Z-2~~ UNR2, ~~Z-3~~ ~~and~~ ~~Z-6~~ who complete fourteen (14) years of service shall receive a three percent (3%) differential above their base rate of pay 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" under PERL Section 571.a.(1) Incentive Pay.

~~13.26~~13.24 Longevity Pay for Confidential and Executive Management Employees

Effective the first full pay period after Council adoption, and except as noted below in Section 13.24.1 (Longevity Pay for Unit ~~Z1~~ UNR0 Fire Chief and Deputy Fire Chief), employees in Representation Unit ~~Z-1~~ UNR1 who have completed nineteen (19) years of service shall receive a three percent (3%) differential above their base rate of pay beginning with the anniversary date of beginning the twentieth (20) 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 in July 2026.

Effective the first full pay period of July 2026, and except as noted below in Section 13.24.1 (Longevity Pay for Unit ~~Z1~~ UNR0 Fire Chief and Deputy Fire Chief), employees in Representation Unit ~~Z-1~~ UNR0 who have completed fourteen (14) years of service shall receive a three percent (3%) differential above their base rate of pay 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.

~~13.26.1~~13.24.1 **Longevity Pay for Unit ~~Z1~~ UNR0 Fire Chief and Deputy Fire Chief**: The longevity pay for the Fire Chief and Deputy Fire Chief classifications is intended to provide the same benefits as the Longevity Pay for represented sworn fire employees under the Berkeley Fire Fighters Association (Unit B) Memorandum of Understanding. The current schedule is:

- 12th Year (completion of 11 years) 4.0%
- 15th Year (completion of 14 years 4.0% (Total of 8%)
- 20th Year (completion of 19 years) 4.0% (Total of 12%)

Eligible service is for years worked in a classification represented by the Association. These differentials above their base rate of pay shall apply to all hours in a paid status. This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay.

~~13.26.2~~13.24.2 **Longevity Pay for Unit ~~Z1~~ UNR0 Police Chief and Deputy Police Chief**: The longevity pay for the Police Chief and Deputy Police Chief classifications will provide the same benefits as the Longevity Pay for represented sworn police employees under the Berkeley Police Association (Units E & F) Memorandum of Understanding. The current benefit is:

Upon the anniversary date of the beginning of the following years of service as an employee in a classification represented by the Association, shall receive the following differentials above their base rate of pay:

- Eighth (8th) Year of Service: three percent (3%)
- Twelfth (12th) Year of Service: an additional three percent (3%) for a total of six percent (6%)
- Fifteenth (15th) Year of Service: an additional three percent (3%) for a total of nine percent (9%)
- Eighteenth (18th) Year of Service: an additional three percent (3%) for a total of twelve percent (12%)

Employees who have already reached these levels of service shall receive the new premiums effective immediately.

Effective the first full pay period after January 1, 2027, the prior longevity premium structure shall be discontinued and replaced with the following:

Upon the anniversary date of the beginning of the following years of service as an employee in a classification represented by the Association, shall receive the following differentials above their base rate of pay:

- Sixth (6th) Year of Service: three percent (3%)
- Tenth (10th) Year of Service: an additional three percent (3%) for a total of six percent (6%)
- Thirteenth (13th) Year of Service: an additional three percent (3%) for a total of nine percent (9%)
- Sixteenth (16th) Year of Service: an additional three percent (3%) for a total of twelve percent (12%)

Employees who have met the revised years-of-service thresholds shall receive the applicable longevity premium effective the first full pay period following January 1, 2027. The revised longevity schedule shall not be applied retroactively, and no employee shall receive back pay or credit for prior periods based on the revised thresholds.

~~13.27~~13.25 Automobile Allowance for Police Chief

The City Manager may authorize an automobile allowance of $400 per month in lieu of a City provided vehicle for an employee appointed after November 1, 2009 to the classification of Police Chief.

~~13.28~~13.26 Video Display Terminal Screening/Glasses

The City offers VDT screening and glasses as medically required, every two years, to employees who in the course of their employment operate VDT equipment more than four hours in a work day.

~~13.29~~13.27 Emergency Medical Technician

Employees in the classifications of Fire Chief and Deputy Fire Chief who maintain current Emergency Medical Technician (EMT) certification shall receive an EMT pay differential of five percent (5%) above base pay. This EMT differential shall be reported to CalPERS as Emergency Medical Technician Pay. Any hours worked on overtime are excluded from CalPERS-reported "compensation earnable" under California Government Code Section 20635.

~~Unit Z-1~~ UNR Fire Chief and Deputy Fire Chief who maintain current Emergency Medical Technician (EMT) certification shall receive the same EMT pay differential as sworn fire employees under the Berkeley Fire Fighters Association (Unit B)

~~Memorandum of Understanding.~~

~~**13.30 Shoe Allowance**~~

~~An annual allowance of two hundred dollars ($200) shall be paid to benefitted employees in the classification of Janitor, Groundskeeper, Laborer, and Solid Waste Worker.~~

~~13.31~~13.28 Training Differential

~~13.31.1~~13.28.1 **Trainer Differential:** Effective July 1, 2016, any employee, excluding those classifications that require training as part of the assignment (e.g. supervisors), designated by the department and approved by the Director of Human Resources as qualified trainers or instructors for specific specialized skills (identified by the departments in consultation with Human Resources) who is required to provide formalized training to a new employee or an employee who management has identified as needing formalized training, shall receive a five percent (5%) differential in salary for that time served in such capacity. Such assignment shall be in writing by the department and approved by the Director of Human Resources. This Training Differential will be reported to CalPERS as Training Premium Special Assignment Pay. However, any hours worked on overtime are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

~~13.31.2~~13.28.2 **Higher Class Training Differential:** For training purposes, employees not meeting all of the minimum qualifications of a higher classification may be temporarily assigned for a minimum of one (1) week, to perform the duties of the higher classification and will receive a five percent (5%) increase in their current base salary for the duration of the temporary assignment. Such assignments shall be in writing and shall indicate the reasons, length and duties of the assignment. Assignments shall be approved in advance by the City Manager (or the City Attorney, in the case of the City Attorney's Office), or his or her designee by an Employee Transaction Form, and forwarded to the Human Resources Department for inclusion in the employee's official Personnel file.

~~13.31.3~~13.28.3 **Trainee Differential**: For training purposes and to enhance an employee skills and abilities, any employee designated in advance by the department director and approved by the Director of Human Resources to perform duties that are outside of the employee's classification, shall receive a three percent (3%) differential in salary for that time served in such capacity. Such assignments shall be in writing and shall indicate the reasons, length and duties of the assignment. Assignments shall be approved in advance by the City Manager (or the City Attorney, in the case of the City Attorney's Office), or his or her designee by an Employee Transaction Form, and forwarded to the Human Resources Department for inclusion in the employee's official Personnel file.

~~13.32~~13.29 Summary of May 2017 Changes to the Unrepresented Employee Manual

- Included reference to Unrepresented Unit ~~Z-9~~ UNR3 (Deputy Director Rent Stabilization Program).
- Former Section 1.14 (One-Time Allocation) - deleted obsolete provision.
- Section 5.2 (Floating Holidays) - corrected omission of one (1) day.
- Section 8.3 (Hourly Rated Employees in Lieu of Benefits) – codified existing benefit.
- Section 13.11 (Reimbursement Plan) – revise plan as reimbursement.
- Section 13.12 (Fire Chief and Deputy Fire Chief Retiree Medical Plan) – clarified benefit for internal and external appointments.
- Section 13.13 (Retiree medical for Police Chief Classification) – clarified benefit for internal and external appointments.
- Section 13.18 (Regular "At-Will" Classifications) – deleted duplicate classification.
- Section 13.31.3 (Trainee Differential) – included provision authorizing differential for employees assigned duties outside of classification.

~~13.33~~13.30 Summary of October 2017 Changes to the Unrepresented Employee Manual

- Section 8.4.5 Miscellaneous Employees Classic Employee Pension Contribution through a 20516 Contract Amendment – added subsection 8.4.5.3

~~13.34~~13.31 Summary of July 2018 Changes to the Unrepresented Employee Manual

- Section 1.14 (One-Time Allocation) - $2,000 paid August 17, 2018.
- Section 8.1.3 (Medical Contribution Executive Managers) – Cost-share of $50.00 for medical contributions by all department heads, City Manager and Deputy City Manager effective July 1, 2019.
- Section 8.4.6.4 – Correct typographical error.
- Section 11.5 (Written Reprimand for Non-Safety Employees) – Include provision allowing written rebuttal.
- Section 12.3.1 (Compensation Complaints) – Include provision that specifies appeal time lines.
- 13.1 (Administrative Leave) – Clarify leave extended to career and benefitted at-will employees; benefit is prorated based on assignment; and codifies practice that unused administrative leave rolls into vacation.
- 13.24 (Hazard Premium Pay for Clerical Mental Health Personnel) – Clarify pay is reportable to CalPERS.
- 13.25 (Longevity Pay) – Include CalPERS reportable section.
- 13.30 (Shoe Allowance) – Clarify benefit extended to benefitted employees.

- Shoe Allowance
- 13.31 Training Differential
- 13.32 Summary of July 2018 Changes to the Unrepresented Employee Manual
- 13.33 Summary of October 2017 Changes to the Unrepresented Employee Manual

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~~13.35~~13.32 Summary of July 2020 Changes to the Unrepresented Employee Manual

Section	Change
Term Duration	Parties agree to a one-year term Agreement ending on June 30, 2021
Living Wage –	NEW LANGUAGE: The City agrees to pay each of its direct employees an hourly wage of no less than $18.33 effective the first full pay period in January 2021. The City agrees to pay each of its direct employees an hourly wage of no less than $19.33 effective the first full pay period in June 2021. If the Living Wage increases beyond $19.33, as outlined in the Berkeley Municipal Code effective July 2021, the City shall implement the increases the first full pay period in September 2021 and July 1st of each year thereafter
Additional City Emergency Paid Sick Leave Allocation	NEW LANGUAGE: The City shall provide an additional 80 hours of emergency paid sick leave to be used for COVID-19 related reasons as listed in the Emergency Paid Sick Leave Act. Part-time employees receive a prorated number of hours. In order to use this additional City emergency paid sick leave, the employee must first exhaust all hours that they received under the Emergency Paid Sick Leave Act. The City will use a specific pay code for this additional emergency paid sick leave and these additional hours will be available until June 30, 2021. These additional 80 emergency paid sick leave hours shall have no cash value and may not be used towards any CalPERS retirement service credit as outlined 4.13 of the Unrepresented Employees Manual.

Additional Floating Holidays	NEW LANGUAGE: 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 Agreement for classifications which, due to the nature of the assignment, require backfill, employees will be paid a stipend in the amount of the earned floating holiday hours up to a maximum of 32 hours the first full pay period in August 2020. The City will use a specific pay code for these additional floating holiday hours will be available until June 30, 2021. These additional 32 hours of floating holiday shall have no cash value and may not be used towards CalPERS retirement service credit as outlined 4.13 of the Unrepresented Employees Manual.
Additional language on Layoffs for the Term of the Agreement	NEW LANGUAGE: The City recognizes the important role that the employee workforce plays in delivering public services; therefore, during the period ending June 30, 2021 the City agrees to not layoff any Unrepresented career employees. However, should the City determine that its expenditures exceed its revenues during the period ending June 24, 2021, the City may notice the Unrepresented group in writing and the Unrepresented group shall be provided an opportunity to meet and discuss one-time cost savings and alternatives such as furloughs, VTO, etc. Nothing in this section requires the City to retain positions (filled or vacant) where state, federal or grant funding has been reduced or eliminated and would require the City to backfill such positions. All other provisions on Layoffs remain unchanged.
Provisional Employee	No employees shall hold a provisional appointment in the same position for more than 12 months. The City Manager may extend the provisional appointment beyond this 12- month limitation with the mutual agreement of the parties.
Limited Reopener	If during the fiscal year 2020 -2021 the City reaches agreement with SEIU or extends to other unrepresented employees an opportunity to confer on an across the board Cost of Living Adjustment (COLA) increase and/or an additional City contribution towards medical premiums, the City agrees to a limited reopener to meet and discuss with the Unrepresented group on these increases.

~~13.36~~13.33 Summary of July 2023 Changes to the Unrepresented Employee Manual

- Add second sentence to section 1.6.
- Add sections 3.3.6, 3.3.7, 3.3.8, and 13.26.2.
- Add "group" to section 13.4.
- Add "Office Specialists III" to section 13.19.
- Revise section 13.29.

~~13.37~~13.34 Summary of March 2024 Changes to the Unrepresented Employee Manual

- Add Section 1.16 – Employee Relations Manager Salary Differential.
- Add Deputy Police Chief to Sections 13.10 and 13.13 (Retiree Medical); modify Section 13.13 to include training and POST certification differentials for Police Chief and Deputy Police Chief.
- Add Assistant to the City Attorney and Employee Relations Manager to at-will classifications (Section 13.18).

~~13.38~~13.35 Summary of June 2024 Changes to the Unrepresented Employee Manual

- Revise Section 1.15.1 – Salary Resolution.
- Revise Section 5.1 – Holiday to add Cesar Chavez Day.
- Revise Section 8.1 – Medical-Dental Insurance to add vision insurance.
- Revise Section 13.25 and 13.26 – Longevity to advance the effective year from the end of 19 years of service to the end of 14 years of service.

~~13.39~~13.36 Summary of February 2025 Changes to the Unrepresented Employee Manual

- Revise Sections 1.6, 2.3, 6.1, 6.4, 7.1, 7.2, 10.8.1, 10.9.1, 10.13, 11.2, 12.2, 13.1, 13.31.2, and 13.31.3 to assign authority over City Attorney's Office to City Attorney, pursuant to Measure KK.
- Revise Section 8.4.6 to reflect Council action in January 2024 eliminating cost-share
- Add Section 10.2.1 - Layoffs in City Attorney's Office, pursuant to Measure KK.
- Revise Section 3.3.5 to authorize City Attorney to make determinations on vacation accrual for City Attorney's Office.
- Revise Section 12.5 to require that the City Attorney be notified of appeals by employees under Article 12.
- Revise Section 13.19 to add the Accounting Office Specialist III, Program Manager II and Communications Specialist classifications to the list receiving the differential.
- Revise Sections 13.25 and 13.26 to clarify that longevity benefit changes in July 2026.

13.37 Summary of December 2026 Changes to the Unrepresented Employee Manual

- Revise documents throughout to replace FUND$ employee designations with ERMA designations.
- Removed the following outdated sections: 1.14, 1.15, 6.4 – 6.7. 13.24, 13.30
- Updated sections 3.3.6 and 3.3.7 to include actual vacation accrual rates.
- Update 3.6 such that vacation leave may be used before retirement with

department certain approvals.

- Add 5.7 to clarify that all holidays and floating holidays are valued at 8 hours.
- Update 6.1 to reflect Bereavement Leave language in miscellaneous MOUs.
- Update 6.2 to reflect remote “on-call” Jury Duty systems.
- Update 8.8 to specify Public Safety Uniform Allowance Amounts and bring them in line with underlying MOUs.
- Update 13.10.1 language to more accurately conform with current practice for retiree medical eligibility.
- Revise sections 13.12, 13.26.1 and 13.29 to specify exact benefits for Fire Management employees mirroring the BFFA contract.
- Revise Section 13.26.2 to specify exact benefits for Police Management employees mirroring the BPA contract revising the benefit effective January 2027.
- Update Appendix to Article 13 – Miscellaneous Provisions
- Added FUND$ vs ERMA Bargaining Unit Crosswalk Appendix

Unrepresented Manual
FUND$ vs ERMA Bargaining Unit Crosswalk Appendix

The following FUND$ employee designations and their ERMA equivalents are listed below. The FUND$ designations were updated in the November 2026 update.

FUND$ B/U	ERMA B/U
Z1	UNRO - UNREP POLICE/FIRE/DEP - CHIEF
Z1	UNR1 - UNREP CONFIDENTIAL MGMT
Z2, Z3, Z5	UNR2 - UNREP CAREER PROF/CLERICAL
Z9	UNR3 - UNREP RENT BOARD DIR/DEP DIR
INACTIVE IN ERMA	UNR4 - LEGISLATIVE ASSISTANT
Z4	UNR5 - UNREP NON-CAREER NON-BENFITTED
ADDED IN ERMA FOR PARAMEDICS	UNR6 - UNREP CAREER SAFETY
Z6	CSLA
X	MC03
X1 & X2	UNR5

07

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract: SHI for Cohesity Backup Solution with Hosted Cloud Storage

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Contract with SHI, pursuant to Sourcewell RFP No. 121923, Category 1 (Technology Products and Services with Related Solutions), for a Cohesity backup solution with hosted cloud storage, for a total contract amount not to exceed $450,000 for the term December 31, 2026 through December 30, 2029.

FISCAL IMPACTS OF RECOMMENDATION

Funding in an amount not to exceed $450,000, is available through the IT Cost Allocation Plan Fund (Fund 680). Of this amount, $400,000 is available in FY 2027. Funding of $25,000 in FY 2028 and $25,000 in FY 2029 is subject to City Council approval of the proposed citywide budget and annual appropriation ordinances.

Fiscal Year	Amount	Funding Status / Source
FY 2027	$400,000	Available in Fund 680 (IT Cost Allocation Plan Fund)
FY 2028	$25,000	Subject to annual budget approval & appropriation
FY 2029	$25,000	Subject to annual budget approval & appropriation
Total Not to Exceed	**$450,000**	**Comprehensive 3-Year Allocation**

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley currently utilizes Cohesity's backup and disaster recovery solution to protect critical technology systems and data, including email, websites, applications, databases, and virtual servers. The solution provides reliable backup and recovery capabilities, with long-term backup storage maintained in Microsoft Azure.

However, the City's existing Cohesity backup hardware is approaching the end of its useful life and requires replacement to maintain system reliability, performance, and continued vendor support. To address this, the proposed action includes upgrading aging

equipment with modern servers that provide improved processing power, memory, and storage capacity.

This purchase also encompasses updated Cohesity software licensing and support services, allowing the City to continue protecting its existing technology infrastructure while providing greater flexibility for cloud-based systems as technology needs evolve.

Maintaining a reliable backup and disaster recovery solution is essential to protecting City information, ensuring continuity of operations, and minimizing disruptions to critical services. Replacing the aging equipment will reduce the risk of hardware failures, improve recovery capabilities, and help ensure essential City services remain operational, supporting the City's strategic goal of creating a resilient, safe, connected, and prepared organization.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet those criteria and is therefore exempt from the noticing requirement.

BACKGROUND

In February 2020, the City issued Request for Proposal (RFP) No. 20-11386-C to replace its aging backup and disaster recovery system. The City received four qualifying proposals, which were evaluated based on operational, technical, and fiscal requirements. Following the evaluation, the City selected the Cohesity backup solution proposed by ePlus to replace its existing Barracuda backup system.

The Cohesity solution was implemented in 2020 to provide centralized backup and recovery services for the City's critical information technology systems, including file servers, applications, databases, email, and virtual servers. The solution provides local backup storage for efficient data recovery and utilizes Microsoft Azure cloud storage for long-term retention and disaster recovery.

Since implementation, Cohesity has provided reliable backup and recovery capabilities while supporting the City's growing virtual server infrastructure. The City has continued to maintain the solution through software licensing, hardware maintenance, and technical support agreements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed Cohesity hardware refresh and software renewal will maintain the City's existing electronic backup and recovery solution, which eliminates the need for physical backup tapes and transportation to offsite storage facilities. The City will recycle the replaced hardware through its established electronic waste disposal process. Continuing the City's Green IT goals.

RATIONALE FOR RECOMMENDATION

The Cohesity backup and disaster recovery solution has provided the City with reliable backup and recovery capabilities since its implementation in 2020. The solution is

integrated with the City's existing server and virtualization infrastructure and provides both local and cloud-based backup storage. Continuing with Cohesity allows the City to maintain its existing backup environment while avoiding the additional costs, staff resources, and potential service disruptions associated with transitioning to a different backup platform.

The proposed hardware refresh and three-year software licensing and support renewal will replace aging equipment, maintain vendor support, and provide continued protection for the City's critical information technology systems. The updated licensing also provides flexibility to support the City's future cloud-based infrastructure needs.

Sourcewell, a governmental cooperative purchasing organization established under Minnesota law, conducted a competitive Request for Proposal (RFP No. 121923) for Technology Products and Services with Related Solutions. SHI International Corp. was selected as an awarded vendor under Sourcewell Contract No. 121923-SHI, which includes hardware, software, cloud solutions, data center equipment, and related professional services. The City of Berkeley Information Technology Department is requesting to piggyback on this competitively solicited contract for the purchase of Cohesity hardware, software licensing, maintenance, and support services.

Staff recommends purchasing through SHI International Corp. using the Sourcewell cooperative purchasing contract to obtain competitively solicited contract pricing while maintaining continuity of the City's existing backup and disaster recovery solution.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered continuing to operate the existing Cohesity backup infrastructure without replacing the aging hardware. However, this option would increase the risk of hardware failures and potential disruptions to backup and recovery services as the equipment approaches its end of life.

Replacing the Cohesity solution with a different backup platform was also considered as an alternative. However, transitioning to a new solution would require additional costs, staff resources, and implementation time, including migrating existing backup configurations and integrating the new platform with the City's infrastructure.

Staff recommends refreshing the existing Cohesity hardware and renewing the associated software licensing and support services as the most practical and cost-effective approach to maintaining reliable backup and disaster recovery capabilities.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT: SHI INTERNATIONAL CORP. FOR COHESITY BACKUP AND DISASTER RECOVERY HARDWARE, SOFTWARE LICENSING, AND SUPPORT SERVICES

WHEREAS, the City of Berkeley utilizes the Cohesity backup and disaster recovery solution to protect its critical information technology infrastructure, including email, websites, applications, databases, and virtual servers; and

WHEREAS, the Cohesity solution has provided reliable backup and recovery capabilities since its implementation in 2020, including local backup storage and Microsoft Azure cloud storage for long-term data retention and disaster recovery; and

WHEREAS, the City's existing Cohesity backup hardware is approaching its end of life and requires replacement to maintain system reliability, performance, and continued vendor support; and

WHEREAS, the City intends to replace the aging hardware and renew Cohesity software licensing, maintenance, and support services for a three-year period from December 31, 2026, through December 30, 2029; and

WHEREAS, continuing with Cohesity will allow the City to maintain its existing backup and disaster recovery infrastructure while avoiding the additional costs, staff resources, and potential service disruptions associated with migrating to a different backup solution; and

WHEREAS, Sourcewell, a governmental cooperative purchasing organization, conducted a competitive Request for Proposal (RFP No. 121923) for Technology Products and Services with Related Solutions and awarded Contract No. 121923-SHI to SHI International Corp.; and

WHEREAS, the City of Berkeley Information Technology Department recommends utilizing Sourcewell Contract No. 121923-SHI to purchase Cohesity backup hardware, software licensing, maintenance, professional services, and related equipment through SHI International Corp.; and

WHEREAS, funding for software maintenance and support services, hardware, installation services, and miscellaneous Azure overages, in an amount not to exceed $450,000, is available through the Information Technology Cost Allocation Plan Fund (Fund 680), with $400,000 budgeted in FY 2027, and $25,000 budgeted in each of FY 2028 and FY 2029, subject to City Council approval of the proposed citywide budget and annual appropriation ordinances; and

WHEREAS, the City has satisfied the applicable notice requirements under Government Code Section 3504.1, as amended by AB 339.

NOW THEREFORE, BE IT RESOLVED that the City Manager is authorized to execute a contract and any necessary amendments with SHI International Corp., utilizing Sourcewell Contract No. 121923-SHI, for the purchase of Cohesity backup and disaster recovery hardware, software licensing, maintenance, storage, support services, and related equipment in an amount not to exceed $450,000 for the term December 31, 2026 through December 30, 2029.

08

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Donation: Memorial Bench at Berkeley Waterfront Park in memory of Paul Canin

RECOMMENDATION
Adopt a Resolution accepting a donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park in memory of Paul Canin.

FISCAL IMPACTS OF RECOMMENDATION
The value of a single bench and memorial plaque is $3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2027.

CURRENT SITUATION AND ITS EFFECTS
The family of Paul Canin wishes to donate a memorial bench in their memory to be placed at Berkeley Waterfront Park with a donation of $3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND
Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT
The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations,

including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The City's Parks Donation Policy provides a mechanism whereby families can donate a memorial bench that both honors a family member and provides the public with a needed amenity.

CONTACT PERSON

Scott Ferris, Director, 510-981-6700

Attachments:
1: Resolution

RESOLUTION NO. _____ -N.S.

DONATION: MEMORIAL BENCH AT BERKELEY WATERFRONT PARK IN MEMORY OF PAUL CANIN

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the family of Paul Canin wishes to donate a memorial bench in their memory to be placed at Berkeley Waterfront Park with a donation of $3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2027.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park in memory of Paul Canin is hereby accepted.

Office of the City Manager

09

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Planning and Development Department Personnel Actions

RECOMMENDATION

Authorize the City Manager to take the following personnel actions in the Planning and Development Department, subject to completion of any required meet-and-confer obligations:

1. Increase Position Control Number (PCN) 2886, Community Services Specialist II (Building and Safety), from 0.75 FTE to 1.0 FTE.
2. Reallocate vacant PCN 3349 from Planning Technician (Land Use Planning) to Customer Service Specialist II (Building and Safety).
3. Delete vacant PCN 1159, Associate Planner, and reallocate vacant PCN 3584 from Associate Planner to Senior Planner (Land Use Planning), consolidating two Associate Planner positions into one Senior Planner position.

SUMMARY

The Planning and Development Department requests authorization for three position changes that align staffing with workload in the Building and Safety and Land Use Planning Divisions. Together, the actions add one-quarter FTE of support in Building and Safety, move the address assignment function to the division responsible for it under the Building Code, add backup cashiering capacity at the Permit Service Center, and replace two Associate Planner positions with one Senior Planner position. The actions in total will reduce budgeted annual cost and require no new General Fund appropriation.

FISCAL IMPACTS OF RECOMMENDATION

All figures below are annual budgeted amounts at top step, including fringe benefits, as shown on the Position Control Change Authorization Forms. Actual costs will vary with the step of the person hired and with benefit elections.

Action	Current	Proposed	Annual change
PCN 2886: increase from 0.75 to 1.0 FTE (Fund 621)	$178,578.88	$238,105.18	+$59,526.30

Action	Current	Proposed	Annual change
PCN 3349: Planning Technician to Customer Service Specialist II	$179,031.34	$145,928.39	-$33,102.95
PCN 3584: Associate Planner to Senior Planner	$231,840.30	$267,569.49	+$35,729.19
PCN 1159: delete Associate Planner (Fund 621)	$231,841.30	$0.00	-$231,841.30
Net change, all actions	**$821,291.82**	**$651,603.06**	**-$169,688.76**

PCN 2886. The increase of $59,526.30 is funded 100 percent by the Permit Service Center Fund (Fund 621), an enterprise fund.

PCN 3349. The reallocation reduces the cost of the position by $33,102.95. The position is currently funded 50 percent from the General Fund (Fund 011) and 50 percent from Fund 621, and would be funded 100 percent from Fund 621. The General Fund share of the position therefore drops from about $89,516.67 to $0, and the Fund 621 share rises from about $89,516.67 to $145,928.39, within the existing Fund 621 budget. No new appropriation is requested.

PCNs 3584 and 1159. Deleting PCN 1159 saves $231,841.30 in Fund 621, which more than offsets the $35,729.19 increase in the cost of PCN 3584, for a net annual savings of $196,112.11. The General Fund share of PCN 3584 is held at its current level of about $115,920, by changing the funding split from 50/50 to approximately 43.3 percent General Fund and 56.7 percent Fund 621.

The net fiscal impact of all these actions represents a reduction of $80,111 in budgeted expenditures for the Permit Service Center Fund, and a reduction of $89,578 for the General Fund, for a total reduction of $169,689.

CURRENT SITUATION AND ITS EFFECTS

The Planning and Development Department includes the Building and Safety Division and the Land Use Planning Division. Changes in workload, in the allocation of functions between the two divisions, and in the experience level needed to manage the Planning Commission work plan have created staffing gaps in both divisions. The Department has reviewed its position control and proposes the three actions below.

Action 1: Increase PCN 2886 from 0.75 FTE to 1.0 FTE

PCN 2886 is a Community Services Specialist II position in Building and Safety, currently underfilled as a Community Services Specialist I, and is assigned to the Special Projects section. The position is currently budgeted at 0.75 FTE (30 hours per week). The Department is requesting that the position be increased to full-time (40 hours per week) to address increased workload in the Exterior Elevated Elements Inspection program; provide more direct assistance to the Building Official, including drafting responses to complex customer emails that require research, analyzing permit

fees, and writing and editing reports; and serving as backup for the address assignment function, which will be moving from Land Use Planning to the Special Projects team (see Action 2).

Action 2: Reallocate vacant PCN 3349 from Planning Technician to Customer Service Specialist II

PCN 3349 is a vacant, full-time Planning Technician position in Land Use Planning. The Department proposes to reallocate it to a Customer Service Specialist II in Building and Safety, with primary responsibilities of address assignments, business certificate permit compliance verification, building code enforcement administrative support, and backup cashiering and public counter support. Secondary responsibilities include assistance with Public Records Act requests and document retrieval, and other tasks assigned by the Building Official.

Address assignment is a Building Code function that Land Use Planning staff have performed to date. Moving it to Building and Safety places it with the division where it belongs under the Code. In addition, the Permit Service Center frequently closes its cashier station when no backup cashier is available; adding this position in Building and Safety will result in improved customer service at the PSC.

Action 3: Consolidate PCNs 1159 and 3584 into one Senior Planner position

Land Use Planning has two vacant Associate Planner positions, PCN 1159 (funded 100 percent from Fund 621) and PCN 3584 (funded 50 percent General Fund and 50 percent Fund 621). The Department proposes to delete PCN 1159 and reallocate PCN 3584 to Senior Planner. The Senior Planner is expected to work with minimal supervision and to have project and consultant management experience. Associate Planners require more supervision and direction, which in turn takes time from the Principal Planners. The change gives Land Use Planning an experienced project manager to help carry out the Planning Commission work plan and City Council referrals, including project management of the upcoming 2031-2039 Housing Element Update.

These position changes advance the Strategic Plan goals to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community, and to provide an efficient and financially-healthy City government.

BACKGROUND

The Position Control Change Outside of Budget Development process requires review and approval by the Department Head, Budget Manager, Director of Human Resources, Deputy City Manager, and City Manager; completion of any required labor notice and meet-and-confer obligations; and City Council authorization before Human Resources effectuates the change in the City’s position control system.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the recommendation.

RATIONALE FOR RECOMMENDATION
Each proposed action individually, and all of them collectively, will address operational needs in the Planning and Development Department, improving service to customers, at equal or lower net costs.

ALTERNATIVE ACTIONS CONSIDERED
Action 1: The Department considered keeping PCN 2886 at 30 hours per week. This would leave Building and Safety with limited support during the high-workload years of the Exterior Elevated Elements Inspection cycle, and would undermine the transfer of address assignments from Land Use to Building and Safety.

Action 2: The Department considered having a member of the building inspection administrative team serve as backup cashier. That team currently has a vacancy. The Department also considered leaving address assignments with Land Use Planning, which has managed them to date, but the function is a Building Code function and belongs in Building and Safety.

Action 3: The Department considered keeping the current structure of two Associate Planner positions. However, the Planning Commission Work Plan includes many complex projects that require more experienced staff that can manage projects independently.

CONTACT PERSON
Jordan Klein, Director, Planning and Development Department, 510-981-7534.

10

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works Department

Subject: Staffing Amendment for Measure FF, the SAFE STREETS Initiative

RECOMMENDATION

Adopt a Resolution to amend the FY 2027 budget to add one permanent full-time Associate Management Analyst position to support the implementation of projects associated with Measure FF, the SAFE STREETS Initiative.

FISCAL IMPACTS OF RECOMMENDATION

Public Works' Measure FF program requires an Associate Management Analyst position to effectively administer the program. Staff requests authorization to add one permanent full-time Associate Management Analyst position to support the Measure FF program, Fund 166-Measure FF, which would require an estimated $238,450 in annual costs and would increase over time subject to any wage or benefit increases. Fund 166-Measure FF, which generates an estimated $15 million annually over the 14-year duration of the program, would fully cover the cost for the position.

Staff submitted a report to the City Council at the July 29, 2025 Council meeting, recommending repurposing two positions within the Public Works Department to the Measure FF program: (1) Associate Management Analyst and (2) Program Manager I. The City filled the Program Manager I position.

The Associate Management Analyst was originally intended to be a shared position with the Parks, Recreation, and Waterfront (PRW) Department, and the adopted FY27-28 biennial budget includes $98,743 of Measure FF funding to cover 40 percent of the position cost.

Subsequently, the PRW Department identified funding for the full costs of an Associate Management Analyst, dedicated solely to park projects. As such, Public Works needs to fund the remaining 60 percent of the position costs through Measure FF to add an Associate Management Analyst dedicated to Measure FF.

CURRENT SITUATION AND ITS EFFECTS

Staff have been working to establish the Measure FF program, including filling staff vacancies. Currently, the Principal Program Manager, Supervising Civil Engineer, and

Program Manager I positions are filled, and a recruitment is in process for an Associate Engineer.

An Associate Management Analyst to support program administration is also required, as indicated in the staff report submitted for the July 29, 2025 Council meeting. While this was originally intended as a jointly funded and shared position, the PRW Department has subsequently identified full funding for an Associate Management Analyst dedicated solely to park projects. As a result, staff recommend that the City establish a new Associate Management Analyst position in the Public Works Department to support the Measure FF program. The description of this position remains unchanged from the staff report dated July 29, 2025 (RE: Project Implementation Staffing for Measure FF, the SAFE STREETS Initiative), which states that “this position will maintain all administrative paperwork for reporting, in alignment with Measure FF guidelines. This position will also serve as supporting staff to the newly created SAFE STREETS Citizens Oversight Committee…”

Adding this position is in alignment with the City’s Strategic Plan Priorities, advancing our goal to provide state-of-the art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Measure FF, also known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative was passed by voters on November 5, 2024, and adopted as Ordinance 7,952-N.S. on December 10, 2024.

The SAFE STREETS Initiative authorizes an annual parcel tax of $0.17 per square foot for residential properties and $0.25 per square foot for other properties over a 14-year period. This measure is projected to generate approximately $15 million annually, dedicated to funding street and sidewalk repairs, safety improvements, and environmental infrastructure projects.

At the regular City Council Meeting on July 29, 2025, the Council approved Resolution 71,926-N.S. authorizing the City Manager to add three permanent full-time employees to the Public Works Department – Principal Program Manager, Supervising Civil Engineer, and Associate Transportation Engineer – to support the implementation of prioritized projects associated with Measure FF. These positions were intended to be in addition to two repurposed roles, Associate Management Analyst and Program Manager I, that would be assigned to work on the Measure FF program.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities directly associated with adding an Associate Management Analyst

position. This position will support the implementation of a host of projects that will promote environmental sustainability and fight climate change.

RATIONALE FOR RECOMMENDATION
Existing staffing levels cannot meet the current and future project delivery and administrative needs associated with implementing Measure FF, the SAFE STREETS Initiative.

ALTERNATIVE ACTIONS CONSIDERED
Adding an FTE is in alignment with existing City practice and current MOUs, ensuring that long-term work that is assigned to full-time benefited staff is not assigned to outside contractors. Contractors cannot be hired for the work referenced within this report.

CONTACT PERSON
Wahid Amiri, Deputy Public Works Director, 510-981-6396
Manoj Madhavan, Principal Program Manager, 510-542-6153

Attachments:
1: Resolution

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

STAFFING AMENDMENT FOR MEASURE FF, THE SAFE STREETS INITIATIVE

WHEREAS, Measure FF, also known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative, was passed by voters on November 5, 2024 and adopted as Ordinance 7,952-N.S. on December 10, 2024; and

WHEREAS, the oversight, contracting requirements, and management of Measure FF projects for street and sidewalk repairs, safety improvements, and environmental infrastructure projects require administrative staff support; and

WHEREAS, the position of Associate Management Analyst is a new position requiring a full-time employee and not a contractor; and

WHEREAS, the Associate Management Analyst is an existing classification in the City's civil service system and would increase in cost over time subject to any wage or benefit increases associated with the classification's bargaining unit agreement with Service Employees International Union Local 1021 – Community Services & Part-Time Recreation Leaders Association and would be funded by Measure FF, Fund 166.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Fiscal Year 2027 budget is amended to authorize the City Manager to add a permanent, full-time position of Associate Management Analyst to the Public Works Department, to ensure ongoing implementation of prioritized projects associated With Measure FF, to be funded by Measure FF, Fund 166.

11

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Purchase Order: National Auto Fleet Group for the Purchase of One 2027 Ford Super Duty F-450 Truck Equipped with a Pavement Marking System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a purchase order with National Auto Fleet Group for the purchase of one 2027 Ford Super Duty F-450 truck equipped with a Roadline Products USA pavement marking system through Sourcewell Contract No. 032824-NAF, in an amount not to exceed $201,795.85, including a 10-percent contingency and estimated sales tax.

FISCAL IMPACTS OF RECOMMENDATION

The FY 2027 Adopted Public Works Equipment Replacement Fund (Fund 671) budget includes funding for this purchase. The requested authorization of an amount not to exceed $201,795.85 includes the quoted vehicle, equipment price, including the tire fee of $167,815.36, a 10 percent contingency of $16,780.49, and estimated sales tax of $17,200.00. Any expenditure exceeding the authorized not-to-exceed amount is subject to Council approval.

Cost Component	Amount
National Auto Fleet Group — Sourcewell contract price	$ 68,690.36
Roadline Products USA pavement marking system	$ 99,125.00
Subtotal, including tire fee	**$167,815.36**
10% contingency on vehicle and equipment	$ 16,780.49
Quoted sales tax (10.25%)	$ 17,200.00
Total not-to-exceed authorization	**$201,795.85**

The sales-tax amount is the vendor's quoted estimate, calculated at 10.25 percent of the vendor's purchase price, including the pavement marking system, plus a 10 percent contingency. This is all subject to confirmation with the vendor at the time of purchase.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department maintains the pavement markings and roadway stencils that help guide road users and support safe travel throughout Berkeley. This work includes ongoing maintenance of pavement markings on City streets and other public rights-of-way. Dedicated equipment is needed to support the application and maintenance of these markings.

Staff propose to purchase one 2027 Ford Super Duty F-450 truck equipped with a Roadline Products USA pavement marking system. Public Works will use the specialized vehicle to apply, refresh, and maintain roadway markings, including crosswalks, stop bars, directional arrows, lane markings, bicycle symbols, and other traffic control markings. These markings help communicate roadway regulations, guide motorists, bicyclists, pedestrians, and other road users, and support safe and orderly movement throughout the City's transportation network.

National Auto Fleet Group quoted $167,815.36 for the truck, the pavement marking system, and tire fee, plus $17,200.00 in estimated sales tax, for a quoted total of $185,015.36. With the proposed 10 percent contingency, the requested authorization is $201,795.85. The purchase includes installation of the pavement marking system and delivery to Berkeley.

The purchase will be made through Sourcewell Contract No. 032824-NAF and will not exceed the amount authorized by the City Council. This purchase supports the City’s Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain service contracts that meet the criteria established by Government Code Section 3504.1, as amended by Assembly Bill 339. This purchase does not meet those criteria and is therefore exempt from the noticing requirement.

BACKGROUND

The City may use pricing obtained through a competitively solicited cooperative purchasing agreement when procuring goods and services. Sourcewell is a government cooperative purchasing organization that competitively solicits and awards contracts for use by participating public agencies.

On February 8, 2024, Sourcewell issued Request for Proposals (RFP) No. 032824, Class 4–8 Chassis and Cabs with Related Equipment, Accessories, and Services. The solicitation was nationally advertised for 49 days, and 24 proposals were evaluated in Category 1. Following a competitive evaluation process, Sourcewell selected 72 HOUR, LLC dba National Auto Fleet Group as one of the highest-ranked proposers in Category 1 and awarded Contract No. 032824-NAF, effective July 2, 2024. The four-year agreement expires July 9, 2028. National Auto Fleet Group is an authorized Ford dealer for the City’s purchases and will provide local warranty and service support.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The proposed vehicle is equipped with a 6.7-liter diesel engine and will be used to support ongoing pavement marking maintenance throughout Berkeley. The vehicle will utilize renewable diesel. There is not an electric truck option that is currently compatible with the truck mounted pavement marking equipment the City needs.

RATIONALE FOR RECOMMENDATION
The Public Works Department's existing 2016 pavement marking truck and equipment (Vehicle #2916) has reached the end of its useful life. The current system has only one paint dispenser, limiting operational efficiency when applying pavement markings that require different colors.

The proposed 2027 Ford Super Duty F-450 truck will be equipped with a Roadline Products USA pavement marking system featuring multiple paint dispensers, allowing crews to apply different paint colors more efficiently. The replacement vehicle will reduce labor time and improve the department's ability to maintain crosswalks, stop bars, directional arrows, bicycle symbols, and other traffic control markings.

Purchasing the specialized vehicle through the competitively solicited Sourcewell contract provides established pricing and access to warranty and service support.

ALTERNATIVE ACTIONS CONSIDERED
The City could delay the purchase and continue using the existing 2016 pavement marking truck or consider other pavement marking vehicles and equipment. Staff do not recommend delaying the purchase because the existing truck and equipment have reached the end of their useful life. Additionally, the current system’s single paint dispenser requires additional labor time when applying different paint colors, reducing operational efficiency and potentially delaying pavement marking projects.

The proposed replacement vehicle's multiple paint dispensers will allow crews to apply different paint colors more efficiently, reduce labor time, and complete pavement marking projects faster. Other alternatives would require additional evaluation of equipment suitability, procurement terms, and cost.

CONTACT PERSON
Joy Brown, Interim Deputy Director, Public Works, 510-981-6629
John Trepczynski, Equipment Maintenance Superintendent, Public Works, 510-981-6469
Gina Mendoza, Acting Traffic Maintenance Supervisor, Public Works, 510-981-6490

Attachment:
1: Resolution

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

PURCHASE ORDER WITH NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF ONE 2027 FORD SUPER DUTY F-450 TRUCK EQUIPPED WITH A PAVEMENT MARKING SYSTEM

WHEREAS, the Public Works Department maintains pavement markings and roadway stencils throughout Berkeley and requires dedicated equipment to support these operations; and

WHEREAS, City staff propose to purchase one new 2027 Ford Super Duty F-450 truck equipped with Roadline Products USA pavement marking system to support safe travel on Berkeley streets; and

WHEREAS, on February 8, 2024, Sourcewell issued Request for Proposals (RFP) No. 032824 for Class 4–8 Chassis and Cabs with Related Equipment, Accessories, and Services and subsequently awarded Contract No.032824-NAF to 72 HOUR, LLC dba National Auto Fleet Group for a four-year term ending July 9, 2028; and

WHEREAS, the competitive solicitation and resulting Sourcewell Cooperative Purchasing Contract No. 032824-NAF provide the procurement basis for the City's purchase of one 2027 Ford Super Duty F-450 truck equipped with a pavement marking system from National Auto Fleet Group; and

WHEREAS, National Auto Fleet Group's proposed pricing under Sourcewell Cooperative Purchasing Contract No. 032824-NAF lists a purchase price of $167,815.36 for one 2027 Ford Super Duty F-450 truck equipped with a Roadline Products USA pavement marking system, including the specialized truck body, pavement marking equipment, and tire fee, excluding sales tax; and

WHEREAS, funds are available in the FY 2027 Adopted Public Works Department Equipment Replacement Fund (Fund 671) budget for the purchase amount not to exceed $201,795.85, including a 10-percent contingency and estimated sales tax.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order with National Auto Fleet Group for the purchase of one new 2027 Ford Super Duty F-450 truck equipped with a Roadline Products USA pavement marking system in an amount not to exceed $201,795.85.

12a

Peace and Justice Commission

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: Rev. Dwayne Philips, Chair, Peace and Justice Commission

Subject: On Declaring Berkeley a Sanctuary City for and Affording Legal Protections to Trans and Gender Expansive People in Berkeley

RECOMMENDATION

That the City Council declare Berkeley a **Sanctuary City for Transgender and Gender Expansive People,** and adopt a comprehensive set of policies to protect and support transgender, non-binary, and gender-nonconforming (TGNC) residents through the following actions:

1) Refer to the City Manager to review City of Berkeley data sharing and encryption practices to ensure compliance with SB 107 and SB 497, prohibiting the use of City resources—including staff time, equipment, and databases—in assisting out-of-state or federal agencies in investigating, detaining, or prosecuting individuals for seeking, providing, or assisting in lawful gender-affirming care; refer to the City Manager a review of data encryption policies for the City of Berkeley to prevent potential seizure of data that might nonconsensually "out" a TGNC person to another jurisdiction;
2) Continue current expansion of gender-neutral restrooms in the City by referring to the City Manager to explore updating the Berkeley Building Code requiring all newly constructed or renovated commercial and public buildings to include gender-neutral multi-stall restrooms or all-gender single stall restrooms consistent with the direction established in AB1732 accommodating transgender persons by mandating signage that all restrooms be gender-neutral and current State Code that all single-stall restrooms be gender neutral. This proposed action is also consistent with the City of Berkeley's Department of Parks and Recreation's plans, completed and future, to establish exclusively gender-neutral restrooms, both new and renovated in City parks;
3) Recommend to Council to refer to the Board of Library Trustees to develop a policy that books and materials related to gender identity and trans persons be available in

the library consistent with the Berkeley Public Library's adoption of the American Library Association's Public policy to challenge censorship;

4) Refer to the City Manager to coordinate with the County Continuum of Care and other regional governmental bodies to establish a trans shelter where trans persons experiencing challenges in other shelters can be directed. In the interim, to establish a procedure to otherwise direct trans persons to other settings when they experience bullying or violations of their safety, security and privacy in Berkeley shelters or other Berkeley homeless services programs. Transfers shall be to programs under the City's control or through advocacy and referral with the County Coordinated Entry system. Preferably, there shall be a point person(s) in the City knowledgeable of trans needs to facilitate that trans persons are afforded safety, security, privacy and dignity;
5) Refer to the 4x4 Joint Task Force on Housing to establish objective rental standards through policies and procedures preventing discrimination on the basis of gender identity or sexuality. Such standards could include adopting the First-In-Time standard for residential rentals and establishing local enforcement procedures to prevent housing discrimination based on gender identity or sexual orientation. Adopting this standard would require landlords to:
   a) Publish all minimum screening criteria (e.g., credit, income, references) at the time any residential rental is posted or published;
   b) Date and time stamp all applications submitted; and
   c) Offer tenancy to the first qualified applicant who meets the posted or published criteria;
6) Recommend that Council refer to the 4x4 that the Executive Director of the Rent Board write a letter to Berkeley landlords advising them of the rights of trans persons not to be discriminated against in tenancy;
7) Recommend that Council refer to the City Manager that the Office of Economic Development send a letter advising of employer's obligations under SB 1343 providing for protections of transgender employees and prospective employees and that such letter be sent out in coordination with the annual notice of license renewal;
8) Refer to the City Manager to insure that LGBTQIA+ persons, including trans persons, have access to mental health and behavioral services. Such access shall include services to be covered through Mental Health Services Act (MHSA) monies (to become the Behavioral Health Services Act (BHSA) effective July 1, 2026) with funding for the Pacific Center for Human Growth and other TGNC-specific mental health lifelines. Should the state Mental Health Oversight and Accountability Commission (MHOAC) decide not to accept the City's plan submitted to them to continue contracts for current mental health trauma monies in Berkeley, including for LGBTQIA+ persons, after June 30, 2026 when those contracts expire, that another source of funds be identified to provide these services;
9) Recommend that Council refer to the City Manager to require that when inspections are conducted to workplaces for any reason, that the required SB 1343 posting, which includes trans rights, by employers with 5 employers or more is in compliance;
10) Refer to the City Manager to include the health and wellness needs of LGBTQIA+ persons, including trans persons, in the City Community Health Improvement Plan;

11) Refer to the City Manager to include an addendum to update language in the Berkeley Municipal Code update language in the city code (ie. BMC 13.32.010) that discriminates on the basis of sex and gender (See Attachment 1).

SUMMARY

In response to an unprecedented federal assault on transgender rights, this recommendation codifies Berkeley's role as a haven. By declaring sanctuary status, Berkeley joins California cities including Sacramento and West Hollywood in refusing to comply with out-of-state "gender ideology" investigations. Berkeley continues its long tradition of standing at the vanguard of Civil Rights movements during moments of state-sanctioned bigotry. Many Berkeley departments have already taken steps, including Berkeley Parks opening gender-inclusive restrooms at Ohlone and Willard Parks. This recommendation formalizes and expands accessibility and safety mechanisms throughout the city.

FISCAL IMPACTS OF RECOMMENDATION

None to the General Fund. All recommended actions utilize regulatory updates, existing departmental staff time, or restricted funding sources. Mental health support is directed from MHSA/BHSA state allocations, and employment initiatives are to be funded through federal workforce grants or capital project budgets.

CURRENT SITUATION AND ITS EFFECTS

The TGNC community is under a state of emergency due to coordinated federal actions since January 2025:

- Executive Order 14168 (signed Jan 20, 2025) redefined "sex" as a biological binary at conception for all federal agencies, stripping TGNC individuals of legal recognition in passports, federal housing, and healthcare. Executive Orders 14190, 14201, 14183, and 14187 each seek explicitly to erase transgender people from various areas of public and professional life. [1]
- A December 2025 CMS rule proposed denying Medicare/Medicaid funding to any hospital providing gender-affirming care to minors.
- BPD reports indicate that hate crimes involving gender and sexual orientation were the second highest category of reported incidents in 2024, with anti-transgender events increasing statewide by 12.3% in 2025.[2, 3]

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[1] https://lgbtqbar.org/programs/advocacy-resources/trump-executive-order-tracker/

[2] https://berkeleyca.gov/sites/default/files/documents/BPD%202024%20Annual%20Report.pdf

[3] https://oag.ca.gov/news/press-releases/attorney-general-bonta-releases-third-annual-state-pride-report-honor-pride#:~:text=In%202024%2C%202.8%20million%20people,hate%20crimes%20please%20visit%20here.

- The Pacific Center faces a critical funding expiration in June 2026 as existing MHSA cycles transition to BHSA.
- In response to threats from the Federal Government, many medical facilities throughout California have ended their gender affirming care services, endangering the lives of countless people, particularly trans youth.
- In March 2026, Idaho passed the most extreme anti-trans bathroom ban in the country, with convictions leading to years of incarceration; also in March, Kansas revoked drivers licenses for trans people and mandated medical facilities to report transgender patient data to the state, establishing a de facto registry of trans people.

Precedence:

Multiple cities in California have taken similar steps to declare themselves havens for the trans community. West Hollywood in 2023, Sacramento and San Francisco in 2024, Richmond in 2025 and others all passed city resolutions reaffirming their commitment to the trans community and taking measures to materially protect and support TGNC individuals. Berkeley has already declared itself a sanctuary city for immigrants and has committed significant resources to that important work in response to the Federal government's anti-immigrant stance.

Rationale:

The federal characterization of gender-affirming care (GAC) as "junk science" is directly contradicted by the nation's leading medical authorities:

- American Academy of Pediatrics (AAP): Maintains that evidence-based GAC is medically necessary and life-saving. In December 2025, the AAP called federal restrictions a "baseless intrusion into the patient-physician relationship."[4]
- American Medical Association (AMA): Reaffirms that GAC—including hormones and social transition—is associated with significant decreases in anxiety, depression, and suicidal ideation.[5]
- The American Psychological Association (APA): issued a May 2025 statement criticizing the lack of transparency in federal reports and reaffirming that supportive mental health care and gender-affirming protocols significantly reduce suicide risk.[6]

Research from UCLA's Williams Institute and local Bay Area studies (2025) shows that

[4] https://publications.aap.org/aapnews/news/33988/AAP-Proposed-restrictions-to-gender-affirming-care?autologincheck=redirected

[5] https://www.ama-assn.org/public-health/population-health/advocating-lgbtq-community

[6] https://updates.apaservices.org/statement-on-access-to-treatment-for-transgender-gender-diverse-and-nonbinary-people

LGBTQI+ individuals face a 30% higher rate of housing instability.[7]

A 2019 study of transwomen living in the Bay Area showed that, for every instance of intersectional discrimination, odds of housing instability increased by 1.25%[8]. In Berkeley, gender-nonconforming individuals in shelters report heightened acts of violence and theft when placed in facilities that do not respect their gender identity. Sanctuary status ensures these individuals are not just "housed," but safe.

Studies show that 70% of transgender people have experienced denial of access, verbal harassment, or physical assault in gender-segregated facilities. Furthermore, research from the Williams Institute confirms that inclusive bathroom policies do not increase safety risks for cisgender people.[9] Conversely, forcing TGNC individuals into non-aligned facilities increases their risk of being victimized by 2.5 times the rate of cisgender peers.[10] Beyond the TGNC community, all-gender stalls provide essential safety for caregivers of a different gender (parents with children or assistants for people with disabilities) who otherwise face exclusion or harassment in binary-gendered spaces.

BACKGROUND

On May 4th, 2026, the Peace and Justice Commission passed a motion as follows:

Motion to approve the item to Declare Berkeley a Sanctuary City for Transgender and Gender Expansive People, and adopt a comprehensive set of policies to protect and support transgender, non-binary, and gender-nonconforming (TGNC) residents as amended.

M/S/C: Taylor/Marasovic
Ayes: Commissioners Phillips, Rothbart, Marasovic, Elias, Taylor, Lee, Tabb, Sani, Morizawa, Lippman, McNeil and Press
Noes: None
Abstain: None
Excused: Commissioners Cassidy, Yasavul, Weisburg, Fink and Mencher

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

To be determined by staff.

ALTERNATIVE ACTIONS CONSIDERED

[7] https://williamsinstitute.law.ucla.edu/publications/housing-is-an-lgbtq-issue/
[8]https://www.mdpi.com/1660-4601/16/22/4521
[9] https://williamsinstitute.law.ucla.edu/publications/safety-in-restrooms-and-facilites/
[10] https://bjs.ojp.gov/library/publications/violent-victimization-sexual-orientation-and-gender-identity-2017-2020

Because the challenges facing the TGNC community are myriad and vast, many possible actions were considered for inclusion in this recommendation. Those chosen strike the best balance between non-capital intensive policy change and important declarations in language that resist the narrative shift the Federal administration is seeking with regards to gender identity.

CITY MANAGER
See Companion Report

CONTACT PERSON
Tasha Tervalon, Assistant to the City Manager and Commission Secretary, City Manager's Office, 510-981-5347

Attachments:
1: **BMC 13.32.010 – Adjustment**

Attachment 1 - BMC Adjustments

BMC 13.32.010 – Current

"It shall be either a misdemeanor or an infraction, in the discretion of the prosecutor, for any person to appear nude in any place open to the public or any place visible from a place open to the public. "Nude" within the meaning of this section means the absence of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person or any portion of the breast at or below the areola thereof of any female person."

Amendment:
Eliminate "...or any portion of the breast at or below the areola thereof of any female person".

12b

Office of the City Manager

CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Tasha Tervalon, Assistant to the City Manager, Office of the City Manager

Subject: Companion Report: On Declaring Berkeley a Sanctuary City for and Affording Legal Protections to Trans and Gender Expansive People in Berkeley

RECOMMENDATION

Review and adopt the alternate recommendations from the City Manager for the eleven recommendations from the Peace & Justice Commission regarding policies to protect and support transgender, non-binary, and gender-nonconforming residents.

SUMMARY

The Peace and Justice Commission passed an item on May 4, 2026 to declare Berkeley a sanctuary City for transgender and gender expansive people, and adopt a comprehensive set of policies to protect and support transgender, non-binary, and gender-nonconforming (TGNC) residents. The City Manager's Office explored each of the 11 recommendations and proposes the actions listed within this report.

FISCAL IMPACTS OF RECOMMENDATION

Staff work time and additional resources may be needed to conduct the research or implement any initiatives that are advanced. There will need to be further research to predict costs of each initiative.

CURRENT SITUATION AND ITS EFFECTS

The City Manager recommends the following actions for the items proposed by the Peace and Justice Commission:

1) Commission Referral: Refer to the City Manager to review City of Berkeley data sharing and encryption practices to ensure compliance with SB 107 and SB 497, prohibiting the use of City resources—including staff time, equipment, and databases—in assisting out-of-state or federal agencies in investigating, detaining, or prosecuting individuals for seeking, providing, or assisting in lawful gender-affirming care; refer to the City Manager a review of data encryption policies for the City of Berkeley to prevent potential seizure of data that might nonconsensually "out" a TGNC person to another jurisdiction.

City Manager response: No action needed. The City does not extract, transmit, or share IT system data except in response to a formal Public Records Act (PRA) request. The City does not have, and does not use, any informal pathways or "backdoor" methods for data access.

2) Commission Referral: Continue current expansion of gender-neutral restrooms in the City by referring to the City Manager to explore updating the Berkeley Building Code requiring all newly constructed or renovated commercial and public buildings to include gender-neutral multi-stall restrooms or all-gender single stall restrooms consistent with the direction established in AB1732 accommodating transgender persons by mandating signage that all restrooms be gender-neutral and current State Code that all single-stall restrooms be gender neutral. This proposed action is also consistent with the City of Berkeley's Department of Parks and Recreation's plans, completed and future, to establish exclusively gender-neutral restrooms, both new and renovated in City parks.

   City Manager response: The California Building Standards Code already contains provisions requiring gender-neutral restrooms in newly constructed nonresidential buildings. Both the California Plumbing Code (CPC) and California Building Code (CBC) address the design and accessibility requirements for single-user and multi-user all-gender restroom facilities. The State Code does not make gender neutral restrooms mandatory. While many commercial and public projects already include Gender Neutral restrooms, the City Council could refer to the City Manager direction to bring forward modifications to appropriate Municipal or Building Code sections to require all newly constructed or renovated commercial and public buildings to include gender-neutral multi-stall restrooms or all-gender single stall restrooms consistent with AB1732. In developing these modifications, City staff would need to determine the appropriate triggering threshold, such as building valuation, percentage of building that is altered, change of occupancy, or another measurable standard.

3) Commission Referral: Recommend to Council to refer to the Board of Library Trustees to develop a policy that books and materials related to gender identity and trans persons be available in the library consistent with the Berkeley Public Library's adoption of the American Library Association's Public policy to challenge censorship.

   City Manager response: The City Manager takes no position on this item.

4) Commission Referral: Refer to the City Manager to coordinate with the County Continuum of Care and other regional governmental bodies to establish a trans shelter where trans persons experiencing challenges in other shelters can be directed. In the interim, to establish a procedure to otherwise direct trans persons to other settings when they experience bullying or violations of their safety, security and privacy in Berkeley shelters or other Berkeley homeless services programs.

Transfers shall be to programs under the City's control or through advocacy and referral with the County Coordinated Entry system. Preferably, there shall be a point person(s) in the City knowledgeable of trans needs to facilitate that trans persons are afforded safety, security, privacy and dignity.

City Manager response: The City adheres to current Alameda County standards that include the following protections related to transgender access and placement: Shelters must comply with California law regarding transgender access to emergency shelter. The ACLU has a useful summary here: https://www.aclusocal.org/know-your-rights/rights-transgender-and-nonbinary-people-ca-shelters/.

1. Participants must be placed in rooms or beds consistent with their gender identity, while also considering the participant's own views about placements that best protect their health and safety.

3. Shelters may not ask about or seek documentation regarding a participant's anatomy, medical history, or sex assigned at birth when making placement decisions.

4. Shelters may not deny placement or alter placement based solely on complaints from other participants related to a person's nonconformance with gender stereotypes. The City will agendize, for meetings with provider, providers' procedures for responding to bullying, harassment, or violence particularly for LGBTQ+ clients and ensure they are following the latest shelter standards at a future meeting.

The City manager recommends no further action at this time.

5) Commission Referral: Refer to the 4x4 Joint Task Force on Housing to establish objective rental standards through policies and procedures preventing discrimination on the basis of gender identity or sexuality. Such standards could include adopting the First-In-Time standard for residential rentals and establishing local enforcement procedures to prevent housing discrimination based on gender identity or sexual orientation. Adopting this standard would require landlords to:
   a) Publish all minimum screening criteria (e.g., credit, income, references) at the time any residential rental is posted or published;
   b) Date and time stamp all applications submitted; and
   c) Offer tenancy to the first qualified applicant who meets the posted or published criteria.

City Manager response: The City Manager takes no position on this item.

6) Commission Referral: Recommend that Council refer to the 4x4 that the Executive Director of the Rent Board write a letter to Berkeley landlords advising them of the rights of trans persons not to be discriminated against in tenancy;

   City Manager response: The City Manager takes no position on this item.

7) Commission Referral: Recommend that Council refer to the City Manager that the Office of Economic Development send a letter advising of employer's obligations under SB 1343 providing for protections of transgender employees and prospective employees and that such letter be sent out in coordination with the annual notice of license renewal.

   City Manager response: Refer to the City Manager to include a document identifying SB 1343 employer sexual harassment training requirements to all Berkeley businesses during the annual business license renewal (anticipated December 1 of each calendar year).

8) Commission Referral: Refer to the City Manager to insure that LGBTQIA+ persons, including trans persons, have access to mental health and behavioral services. Such access shall include services to be covered through Mental Health Services Act (MHSA) monies (to become the Behavioral Health Services Act (BHSA) effective July 1, 2026) with funding for the Pacific Center for Human Growth and other TGNC-specific mental health lifelines. Should the state Mental Health Oversight and Accountability Commission (MHOAC) decide not to accept the City's plan submitted to them to continue contracts for current mental health trauma monies in Berkeley, including for LGBTQIA+ persons, after June 30, 2026 when those contracts expire, that another source of funds be identified to provide these services;

   City Manager response: The City Manager takes no position. BHSA guidelines are established by the State and the City undergoes a rigorous public process to propose to council which proposed projects should be funded.

9) Commission Referral: Recommend that Council refer to the City Manager to require that when inspections are conducted to workplaces for any reason, that the required SB 1343 posting, which includes trans rights, by employers with 5 employers or more is in compliance.

   City Manager response: Refer to the Budget process. It is anticipated that the volume of work required to implement the recommendations in the report is significant.

10) Commission Referral: Refer to the City Manager to include the health and wellness needs of LGBTQIA+ persons, including trans persons, in the City Community Health Improvement Plan.

    City Manager response: No action needed. The Community Health Assessment included input for the health and wellness needs of LGBTQIA+ persons, including trans persons, through population health data and qualitative community engagement data.

11) Commission Referral: Refer to the City Manager to include an addendum to update language in the Berkeley Municipal Code (i.e.. BMC 13.32.010) that discriminates on the basis of sex and gender (See Attachment 1).

    City Manager response: The City Manager takes no position on this item.

BACKGROUND

On May 4th, 2026, the Peace and Justice Commission passed a motion as follows:

Motion to approve the item to Declare Berkeley a Sanctuary City for Transgender and Gender Expansive People, and adopt a comprehensive set of policies to protect and support transgender, non-binary, and gender-nonconforming (TGNC) residents as amended.

M/S/C: Taylor/Marasovic
Ayes: Commissioners Phillips, Rothbart, Marasovic, Elias, Taylor, Lee, Tabb, Sani, Morizawa, Lippman, McNeil and Press
Noes: None
Abstain: None
Excused: Commissioners Cassidy, Yasavul, Weisburg, Fink and Mencher

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Staff are not aware of any environmental impacts from these proposals.

RATIONALE FOR RECOMMENDATION

The City Manager assessed each recommendation with related departments and developed the above recommendations in response to the Peace and Justice Commission item.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager and Commission Secretary, City Manager’s Office, 510-981-5347

13

BERKELEY CITY AUDITOR

CONSENT CALENDAR
DECEMBER 1, 2026

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies- Recommendation 3

RECOMMENDATION

We recommend that City Council endorse Recommendation 3 of the City Auditor's Evaluation of Workplace Relationship Policies special report and provide direction on next steps for considering adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.

POLICY COMMITTEE RECOMMENDATION

On October 13, 2026, the Agenda and Rules Committee adopted the following action: M/S/C (Ishii/Humbert) to send the item to Council with a positive recommendation on "Recommendation 3" regarding regulations on cronyism and nepotism. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact associated with Council consideration of Recommendation 3. Further evaluation and potential development of Municipal Code provisions may require staff time for legal review, policy development, consultation with affected City offices, and implementation planning. Any additional fiscal impacts would depend on the approach selected.

CURRENT SITUATION AND ITS EFFECTS

On September 15, 2026, City Council received the City Auditor's Evaluation of Workplace Relationship Policies special report and referred Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue nepotism and cronyism provisions in the Berkeley Municipal Code.

On October 13, 2026, the Agenda and Rules Committee vote unanimously to forward Recommendation 3 to City Council with a positive recommendation.

Council consideration is now needed to determine how to pursue the proposed provisions.

BACKGROUND

The City Auditor's Office conducted a policy review following a whistleblower report raising concerns about workplace relationships and potential favoritism. Although the conduct was not prohibited under current City policy, the review identified gaps in how the City addresses personal relationships that could create actual or perceived conflicts of interest in employment decisions.

The report made three recommendations. Recommendations 1 and 2 focus on strengthening administrative policies, including Administrative Regulation 2.12, Employment of Near Relatives. Management agreed to evaluate these updates through the City's policy development and labor relations processes.

Recommendation 3 addresses the broader applicability of nepotism and cronyism safeguards across City government. It recommends that the City consider adopting Municipal Code provisions applicable to City employees, elected officials, Charter Offices, appointed officials, boards, and commissions.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental sustainability or climate impacts associated with the recommended action.

RATIONALE FOR RECOMMENDATION

Berkeley's decentralized government structure presents challenges in establishing consistent relationship conflict safeguards. The City Manager's administrative regulations generally apply to departments and employees under the City Manager's authority but do not necessarily extend to independently elected officials, Charter Offices, or other governing bodies.

The intent of Recommendation 3 is not to prohibit personal relationships, but to establish safeguards when those relationships could create actual or perceived conflicts of interest in City decisions. Such safeguards could include disclosure requirements, recusal from certain decisions, or other measures to manage potential conflicts while allowing personal relationships to exist.

Considering nepotism and cronyism provisions in the Berkeley Municipal Code would provide an opportunity to establish consistent citywide standards while accounting for the differing authorities and responsibilities of City offices and governing bodies. Any proposed provisions

affecting employees would also need to be developed in accordance with applicable labor relations requirements, including meet-and-confer obligations where required.

The recommendation does not prescribe specific ordinance language or an implementation approach. Council consideration would allow the City to determine how to pursue appropriate safeguards while accounting for these legal and operational considerations.

CONTACT PERSON
Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:
1: Berkeley City Auditor Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies (September 2026)

2: October 13, 2026, Agenda and Rules Committee Meeting Minutes (Item 7)

BERKELEY CITY AUDITOR

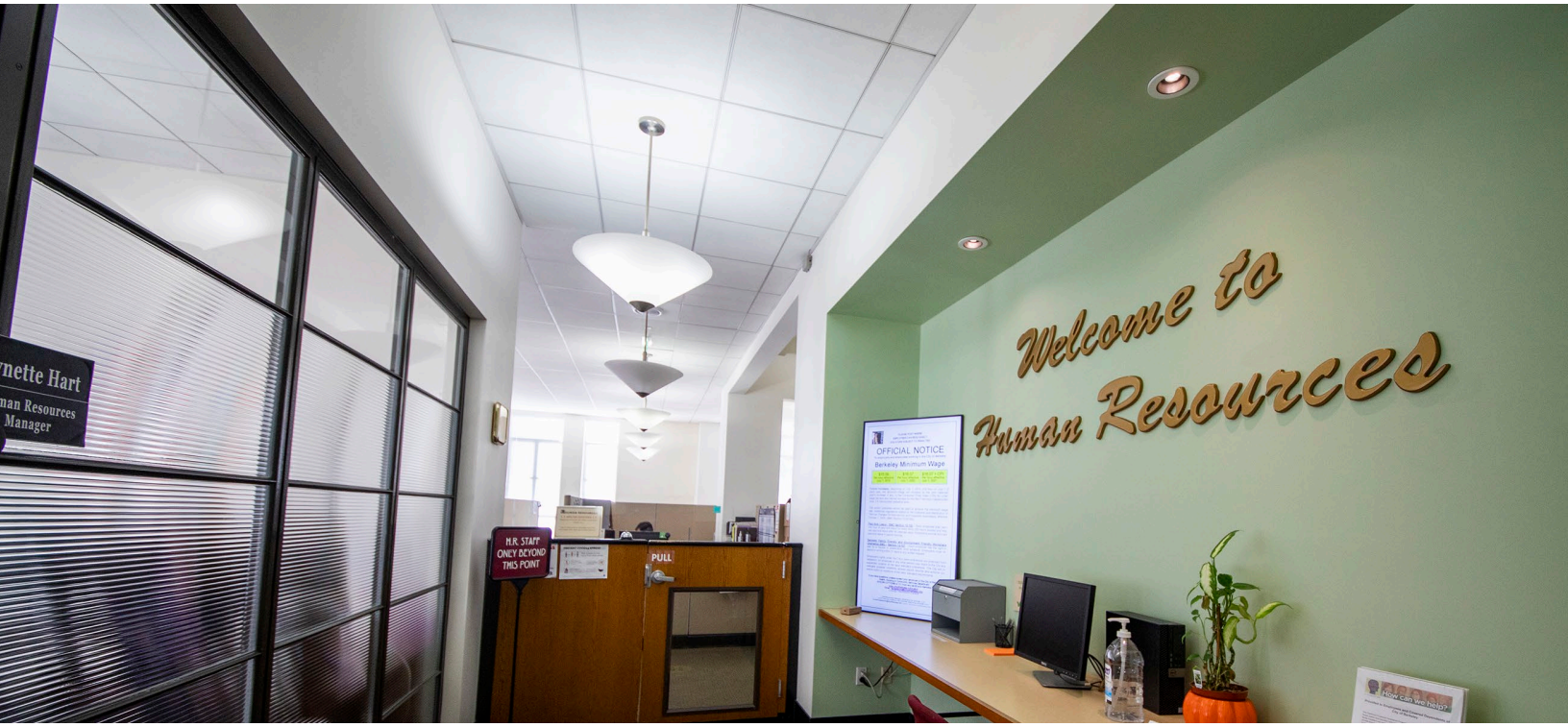
Special Report

Whistleblower Program: Evaluation of Workplace Relationship Policies

August 2026

Jenny Wong, City Auditor

Erin Mullin, Whistleblower Program Manager



Berkeley's current policies do not address romantic, cohabitating, or extended family relationships, creating potential conflicts of interest and undermining fairness in employment decisions. Expanding and updating these policies would align Berkeley with peer jurisdictions and improve transparency.

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Purpose

A whistleblower report raised concerns about a workplace relationship that intersected with City employment and the potential for perceived favoritism. We reviewed the complaint and found that City policy did not address the conduct described and therefore could not substantiate the allegation. However, the report prompted a review of the City's policies regarding workplace relationships.

Berkeley's primary policy governing workplace relationships is Administrative Regulation 2.12 (Employment of Near Relatives), which is intended to prevent nepotism by requiring disclosure and restricting supervision among certain family members. This report examines whether that framework, together with other related policies adequately address romantic, cohabiting, and related family relationships that may affect, or appear to affect, employment decisions, such as decisions regarding hiring, promotion, transfer, discipline, or termination.

Allegation History

The Berkeley City Auditor's Whistleblower Program received a report concerning a romantic relationship involving a manager and an employee within the same work unit, and the potential for perceived favoritism connected to supervisory influence. The allegation highlighted a category of workplace relationships that is not currently addressed by City policy. The information was used solely to inform a policy review. The Whistleblower Program has also received other reports raising similar concerns involving close personal relationships in the workplace that fall outside current policy coverage, indicating the issue is not isolated and reinforcing the need for policy review.

Conclusions

We found that Berkeley's current policies do not address romantic, dating, or cohabiting relationships in the workplace, leaving the City without a way to identify or manage situations where such personal relationships overlap with hiring, supervision, or other employment decisions. As a result, employees are not required to disclose these relationships, managers may participate in personnel decisions involving a romantic or cohabitating partner, and no formal recusal or conflict-management process applies when supervisory or decision authority is involved. These conditions create a risk of actual or perceived favoritism and can undermine employee confidence in the fairness and objectivity of employment decisions.

We also found that Berkeley's Employment of Near Relatives policy defines family relationships more narrowly than comparable policies in peer jurisdictions. While Berkeley covers core family members, it does not include certain extended family relationships that San Francisco and Oakland address, even though these relationships can present similar conflict-of-interest concerns. This narrower definition creates additional gaps in the City's ability to manage potential or perceived conflicts arising from workplace relationships.

Taken together, these findings indicate that Berkeley's current policies do not fully address the range of personal relationships that may affect, or appear to affect, employment decisions. Updating the City's policy framework to address romantic and cohabitating relationships and to reassess the scope of covered family relationships would strengthen conflict-of-interest controls, align Berkeley with peer jurisdictions, and support transparency and fairness in the City's employment practices.

Findings

Current City policy does not address disclosure of romantic or cohabiting relationships in the workplace.

Berkeley's current policies do not address romantic, dating, or cohabiting relationships when those relationships intersect with hiring, supervision, or other employment decisions. As a result, the City lacks a framework to identify or manage conflicts of interest that may arise from these relationships. While the City has policies governing harassment, discrimination, retaliation, financial conflicts of interest, and the employment of near relatives, none require disclosure of romantic or cohabiting relationships, restrict supervisors from participating in employment decisions involving a partner, or provide a mechanism for managing related conflicts of interest.

The table below summarizes how Berkeley's policies compare with peer jurisdictions and state-level guidance with respect to coverage, disclosure requirements, and conflict-management tools related to romantic and cohabiting workplace relationships.

Table 1: Comparison of Policies Addressing Romantic and Cohabiting Workplace Relationships

Key Feature	Oakland	San Francisco	California State Guidance	Berkeley
Who is covered	Broad (officers, officials, and employees)	Broad (officials, employees, interns, volunteers)	Agencies determine	Employees only
Romantic relationships covered	Yes	Yes	Only if cohabitating	No
Cohabiting relationships covered	Yes (romantic and non-romantic)	Romantic only	Romantic only	No
Disclosure required	Yes	Yes	Yes (department policy required)	Yes (near relatives only; not romantic or cohabiting relationships)
Restrictions on hiring or supervision of covered relationships	Yes (direct and indirect)	Yes (direct and indirect)	Yes (agency-defined)	Yes (applies only to near relatives; not romantic or cohabiting relationships)

Note: California state guidance provides recommended practices for state agencies and does not impose requirements on local governments.
Source: Auditor analysis of City of Oakland Municipal Code Chapter 2.40; San Francisco Civil Service Commission Family and Romantic Relationships at Work Policy; California CalHR Nepotism Guidance; and City of Berkeley AR 2.12

Peer jurisdictions, including Oakland and San Francisco, have adopted more comprehensive approaches. These cities require disclosure and active management of romantic and cohabitating relationships when such relationships intersect with employment decisions. State-level guidance for California public agencies similarly recommends managing conflicts of interest arising from romantic, cohabitating relationships through disclosure, recusal, and mitigation to address both actual and perceived conflicts.

Berkeley's existing policy framework focuses on compliance-based risks, such as harassment, discrimination, financial conflicts of interest, and nepotism. Romantic and cohabitating relationships fall outside the scope of these policies and have not been explicitly addressed through an administrative regulation or standalone policy.

Without a policy framework, employees are not required to disclose such relationships, and managers may participate in employment decisions involving a partner without a recusal or conflict-management process. These gaps create a risk of actual or perceived favoritism and can undermine employee trust and confidence in the fairness and objectivity of personnel decisions, even when no misconduct occurs. In the absence of clear disclosure and recusal requirements, the City also lacks a consistent basis for responding to complaints or concerns involving personal relationships that intersect with employment decisions.

Berkeley's definition of family relationships is narrower than peer jurisdictions and creates additional coverage gaps.

In addition to the absence of policies covering romantic or cohabitating relationships, Berkeley's Employment of Near Relatives policy reflects a more limited definition of family relationships than those used by peer jurisdictions like San Francisco and Oakland. While all three cities include core family relationships such as spouses, parents, and siblings, Berkeley does not include certain extended family categories that peer jurisdictions address.

The table below compares how Berkeley and peer jurisdictions define family relationships in employment policies, with emphasis on extended and non-traditional relationships that may present similar conflict-of-interest concerns but are not included in Berkeley's current definition.

Table 2. Comparison of Family Relationships Definitions

Relationship Category	Included in Berkeley	Included in San Francisco	Included in Oakland
Cousin	✗	✓ (First)	✓ (First and Second)
In-laws, Step Relations	✓ (Specific)	✓ (Broad)	✓ (Broad)
Foster Relations	✗	✓	✓
Great-grandparent / great-grandchild	✗	✗	✓
Cohabitants (Non-Domestic Partner)	✗	✗	✓
Spouses, domestic partner of any relative or cohabitant	✗	✗	✓

Source: Auditor analysis of City of Oakland Municipal Code Chapter 2.40; San Francisco Civil Service Commission Family and Romantic Relationships at Work Policy; and City of Berkeley AR 2.12

Berkeley does not include certain extended family categories like cousins or foster relationships that San Francisco and Oakland include. These relationships can raise similar conflict-of-interest concerns in hiring and supervisory contexts. While Berkeley includes some in-law and step relationships, it does so through a fixed list rather than a broader categorical definition. As a result, certain relationships, such as a step-grandparent, step-aunt or uncle, or aunt- or uncle-in-law, are not explicitly covered, even though they may present similar risks. By contrast, Oakland defines covered family relationships more expansively by category, extending beyond immediate family to include multiple degrees of relatives, foster relationships, cohabitants, and the spouses or domestic partners of covered individuals. A broader approach allows jurisdictions to identify and manage conflicts of interest across a wider range of familial and household relationships. Berkeley's narrower definition, by comparison, creates gaps in coverage and limits the City's ability to proactively identify and manage potential or perceived conflicts of interest arising from personal relationships.

Peer jurisdictions have adopted broader policy frameworks to manage conflicts arising from personal relationships.

Berkeley's Employment of Near Relatives policy establishes a framework for managing conflicts of interest arising from specified familial relationships. However, the structure and authority of Berkeley's policy limit its reach. The policy applies only to employees and does not apply to elected officials, appointed officers, or other non-employee City officials. It is established through an administrative regulation issued by the City Manager and is confined to the specific relationships listed in the definition of "near relative." As a result, the City has limited authority to address conflicts of interest arising from other personal relationships or to apply consistent standards across elected officials, officers, and other individuals working for the City.

Berkeley's current policy relies primarily on transfer or reassignment authority when a prohibited near-relative supervisory relationship exists. While the City Manager may grant written exceptions to supervisory-relationship prohibitions, the policy does not establish a structured conflict-management plan process for how supervisory conflicts or approved exceptions must be mitigated. In some operational settings, such as small divisions, specialized technical teams, or public safety departments with limited supervisory layers, reassignment alone may not fully remove indirect supervisory relationships. By contrast, San Francisco requires a formal written conflict-management plan when supervisory conflicts cannot be fully removed, and Oakland mandates documented alternate arrangements and mitigation controls through its Personnel Director and City Attorney process.

San Francisco's policy, adopted by its Civil Service Commission, and Oakland's policy, codified in its municipal code, apply to a wider range of individuals, including elected officials and City officers. Oakland also requires annual disclosure of specified personal relationships by City officials and supervisors, reinforcing ongoing accountability rather than one-time reporting.

In addition to disclosure requirements, Oakland's policy explicitly defines and prohibits cronyism, meaning participation in employment decisions involving close personal, professional, political, or commercial relationships that could result in preferential treatment or compromise the appearance of fairness. While this prohibition does not expand disclosure requirements, it establishes broader expectations for individuals covered by the policy to avoid conflicts of interest arising from relationships beyond those specifically identified for disclosure. This approach recognizes that conflicts of interest and the potential for favoritism are not limited to predefined familial relationships.

As a result, the policy provides a clear basis for reviewing and addressing employment decisions influenced by personal relationships that fall outside narrowly defined categories. Oakland's policy also requires the Director of Personnel to provide an annual report to the City Council describing the nature and number of prohibited relationships disclosed and the alternate arrangements implemented. Together, these features provide broader authority, clearer oversight, and more flexible mitigation tools than those currently available under Berkeley's policy framework.

Recommendations

1. To ensure comprehensive conflict-of-interest controls within employment and supervisory contexts, we recommend that the Human Resources Department update AR 2.12 to:
    - require disclosure of romantic, dating, and cohabiting relationships, in addition to near-relative relationships.
    - extend supervisory and decision-making restrictions to romantic and cohabiting relationships that create actual or perceived conflicts of interest.
    - update the definition of "near relative" to better align with peer jurisdictions.
    - incorporate a clear definition and prohibition of cronyism in supervision and employment decisions.
    - establish a documented conflict-management process that clearly defines responsibilities for reviewing relationship disclosures, implementing mitigation measures, maintaining records of all actions taken, and alternate decision authority where needed.

2. To support effective implementation, we recommend the Human Resources Department provide training to supervisors and managers on the updated relationship conflict-of-interest policy.
3. To extend relationship conflict safeguards beyond employees, we recommend the City consider adopting both nepotism and cronyism provisions in the Berkeley Municipal Code. These provisions should apply to all City employees, elected officials, charter offices, appointed officials, boards and commissions, ensuring consistent citywide standard.

Implementation Considerations

Implementation of the recommended policy updates will require coordination among Human Resources, the City Attorney's Office, and City leadership. Relationship disclosures should be limited to information necessary for conflict management and treated as confidential. Clear guidance and documentation standards will be important to ensure consistent application of recusal, conflict-management measures, and exceptions. The City may also wish to consider how updates to AR 2.12 align with existing ethics and conflict-of-interest policies to support clarity and effective administration. Currently, Human Resources maintains relationship disclosures within individual paper-based personnel files, which may present challenges for consistently tracking and managing disclosures as policy coverage expands.

Management Response

Management agrees that the City should review and update its framework for identifying and managing actual or perceived conflicts of interest arising from workplace relationships. Human Resources will work with City leadership to evaluate potential revisions to AR 2.12, including appropriate disclosure requirements, supervisory and decision-making restrictions, definitions of covered relationships, confidentiality safeguards, and conflict-management procedures.

The specific policy provisions recommended in this report should not, however, be understood as predetermined outcomes. Changes of this nature would affect represented employees and may implicate matters within the scope of representation. Accordingly, any proposed policy changes will require extensive notice, consultation, and meet-and-confer with the City's labor organizations. The final scope, definitions, disclosure obligations, mitigation procedures, and implementation requirements will be developed and refined through that process. The City must also carefully consider employee privacy, consistent application across departments, operational feasibility, records management, and compliance with applicable law.

Following completion of the policy-development and labor-relations process, Human Resources will provide appropriate guidance and training to managers and supervisors regarding the final requirements and their responsibilities.

Management also agrees that the City should evaluate whether broader nepotism or cronyism standards are appropriate for elected officials, charter officers, appointed officials, boards, and commissions. Because those individuals may fall outside the scope of an administrative regulation issued by the City Manager, any such expansion would require separate legal and governance review, coordination with affected offices, and possible action by the City Council.

Scope and Methodology

We conducted a policy-focused review to assess whether the City's current policies address romantic and cohabiting relationships that intersect with hiring, supervision, or other employment decisions, and whether the City's definition of family relationships provides sufficient coverage to manage related conflicts of interest.

Specifically, we analyzed Berkeley's relevant policies, including:

- AR 2.12 – Employment of Near Relatives
- AR 1.2 – Conflicts of Interest
- Harassment Prevention Policy
- Equal Employment Opportunity Policy

Reviewed workplace-relationship and conflict of interest policies from peer jurisdictions, including Oakland and San Francisco, as well as state-level guidance applicable to California public agencies.

This review was limited to evaluating policy design and coverage in employment and supervisory context. We did not conduct an investigation related to the reported relationship, did not interview individuals, and did not review personnel files, as the conduct described in the Whistleblower Report is not prohibited under current City policy. Additionally, we only examined one specific aspect of conflict-of-interest risks, those arising in employment and supervisory decisions. Other types of conflicts, such as financial interests in contracting, procurement, or policy decisions, as well as other potential conflicts in governance or personal financial dealings, are governed by separate policies and legal frameworks and were outside the scope of this review.

Office of the City Auditor

City of Berkeley

Mission Statement

Promoting transparency and accountability in Berkeley government.

Report Preparation

Erin Mullin, Whistleblower Program Manager

City Auditor

Jenny Wong

Contact Information

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Copies of this report and other City Auditor reports are available at
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BERKELEY CITY AUDITOR

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

TUESDAY, OCTOBER 13, 2026
2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704
Teleconference Location - 2928 Linden Avenue, Berkeley CA 94705

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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: 165 679 9780**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee 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.

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.

California 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.

Roll Call: 2:31 p.m. All present.

Public Comment – 23 speakers

Review of Agendas

1. **Approval of Minutes: September 28, 2026**
   Action: M/S/C (Taplin/Humbert) to approve the minutes of 9/28/2026.
   Vote: All Ayes.

2. **Review and Approve Draft Agenda:**
   a. 10/27/2026 – Regular City Council Meeting
   Action: M/S/C (Humbert/Ishii) to approve the agenda of 10/27/2026 with the changes noted below.
   - *Item Added: BOLT Appointment (O'Keefe) – added to Consent Calendar*
   - *Item Added: BOLT Appointment (O'Keefe) – added to Consent Calendar*
   - *Item 1 Deputy City Attorney Positions (City Attorney) – referred to Budget & Finance Committee*
   - *Item 21 Procurement for Services (Kesarwani) – Councilmember Bartlett added as a co-sponsor; revised item submitted*
   - *Item 25a\b Public Right-of-Way – moved to Consent Calendar; revised recommendation for Item 25b*
   - *Item 26 Public Access to Materials (Commission) – referred to Agenda & Rules Committee*
   - *Item 27a\b Special Events – moved to Consent Calendar*
   - *Item 28a\b Berkeley Green Code – moved to Consent Calendar*
   - *Item 29a\b Space Allocation – moved to Consent Calendar*
   - *Item 30 Encampment Policy (Kesarwani) – scheduled for a special meeting on November 17; revised item submitted*

   Vote: All Ayes.

3. **Adjournments In Memory** – None

Scheduling

4. **Council Worksessions Schedule** – received and filed

5. **Council Referrals to Agenda Committee for Scheduling** – received and filed

6. **Land Use Calendar** – received and filed

Action Items

7. **Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies**
   From: Auditor
   Referred: September 15, 2026
   Due: February 23, 2027
   Recommendation: We recommend that City Council receive this report and direct the City Manager to implement Recommendations 1 and 2 consistent with Management's Response. We further recommend that City Council refer Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.
   Recommendation 3: To extend relationship conflict safeguards beyond employees, we recommend the City consider adopting both nepotism and cronyism provisions in the Berkeley Municipal Code. These provisions should apply to all City employees, elected officials, charter offices, appointed officials, boards and commissions, ensuring consistent citywide standard.
   Financial Implications: See report
   Contact: Jenny Wong, Auditor, (510) 981-6750

   Action: M/S/C (Ishii/Humbert) to send the item to Council with a positive recommendation on "Recommendation 3" regarding regulations on cronyism and nepotism.
   Vote: All Ayes.

Unscheduled Items

8. **Review Policy Committees Structure**

9. **Review Boards and Commissions Structure**

Items for Future Agendas

- **None**

Adjournment

Action: M/S/C (Taplin/Humbert) to approve the minutes of 9/28/2026.
Vote: All Ayes.

Adjourned at 3:44 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on October 13, 2026.

_____
Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.

14

Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
December 1, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Terry Taplin (Co-Author), and Councilmember Igor Tregub (Co-Sponsor)

SUBJECT: Referral to Strengthen Berkeley's Tobacco Retail Ordinance to Promote Public Health

RECOMMENDATION

Refer to the City Manager to develop a density cap of no more than six Tobacco Retail Licenses for each Berkeley city council district, establishing a ban on new licenses in council districts with more than six Tobacco Retail Licenses, restrictions on transfers into those areas, and policies to prevent further concentration of retailers in disproportionately impacted neighborhoods. Further recommend the following:

- Update administrative processes related to Tobacco Retail Licenses, including business license disclosures, license application requirements, coordination with State licensing data, and internal review and enforcement procedures; and

- Evaluate and propose updates to the Tobacco Retail License fee structure to better align fees with the costs of inspection, enforcement, and program administration.

CURRENT SITUATION AND ITS EFFECTS

Berkeley's Over-concentration of Tobacco Retail Stores Creates a Significant Public Health Risk. According to the City of Berkeley's Health, Housing and Community Services Department (HHCS), Berkeley currently has more than 80 tobacco retailers, approximately 70 percent higher than the recommended density of one retailer per 2,500 residents.[1] This over-saturation has created both public health and equity

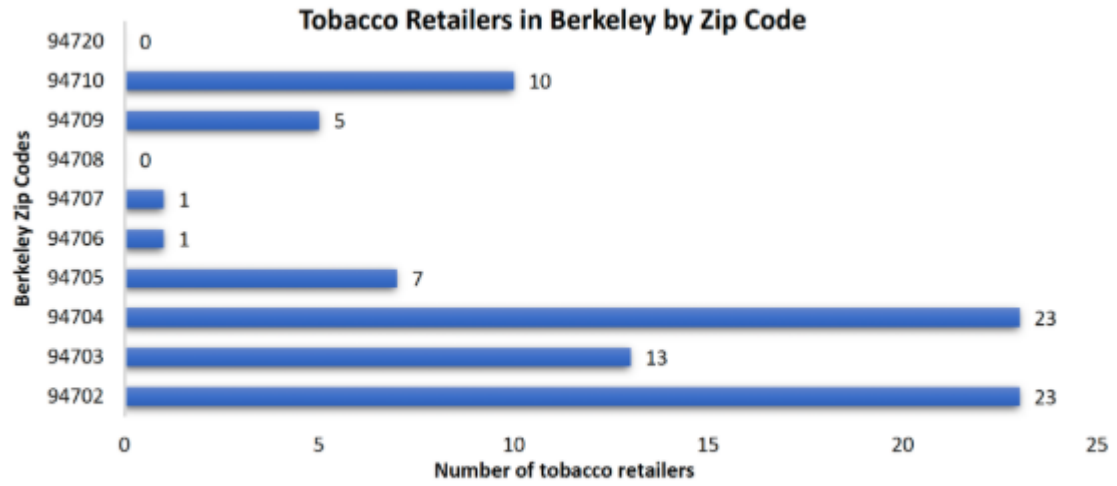
[1] This recommendation is found in the Public Health Law Center's Comprehensive Tobacco Retailer Licensing Ordinance developed jointly with the American Lung Institute, December, 2020:

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concerns, particularly given the City's relatively small geographic size and progressive health policy history.

The Over-concentration of Tobacco Retailers in South and West Berkeley Disproportionately Burdens Low-Income Communities and Communities of Color. The concentration of tobacco retailers is unevenly distributed across the City with nearly half of all the outlets located in zip Codes 94702 (southwest Berkeley) and 94704 (downtown/south-central Berkeley), each containing 23 percent of the total number, as Exhibit 1 below illustrates.

Exhibit 1: High Concentration of Tobacco Retailers in South and West Berkeley Zip Codes



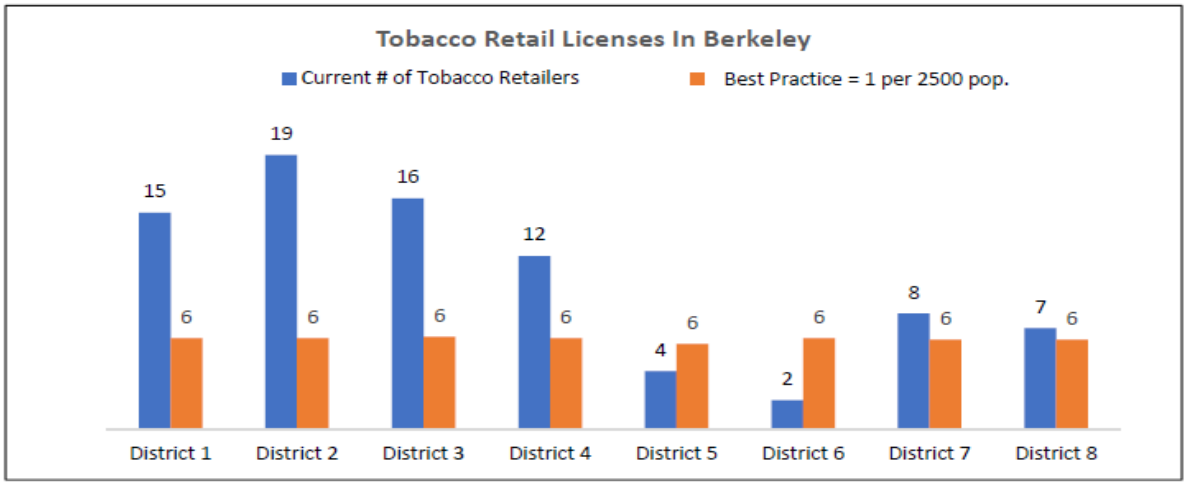
Source: Challenges with Tobacco Retail in Berkeley, HHCS staff report/infosheet

Exhibit 2 shows the overconcentration of tobacco retail outlets by City Council district.

https://www.publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf

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Exhibit 2: Tobacco Retail Licenses in Berkeley by Council District



Source: Challenges with Tobacco Retail in Berkeley, HHCS staff report/infosheet (attached)

These neighborhoods have higher proportions of low-income households and communities of color, revealing the overlap between this type of retail clustering and existing health inequities.

This Spatial Clustering of Tobacco Retail Outlets Mirrors Historic Patterns of Housing Discrimination and Disinvestment that Continue to Shape Health Inequities Today. Higher tobacco retailer density is associated with lower median income, higher percentages of Black and Latino residents, and contributes to inequities in smoking.[2] Research shows that adults who live in close proximity to tobacco stores are significantly less likely to successfully quit smoking. Smokers living within 250 to 500 meters of a tobacco outlet have lower chances of long-term abstinence compared to those living farther away.[3] Because living close to tobacco retail outlets makes tobacco product purchasing easier and exposes people to constant cues and marketing, it increases the risk of relapse even during periods of abstinence. This shows that tobacco retail clustering directly undermines smoking cessation and supports the case for limiting the number of tobacco outlets near residential areas.

The Proliferation of Tobacco Retailers, Especially in Areas Already Experiencing Social and Economic Disadvantages, Has Significant Public Health Consequences. Studies consistently link higher tobacco retail density with increased youth access, greater overall tobacco consumption, lower quit rates, and worse health

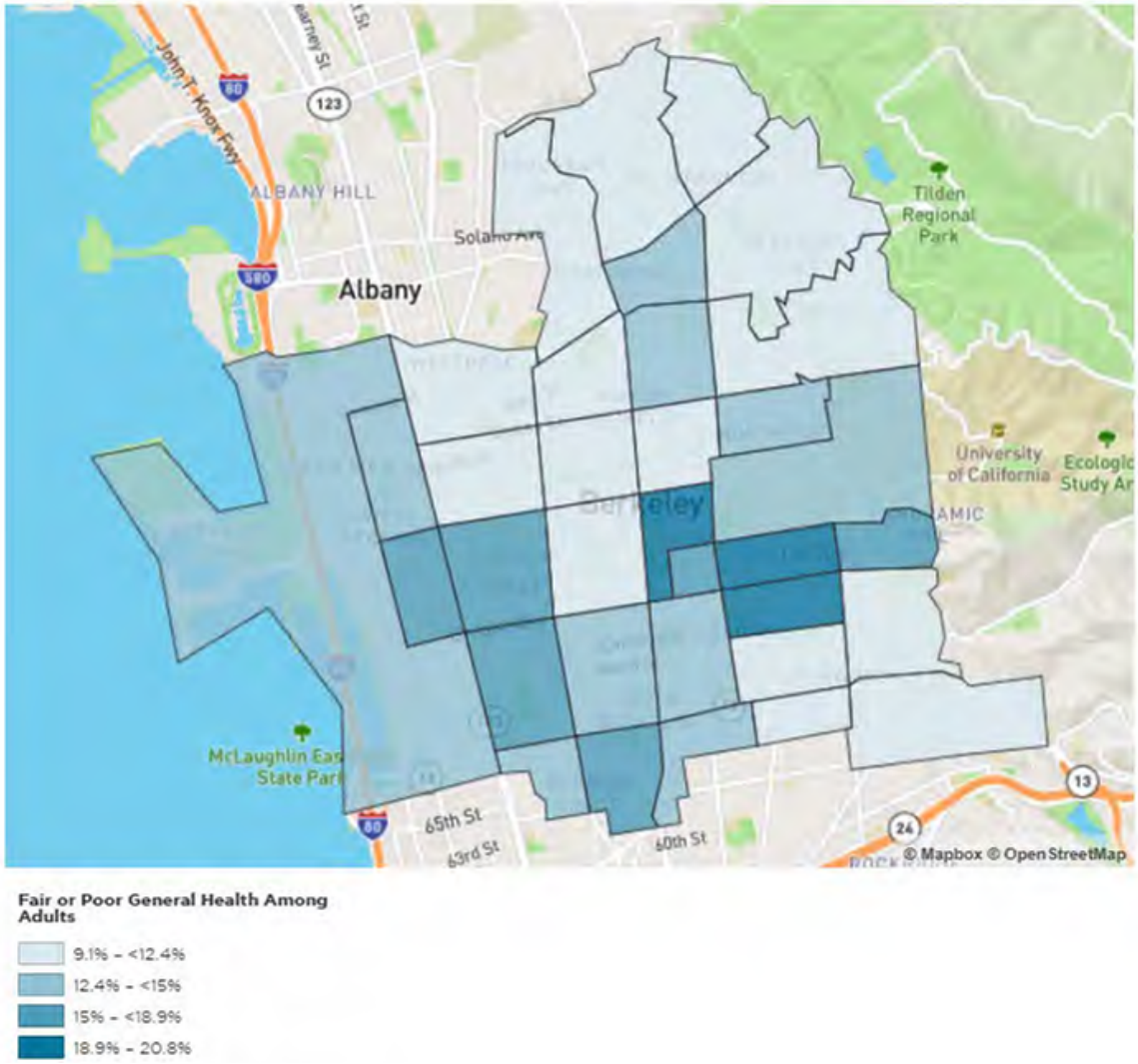
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[2] Mills S.D., Golden S.D., Queen T.L., Kong A.Y., Ribisl K.M. “Sociodemographic Disparities in Tobacco Retailer Density in the United States, 2000-2017.” Nicotine & Tobacco Research. 2022. https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf

[3] Reitzel LR, Cromley EK, Li Y, Cao Y, Dela Mater R, Mazas CA, Cofta-Woerpel L, Cinciripini PM, Wetter DW. The effect of tobacco outlet density and proximity on smoking cessation. Am J Public Health. 2011 Feb;101(2):315-20. doi: 10.2105/AJPH.2010.191676 https://pubmed.ncbi.nlm.nih.gov/21164089/

outcomes.[4] In Berkeley, this pattern means that the most vulnerable neighborhoods face disproportionate exposure and risk. This aligns with the City's 2025 Annual Update: State of Berkeley's Population Health Report revealing the higher percentage of adults in fair or poor general health in West and South Berkeley, as illustrated in Exhibit 3.

Exhibit 3: Greater Percentage of Fair or Poor Health Status in West and South Berkeley



Source: State of Public Health in Berkeley Summary Report, June 24, 2025[5]

[4] Change Lab Solutions, Jan. 31, 2019 Tobacco Retailer Density: Placed-based Strategies to Advance Health and Equity: https://www.changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco_Retail_Density-Factsheet_FINAL_20190131.pdf

[5] State of Public Health in Berkeley Summary Report, presented at the June 24, 2025 council meeting, item #30: https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf

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The situation is worsened by the sale of illegal or unlicensed products not uncommonly found in outlets selling tobacco products. Recently, California Attorney General Rob Bonta declared: "Illegal e-cigarette sales remain widespread, posing a serious public health concern and requiring a more robust response."[6] Berkeley's Tobacco Prevention Program's recently published Retail Observation Survey Report on 75 licensed tobacco retailers in Berkeley similarly notes that despite the City's ban on the sale of all flavored tobacco products in 2020 that was followed by a statewide ban in 2022, 53 percent of tobacco retailers are still selling menthol cigarettes and 58 percent of stores are selling explicitly flavored (such as mint, fruit, alcohol) non-cigarette tobacco products.[7]

Regulatory Gaps and Licensing Structure Allow Tobacco Retailers to Evade Regulation. City enforcement staff report multiple compliance violations, including unlicensed tobacco sales, illegal flavored products, and evasion of licensing through ownership transfers or name changes. Since Tobacco Retail Licenses (TRLs) are site and person-specific under the BMC 9.80,[8] staff face recurring challenges when the same businesses reopen under new ownership or a slightly modified name - a "revolving door" effect that undermines Berkeley's public health objectives.

Many businesses selling tobacco do not appear in City records as tobacco retailers because they do not self-report tobacco sales on their business-license applications and the City has no separate tobacco business license category. Staff have noted that while all businesses are required to list what they sell, tobacco retailers often avoid identification unless discovered through inspections, complaints, or cross-checking with the state tobacco license database.

BACKGROUND

The City of Berkeley Has Long Been Recognized as a Pioneer in Public Health Policy, Particularly Regarding Tobacco Control and Youth Protection. In the late 1970s, Berkeley was the first community to limit smoking in restaurants and other public places.[9] In December 2002, Berkeley adopted its Tobacco Retail License Ordinance, codified in BMC Chapter 9.80, establishing a licensing framework to regulate the sale of tobacco products, limit youth access, and monitor compliance with state and federal health laws. The TRL program required all retailers selling tobacco or nicotine products to obtain a City license, ensuring oversight of sales practices and providing mechanisms for enforcement. At that time, the ordinance positioned Berkeley among the strictest municipalities in California to use business licensing as a local tobacco control tool as

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[6] Tuesday, April 28, 2026 Attorney General's Press Release: Attorney General Bonta Co-Leads Bipartisan Effort Urging Credit Card and Payment Processing Companies to Combat Illegal Sales of Tobacco and Nicotine Products: https://oag.ca.gov/news/press-releases/attorney-general-bonta-co-leads-bipartisan-effort-urging-credit-card-and-payment

[7] City of Berkeley Tobacco Prevention Program 2026 End Commercial Tobacco Campaign Retail Observation Survey Report, July 3, 2026, attached

[8] Berkeley Municipal Code Chapter 9.80 - Tobacco Retailers: https://berkeley.municipal.codes/BMC/9.80.020

[9] National Library of Medicine, "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General," 2006, Table 10.1: https://www.ncbi.nlm.nih.gov/sites/books/NBK44326/table/rpt-smokeexp.ch10.t1/

merchants would be asked to pay the entire cost of the program via the steep licensing fees.[10]

Over the past two decades, Berkeley has built upon this foundation through complementary laws such as BMC Chapter 9.80.31, which restricts smoking in public areas and prohibits flavored tobacco products.[11] Together these ordinances reflect the City's longstanding commitment to reducing youth nicotine initiation, preventing exposure to second hand smoke, and promoting health equity - particularly in communities disproportionately targeted by tobacco marketing.

In addition to licensing requirements, the City adopted buffer-zone measures to prevent tobacco retailers from locating near schools. Under Ordinance 7673-NS, codified in BMC Section 9.80.035, the City prohibits issuing or renewing TRLs for businesses located within 1,000 feet of any school; this radius was later amended to 600 feet to balance community protection with business viability.[12] The intent of these restrictions is to reduce youth exposure to tobacco retail environments and advertising - factors that have been shown to increase the likelihood of smoking or vaping initiation among minors. The City's tobacco retail information page emphasizes that this buffer-zone ordinance is "intended to protect the health of the community, in particular youth, by reducing their access to tobacco products and exposure to tobacco marketing."[13]

While the buffer-zone rules represent an important preventive measure, enforcement has revealed practical limitations. Existing licensees operating within the buffer zones may continue and some retailers circumvent location restrictions by operating under non-tobacco business classifications.

The City's Relatively Low Tobacco Retail License (TRL) Fee Does Not Reflect the Administrative and Enforcement Burden on Staff and Should be Increased, Consistent with Neighboring Cities. The TRL program requires every tobacco retailer to apply for and renew a license annually. This process involves staff review of the application, verification of the business location relative to the buffer-zone requirements, collection of fees, inspection for compliance, and enforcement of penalties for violations. Despite these intensive administrative activities, Berkeley's annual TRL fee of $533 remains low compared with neighboring cities.

The California Department of Public Health's Policy Evaluation Tracking System (PETS) comparing California Municipalities with a Tobacco Retailer License & Fees found that nearby major jurisdictions charge significantly higher annual fees, reflecting the actual

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[10] Convenience Store News: Berkeley to up Retailer Fees, November 22, 2002: https://csnews.com/berkeley-retailer-fees

[11] Berkeley Municipal Code 9.80.31: https://berkeley.municipal.codes/BMC/9.80.031

[12] Ordinance 7673-NS (2019) - Amending BMC 9.80.035 Buffer Zones (https://berkeleyca.gov/sites/default/files/documents/2019-09-10%20Item%2002%20Ordinance%207673.pdf)

[13] City of Berkeley Webpage - Tobacco Retail Information (https://berkeleyca.gov/doing-business/operating-berkeley/tobacco-retail)

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costs of enforcement: Oakland charges $1,500 plus a $50 application fee, while Richmond's fee is $1,602.44.[14]

Berkeley's relatively low fee constrains staffing for compliance checks, inspections, and youth-access enforcement. City staff might be required to dedicate substantial time to processing license applications, responding to complaints, and conducting field inspections - time that is not adequately funded by the existing fee structure. When a business applies for a new business license and discloses tobacco sales, Finance routes the application to HHCS/EH. The business must then complete the Environmental Health application and a supplemental TRL application, and Environmental Health must conduct both pre-opening and follow-up inspections. Currently, only one Environmental Health staff member is authorized to conduct tobacco inspections, limiting the City's ability to meet ordinance requirements.

Berkeley's Tobacco Policies Should be Modernized to Address Market Evolutions and Retail Density Concerns. While Berkeley's ordinance has served as a strong foundation, it has not fully kept pace with rapid changes in the tobacco and nicotine marketplace. The proliferation of electronic nicotine delivery systems (ENDS), synthetic nicotine, hemp-derived nicotine products, and nicotine pouches has created new regulatory challenges.[15] While buffer-zone protections limit where new retailers can open, they do not restrict overall retailer density or address license transfers. Other jurisdictions, notably San Francisco, have implemented reforms to redefine "tobacco retailer," impose district level caps, and prohibit license transfers, resulting in a roughly 30 percent reduction in retailer density citywide.[16] These structural mechanisms have proven effective in reducing youth exposure and improving enforcement efficiency. Berkeley's current ordinance lacks these density-control measures, leading to clustering of tobacco outlets in vulnerable communities and inconsistent enforcement outcomes.

RATIONALE FOR RECOMMENDATION:

The recommendations in this item strengthen Berkeley's ability to accurately identify and regulate all businesses selling tobacco products and address the documented over-concentration of tobacco retailers in vulnerable neighborhoods. District level caps that would reduce the number of tobacco retailers through attrition will curb clustering over time and improve equitable enforcement while modernizing administrative workflows; and cross-checking with state license data will ensure that retailers cannot avoid

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[14] California Department of Public Health (October 2024), PETS Report: California Municipalities with a Tobacco Retailer License & Fees: https://pets.tcspartners.org/files/List%20of%20TRL%20Fees_October%202024.pdf

[15] California Department of Public Health, California Tobacco Control Program, *State Health Officer's Report on E-Cigarettes: A Community Health Threat*, Sacramento, CA, 2015: https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/ElectronicSmokingDevices/StateHealthEcigReport.pdf

[16] Public Health Law Center (2022), San Francisco's Tobacco Retail Density Regulation: An E-Cigarette Policy Case Study: https://www.publichealthlawcenter.org/sites/default/files/resources/ecigarette-policy-case-san-francisco.pdf

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oversight through non-disclosure or ownership changes.[17] Finally, updating the TRL fee structure is essential to supporting adequate staffing and funding the level of inspections and compliance monitoring needed to protect youth and communities disproportionately impacted by tobacco-related harms.

FISCAL IMPACTS

The fiscal impacts of this referral would be limited to staff time to draft the ordinance changes.

ENVIRONMENTAL SUSTAINABILITY

Capping the number of retailers selling tobacco products and strengthening tobacco and nicotine regulations has the potential to decrease overall usage of such products. This in turn could increase health outcomes for all residents throughout the city, particularly in those areas where there is a nexus of poorer health outcomes and an over-saturation of tobacco retail outlets.

Curbing the number of stores selling tobacco products could also increase air quality and decrease litter in commercial areas near where these products are sold and elsewhere. According to the HUB, a Johns Hopkins news center for showcasing current research, roughly 4.5 trillion cigarette butts are littered annually, making them the most littered item on the planet. Cigarette butts contain nonbiodegradable plastics in their filters and toxic chemicals that leach into soil and water.[18]

CONTACT PERSON

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

ATTACHMENTS

1) Challenges with Tobacco Retail in Berkeley, HHCS staff report/infosheet, June 2024
2) City of Berkeley Tobacco Prevention Program 2026 End Commercial Tobacco Campaign Retail Observation Survey Report, July 3, 2026

[17] It is important to note that this item is not recommending pro-actively closing any business to minimize the over-saturation of tobacco retail outlets in any given zip code. Rather, staff could consider allowing the numbers to decrease through attrition. If new businesses are interested in opening within the City, they could be granted licenses to do so in zip codes not already at maximum capacity with tobacco retail outlets.

[18] HUB, April 22, 2024: “No Ifs, and, or Butts” Sarah Kuta, Johns Hopkins University: https://hub.jhu.edu/2024/04/22/cigarette-butt-filter-litter/

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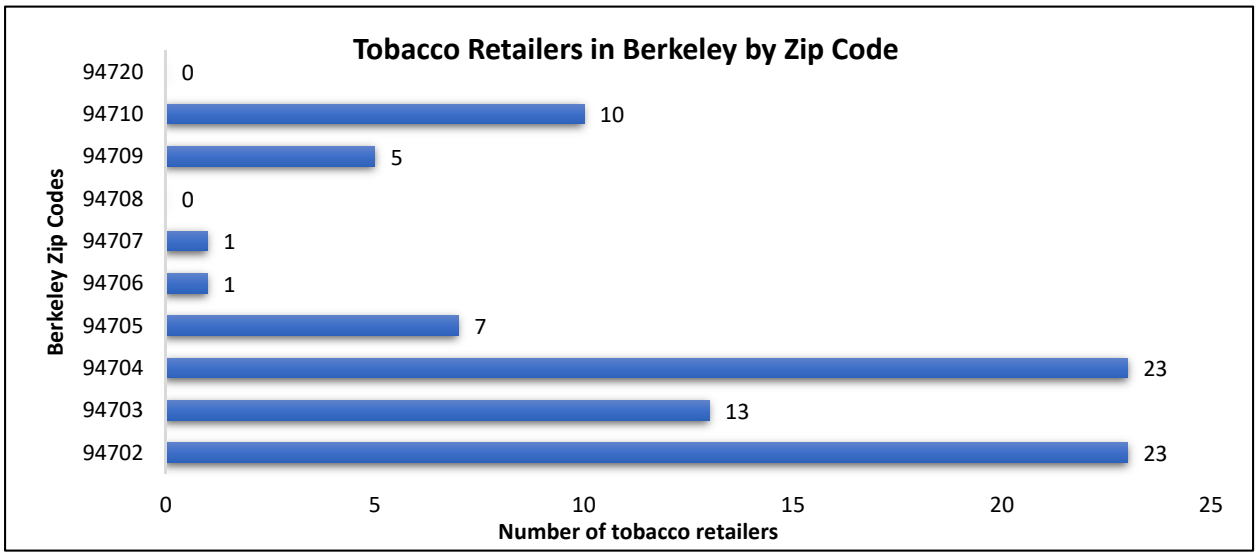
Challenges with Tobacco Retail in Berkeley

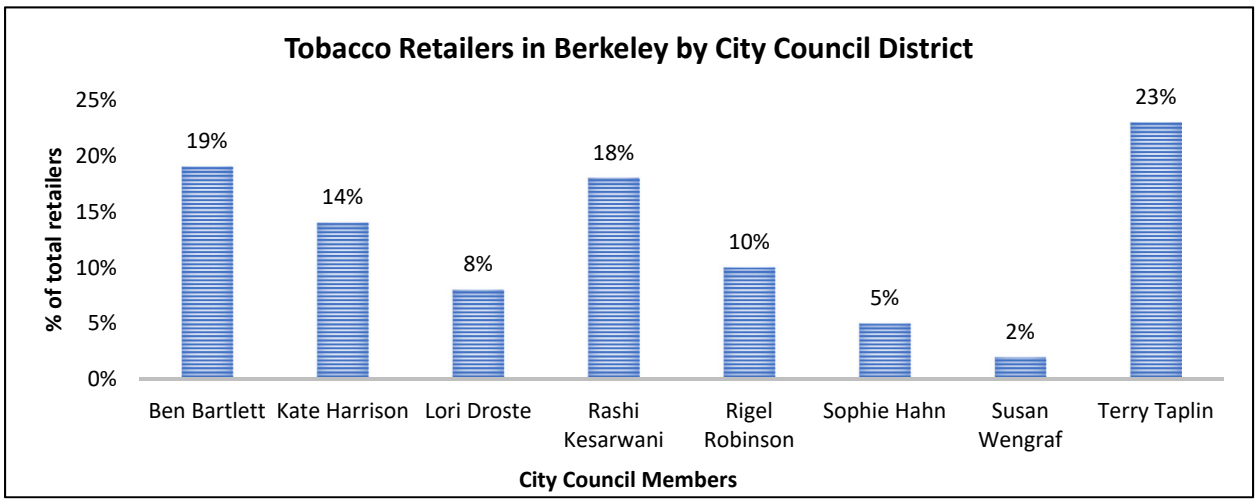
Berkeley is currently experiencing an explosion in tobacco retailers. With a constant stream of new tobacco, cannabis, and hemp products hitting the market, enforcing compliance with local and state laws has become extremely difficult.

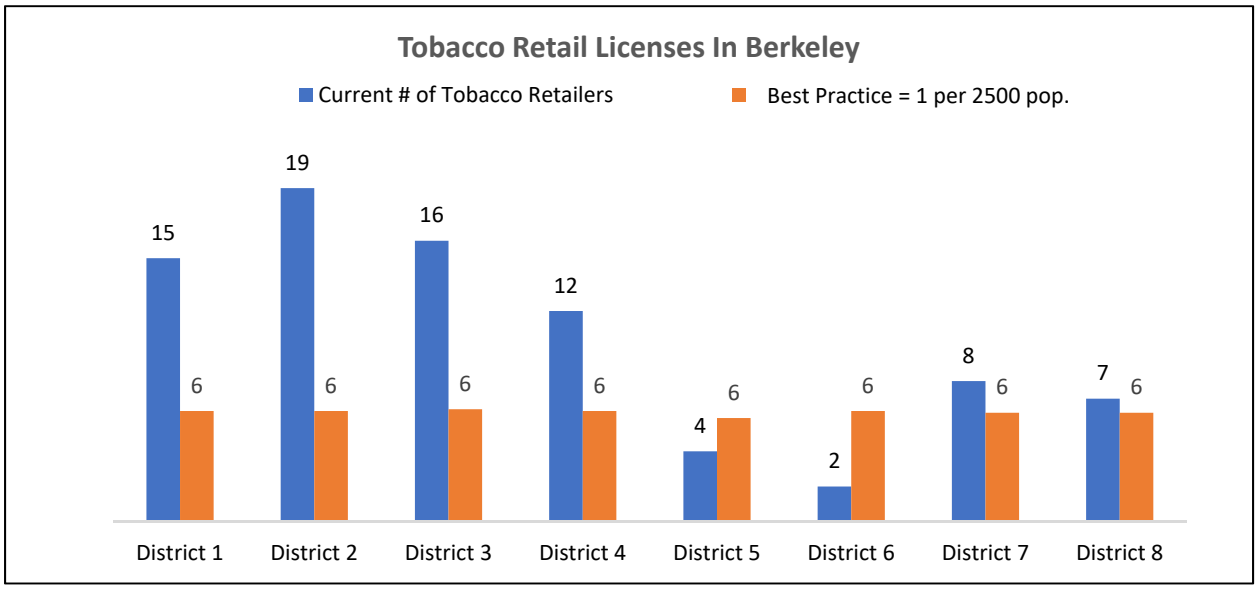
- Berkeley currently has over 80 tobacco retailers. This is almost **70% higher** than the recommended density ratio of **1 tobacco retailer per 2500 residents.**
- Tobacco retailers are highly concentrated in Berkeley in **low-income communities and communities of color** thus increasing tobacco-related heath **disparities**. More than a quarter of tobacco retailers are located in 94702 (West Berkeley, Sacramento to San Pablo, Gilman to Alcatraz) and another quarter are in 94704 (Downtown and UC Berkeley Campus areas, MLK eastward, Hearst to Derby).
- City of Berkeley enforcement staff are reporting additional **gross violations** such as unlicensed retailers and sale of out of state products, leading to the need for **additional law enforcement**.
- Policies that govern the sale of tobacco in Berkeley contain **loopholes** that other jurisdictions have closed such as difficult to enforce definitions of "tobacco-only" retailers. These loopholes allow a **"revolving door"** for retailers who have been cited for violations to simply transfer license holders and continue violating local and state laws.

Policy Suggestions

1. **Impose a cap on Tobacco Retail Licenses:** To be in compliance with the recommended density ratio, Berkeley needs to reduce current tobacco retailers from over 80 to 50. Neighboring jurisdictions such as San Francisco have capped the allowable number of tobacco retail licenses including ensuring equitable distribution. Such policies **do not revoke current licenses, only restrict new licenses**. Although full impact is expected to take many years, San Francisco saw a 10% reduction in the overall number of tobacco retailers within 1 year and reductions were greater in neighborhoods with disproportionately high numbers of tobacco retailers thus reducing inequities.
2. **Update the definition of "tobacco only" retailers:** If this definition is updated in the Berkeley zoning code, it would also provide an opportunity to revise restrictions on the sale of vapes and e-cigarettes and locations near schools which currently only apply to tobacco-only retailers. Such restrictions could be applied to all tobacco retailers.
3. **Strengthen consequences for violations** by adding a **general condition to zoning permits** that violations could result not only in revocation of a tobacco retail license but also in revocation of a zoning permit. This would **prevent the "revolving door"** where permit violators apply for new permits under different names and continue to violate laws.


Tobacco Retailers in Berkeley by Zip Code
Berkeley Zip Codes
94720
94710
94709
94708
94707
94706
94705
94704
94703
94702
0
10
5
0
1
1
7
23
13
23
0
5
10
15
20
25
Number of tobacco retailers


Tobacco Retailers in Berkeley by City Council District
% of total retailers
25%
20%
15%
10%
5%
0%
19%
14%
8%
18%
10%
5%
2%
23%
Ben Bartlett
Kate Harrison
Lori Droste
Rashi Kesarwani
Rigel Robinson
Sophie Hahn
Susan Wengraf
Terry Taplin
City Council Members


Tobacco Retail Licenses In Berkeley
Current # of Tobacco Retailers
Best Practice = 1 per 2500 pop.
15
6
19
6
16
6
12
6
4
6
2
6
8
6
7
6
District 1
District 2
District 3
District 4
District 5
District 6
District 7
District 8

City of Berkeley Tobacco Prevention Program
2026 End Commercial Tobacco Campaign

Retail Observation Survey Report

Executive Summary: Between April and June of 2026, observations were completed for 75 licensed tobacco retailers in Berkeley as part of statewide data collection efforts (64 were currently selling tobacco products). The following report details what was observed in terms of products sold (tobacco, cannabis, food and other products), tobacco product placement, tobacco advertising, pricing, and pack size.

In order to support effective education and enforcement work with tobacco retailers in Berkeley, the following is a summary of compliance and non-compliance with key Berkeley tobacco retail policies:

Sale of Flavored Tobacco Products: Berkeley banned the sale of all flavored tobacco products in 2020, followed by a statewide ban in 2022.

- 53% of tobacco retailers are still selling menthol cigarettes [34 out of 64 stores, confidence interval (CI) 40.0% to 65.7%[1]], an increase from 43% seen in 2024 and 32% seen in 2022.
- 58% of stores are selling explicitly flavored (e.g., mint, fruit, alcohol) non-cigarette tobacco products [37 stores out of 64, CI 44.8% to 70.1%], an increase from 41% seen in 2024 and 32% seen in 2022.
- 44% of stores are selling ambiguously labelled (e.g., chill, fusion, green, etc.) non-cigarette tobacco products which may be flavored [28 stores out of 64, CI 31.4% to 56.7%], a decrease from 53% seen in 2024, but an increase from 10% seen in 2022.
- 20% of stores had flavored tobacco product ads either inside or outside the store [13 stores out of 64, CI 11.3% to 32.2%]. This is a decrease from 30% seen in 2024.

Minimum Pack Size: Minimum pack size for cigarettes and little cigars/cigarillos is 20. Minimum pack size for premium cigars is 6.

- 100% of stores selling little cigars/cigarillos (41 out of 41, CI 91.4% to 100%) sold them in packs of less than five. By weight, some products labelled as cigarillos actually fall in the premium cigar category. Even if counted as premium cigars, these are non-compliant with current policy. This is an increase from 73% seen in 2024.

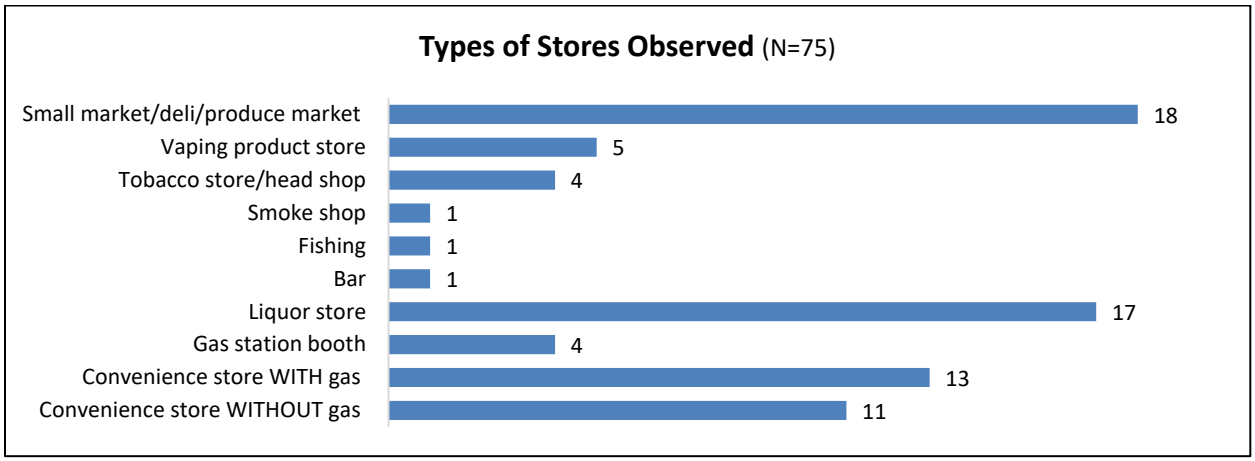
Pricing: Minimum price for cigarettes and little cigars/cigarillos is $8 per pack of 20. Minimum price for premium cigars is $5 each or $30 per pack of 6. Retailers are not allowed to offer discounts on tobacco products.

- 100% of stores selling little cigars/cigarillos (41 out of 41 stores, CI 91.4% to 100%) were selling them at a price of less than $5 per pack. This is an increase from 72% seen in 2024.
- 1 retailer (out of 58 for whom pricing data was available, 1.7%, CI 0% to 9.2%) was selling a pack of 20 cigarettes for less than $8 before taxes. This is a decrease from 16% seen in 2024.
- The vast majority of retailers (60 out of 64) had no tobacco price promotions outside the store (94%, CI 84.8% to 98.3%), however 63% (40 out of 64, CI 49.5% to 74.3%) had price promotions inside the store. Of those who had promotions, the most commonly discounted items were regular cigarettes.

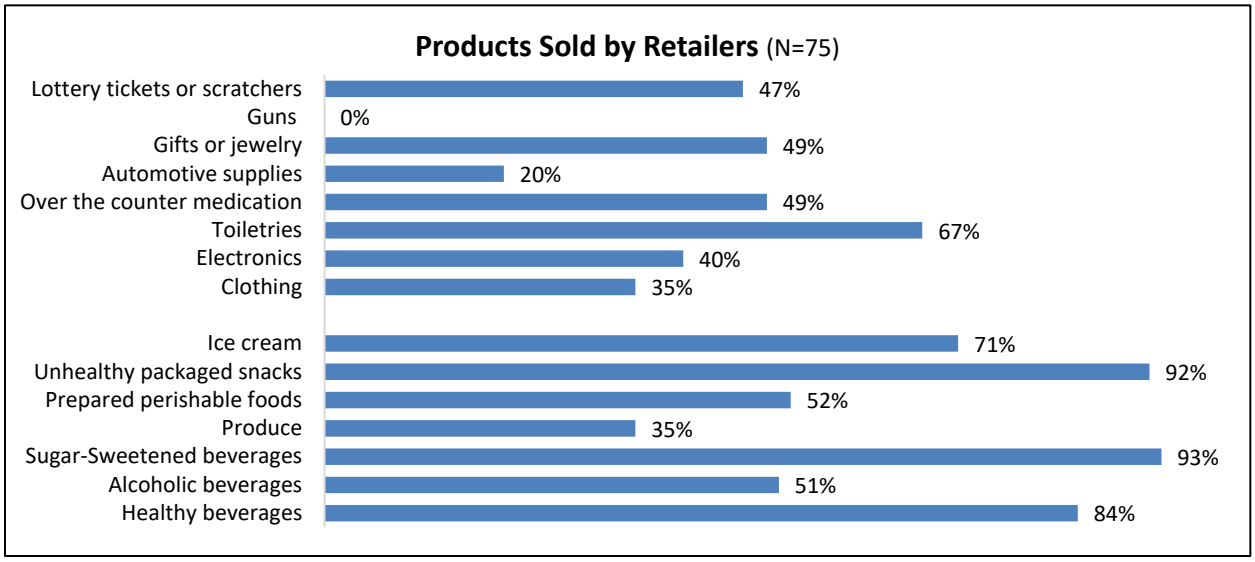
[1] All confidence intervals in this report were calculated using a 95% confidence level and confidence interval calculators available at: https://sample-size.net/

Berkeley Retail Observations: Between April and June 2026, the City of Berkeley Tobacco Prevention Program (COBTPP) attempted to complete observations of 86 licensed tobacco retailers in Berkeley to assess the retail environment and inform future program activities and policy strategies to reduce the impact of tobacco in Berkeley. The retail observations were conducted as part of a statewide initiative coordinated by the California Tobacco Control Program (CTCP) and the Tobacco Control Evaluation Center (TCEC). The retail observation survey tool was standardized across the state and CTCP drew the minimum required sample of stores to be surveyed for each jurisdiction. Data collectors were instructed not to survey retailers that had active smoking (e.g., hookah bars, cigar bars), retailers with substantial cost-consideration and membership fees (e.g., airport retailers, wholesale clubs), or retailers located in areas with restricted access (e.g., military base). Eleven of the 86 stores in Berkeley were unable to be observed due to accessibility (not open, not at listed address) or safety (including observers being asked to leave), thus 75 retail observations were completed.

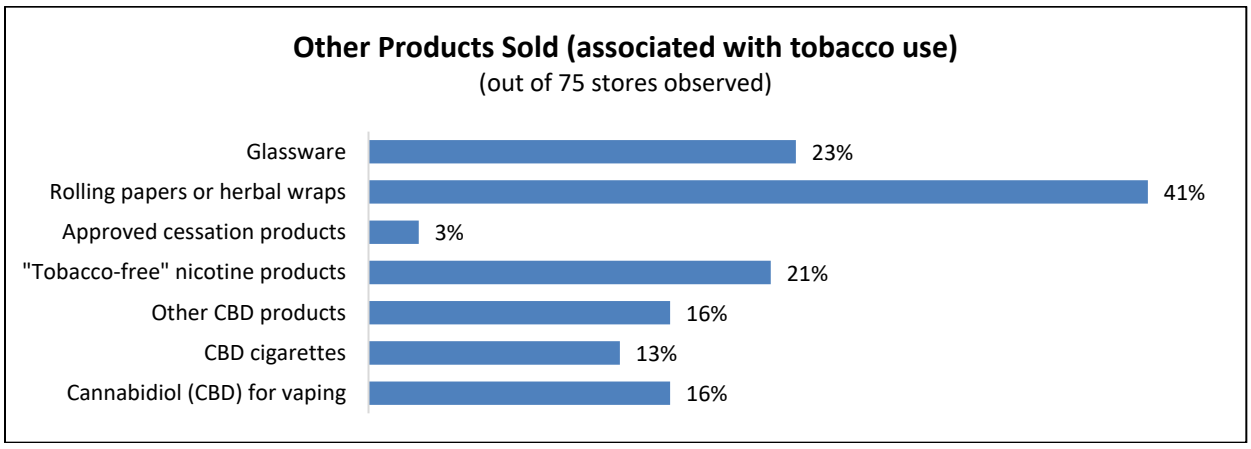
Data Collection: Retail observations were conducted by COBTPP staff, all of whom completed retail observation training. Observation data was entered directly into an electronic survey using handheld devices. Of the stores where observations were completed, 28% were in Central Berkeley (94702), 51% in South Berkeley (94703-5), 9% in North Berkeley (94706/7/9), and 12% in West Berkeley/94710). The types of stores can be seen in the chart below.



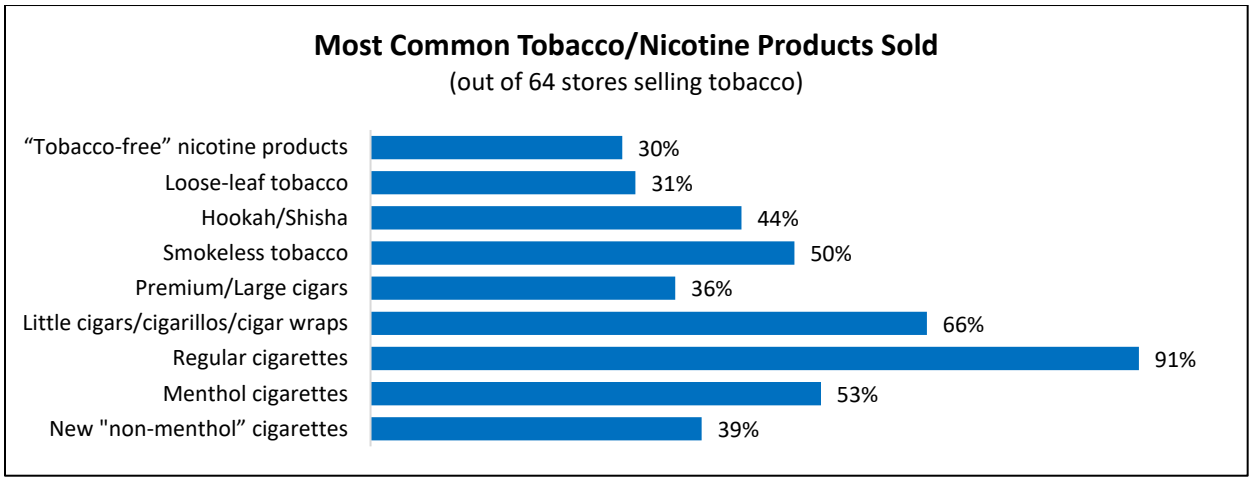
Products Sold: In addition to assessing tobacco sales, observers noted the presence or absence of a wide variety of non-tobacco products. The most commonly sold items included sugar-sweetened beverages, unhealthy packaged snacks, and healthy beverages.



A range of products associated with tobacco use were also observed, the most common of which were rolling papers/herbal wraps, glassware, and “Tobacco-free” nicotine products.

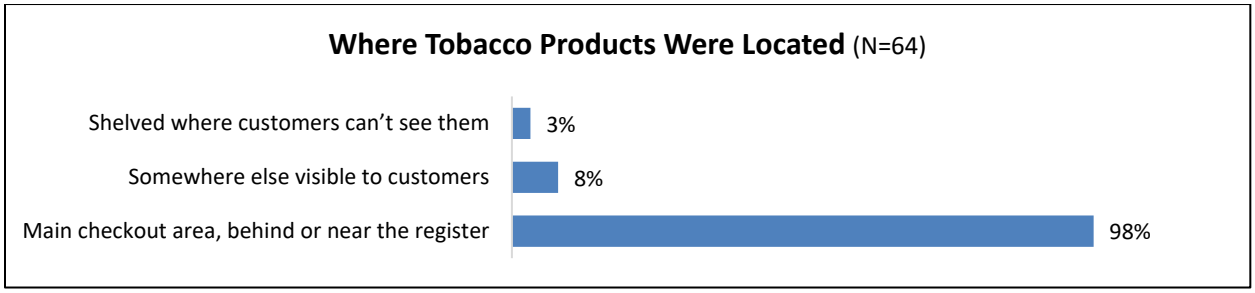


Tobacco Products Sold: Sixty-four of the 75 observed retailers sold some type of tobacco product. The most commonly sold tobacco products were regular cigarettes (91%, CI 80.7% to 96.5%) followed by little cigars/cigarillos/cigar wraps (66%, CI 52.7% to 77.1%) and menthol cigarettes (53%, CI 40.2% to 65.7%). Despite the ban on the sale of all flavored products (in effect since 2020), 53% of stores were still selling menthol cigarettes (CI 40.0% to 65.7%). Twenty-five stores were observed selling vaping products.

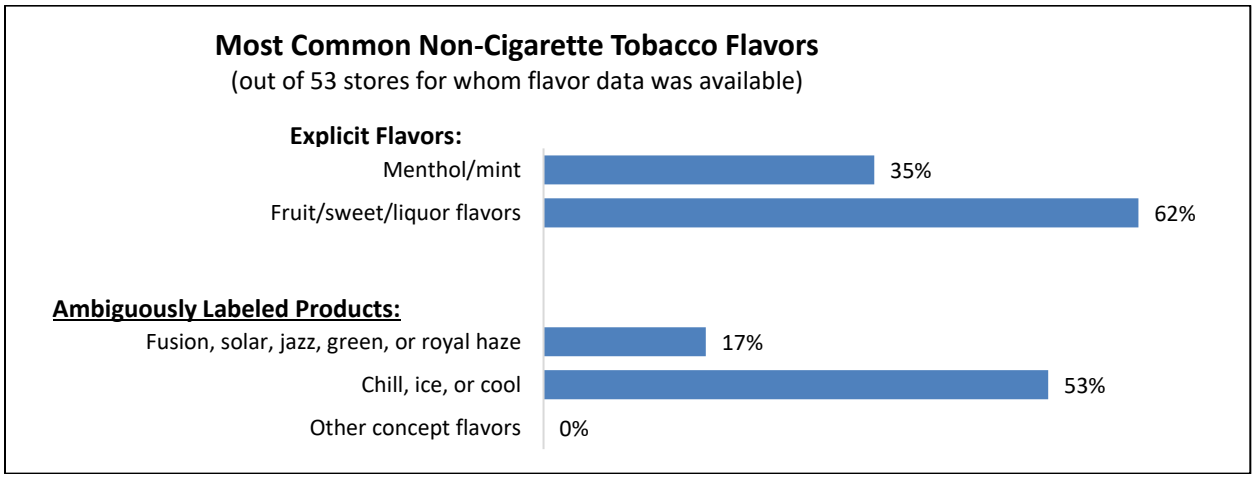


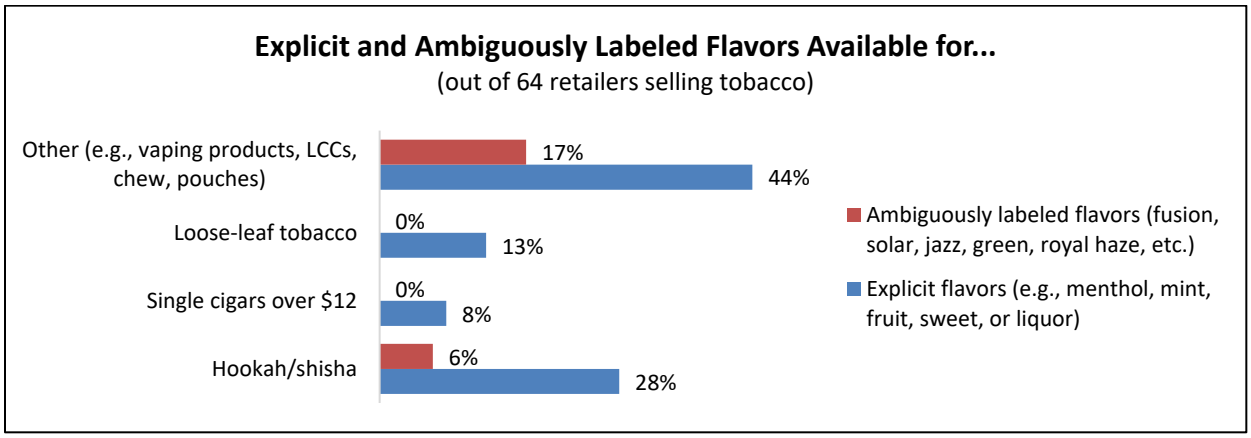


Tobacco products were most commonly located near the check-out area.

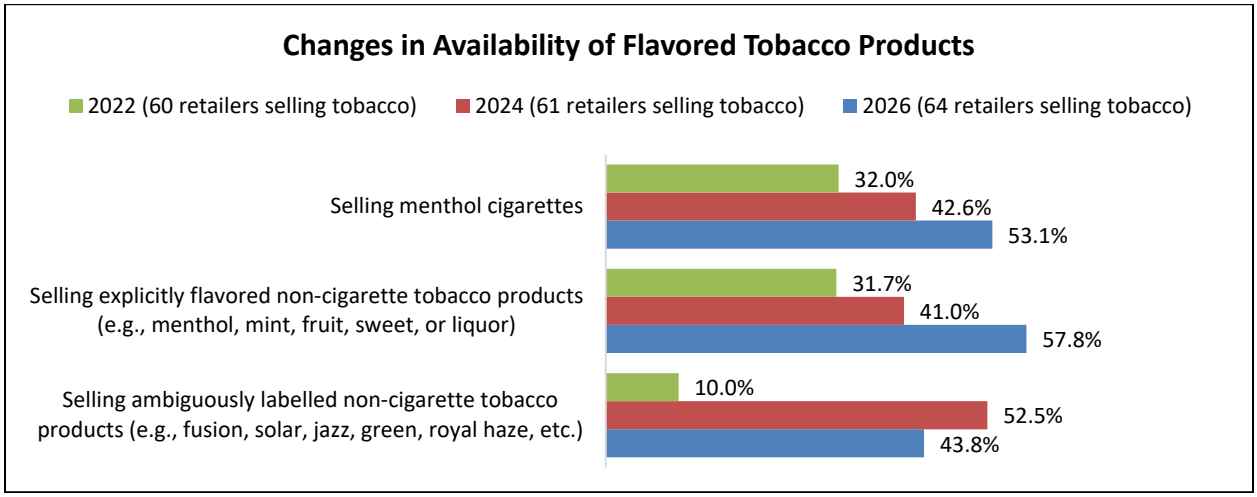


Flavored Tobacco Products Sold: Explicit and concept flavor data was collected for 53 stores selling tobacco products other than cigarettes and can be seen in the charts below. These flavors were primarily available for other tobacco products such as vape, chew, and pouches and sometimes available for hookah/shisha, loose-leaf tobacco, and single cigars.

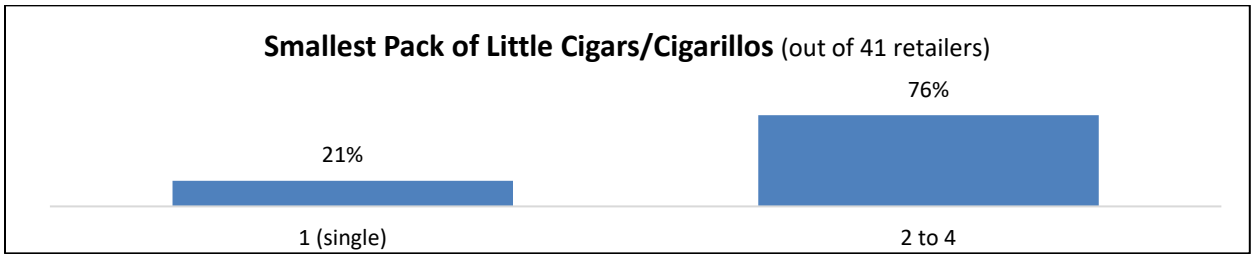


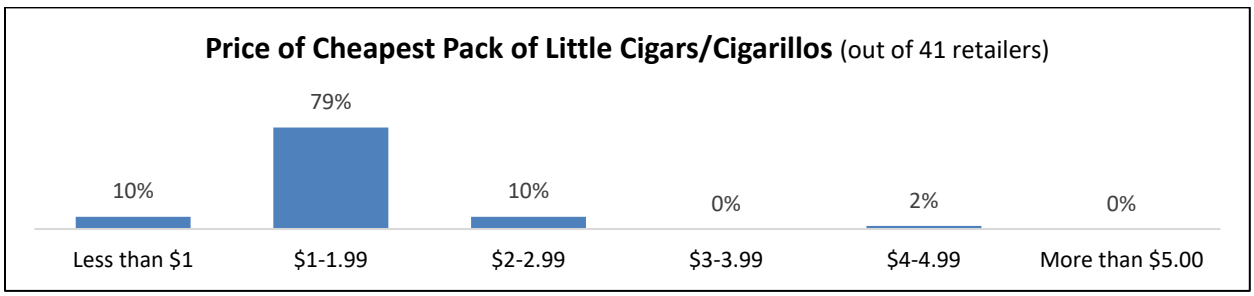


Across all tobacco products, there have been significant increases since both 2022 and 2024 data in the availability of menthol cigarettes and explicitly flavored non-cigarette tobacco products (e.g., menthol, mint, fruit, sweet, or liquor). A large increase was seen between 2022 and 2024 in the availability of ambiguously labeled non-cigarette tobacco products (e.g., fusion, solar, jazz, green, royal haze, etc.), however availability fell slightly between 2024 and 2026. Complete data can be seen in the following chart.



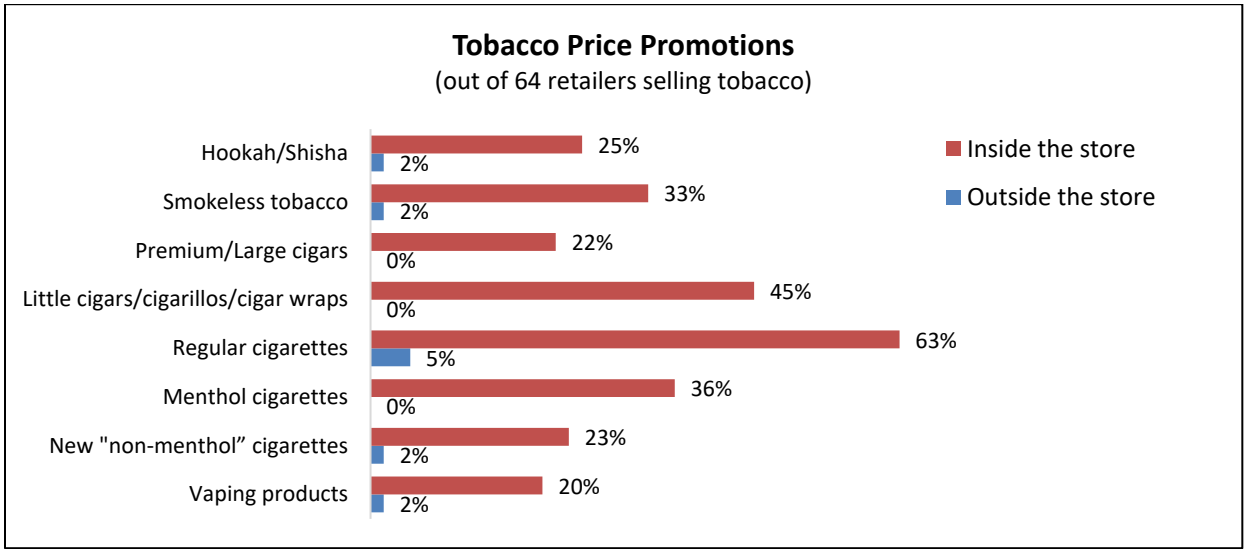
Tobacco Product Pricing and Pack Sizes: Among retailers who sold little cigars/cigarillos, 100% (CI 91.4% to 100%) sold them in packs of less than five and at a price of less than $5 per pack, well below the required minimum of $8 per pack of 20 little cigars/cigarillos. Even if counted as premium cigars, these are non-compliant with current policy (minimum pack size six, minimum pricing $5 each or $30 per pack). These rates are significant increases from those seen in 2024 when 73% were selling in packs of less than five and 72% were selling for less than $5.





The average cheapest price per single pack of cigarettes (including taxes) was $10.44 (95% CI, $9.94, $10.94), with the lowest price $7.22 and the highest price $16.50. (Forty-six percent of documented minimum prices were provided by clerks, while 49% were identified based on listed prices.) Only 1 store (1.7%, CI 0% to 9.2%) was selling a pack of 20 cigarettes for less than $8, the current minimum price mandated by Berkeley's tobacco retail policy.

Advertising: Retail observations also included assessments of advertising and price promotions both inside and outside of stores for both tobacco and non-tobacco products. Fifteen retailers had tobacco price promotions inside the store, however only 7 had tobacco price promotions posted outside stores. Of listed price promotions, the most commonly discounted items were regular cigarettes, little cigars/cigarillos/cigar wraps, and menthol cigarettes.


Tobacco Price Promotions
(out of 64 retailers selling tobacco)
Hookah/Shisha
Smokeless tobacco
Premium/Large cigars
Little cigars/cigarillos/cigar wraps
Regular cigarettes
Menthol cigarettes
New "non-menthol" cigarettes
Vaping products
25%
2%
33%
2%
22%
0%
45%
0%
63%
5%
36%
0%
23%
2%
20%
2%
Inside the store
Outside the store

Berkeley City Councilmember
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CONSENT CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Humbert (Author)

Subject: Berkeley High Crew Safety Equipment: 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 $400 per Councilmember including $400 from Councilmember Humbert to Berkeley High Crew, an independent 501(c)(3) nonprofit, for the purchase of safety equipment for the Berkeley High School (BHS) rowing team, with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Humbert and any other Councilmembers who would like to contribute.

BACKGROUND

Established in 1967, Berkeley High Crew is the oldest youth rowing program in Northern California and the only public school rowing team in the western United States. The program runs a Learn to Row summer camp for incoming 9th graders as well as the regular school team, which has 85 registered athletes this year and competes against private clubs and private schools. Last year, the team sent three boats to the Scholastic National Championships, and 95% of its alumni go on to attend college. As a public school program, Berkeley High Crew allows students who qualify for free and reduced-price lunch to participate for free and offers a sliding scale for lower-income families. The team receives minimal funding from the school district and relies on family contributions and fundraising, which makes it challenging to meet all equipment funding needs. These donated funds will help the team purchase needed safety equipment, including boat safety lights, maritime-quality megaphones, and life jackets, as practices continue into the darker winter months.

FINANCIAL IMPLICATIONS

No General Fund impact. $400 is available from Councilmember Humbert's office budget.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Councilmember Mark Humbert Council District 8 510-981-7180

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

BERKELEY HIGH CREW SAFETY EQUIPMENT

WHEREAS, established in 1967, Berkeley High Crew is the oldest youth rowing program in Northern California and the only public school rowing team in the western United States; and

WHEREAS, the BHS rowing team has 85 registered student athletes this year, competes against private clubs and private schools, and sent three boats to the Scholastic National Championships last year; and

WHEREAS, Berkeley High Crew is committed to making rowing inclusive for all Berkeley High students, allowing students who qualify for free and reduced-price lunch to participate for free and offering a sliding scale for lower-income families; and

WHEREAS, the team receives minimal funding from the school district and suffers from severe equipment strain, and without new safety equipment the BHS rowing team could be up a creek without a paddle; and

WHEREAS, as the team heads into the dark winter season, there is a stern need for safety, including boat safety lights, maritime-quality megaphones, and life jackets; and

WHEREAS, it's all of oar responsibility to support youth athletics, and this funding will firm up the team's readiness and help keep them afloat; and

WHEREAS, hopefully this funding will represent a stroke of good fortune and help the rowing team sweep to victory; and

WHEREAS, Councilmember has surplus funds in his office expenditure account, which he would like to steer toward the team; and

WHEREAS, BHS Crew is requesting funds in the amount of $2,631.67 to help purchase safety equipment and keep participation fees low for public school families; and

WHEREAS, the Council has the opportunity to pull together and pitch in for the BHS rowing team, serving the civic interests of youth athletics, safety, and equitable access to aquatic sports;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Councilmembers from their Council Office Budgets up to $400 per office shall be granted to Berkeley High Crew for helping cover the costs of safety equipment for the Berkeley High School rowing team.

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Office of the City Manager

PUBLIC HEARING
December 1, 2026

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 2027

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 2026-2027 and, if no majority protest exists, levy annual assessments in the District for calendar year 2027 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 Parking Meter Fund (631-54-622-665-3009-000-474-639990-). 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 2027. The renewal process was initiated on November 17, 2026, when Council approved by Resolution No.- 72,520 N.S. (Attachment 1, Exhibit A) the Annual report and budget for 2026-2027 and set the public hearing date for December 1, 2026. The City Clerk noticed businesses in the Elmwood BID area by publishing a draft of Resolution No. -72,520 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 of 2026 and budget for 2027 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
By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. 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 2027.

CONTACT PERSON
Vincent McCoy, Office of Economic Development, 510-981-2490

1: Resolution
Exhibit A: Resolution No. 72,520 -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 2027, 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 2027, 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 November 17, 2026, the City Council by Resolution No.72,520-N.S (attached as Exhibit A) approved the Annual Report and proposed budget of the Elmwood BID for 2026-27 and declared its intent to levy an assessment in the District to finance the proposed activities for the calendar year 2027; and

WHEREAS, Resolution No. 72,520 -N.S. also scheduled a public hearing for December 1, 2026, 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 draft 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 2027.

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. 72,520 N.S., including the 2026-27 Annual Report, map of the District and Assessment Table

RESOLUTION NO. 72,520-N.S.

APPROVING THE 2026 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2027; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2027; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 1, 2026 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2027

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 the 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 2027 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 (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 Elmwood BID Annual Report and Budget 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 1, 2026. 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.

All formal written and oral protests against the levying of the District assessment 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 1, 2026 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 draft of the Resolution of Intention in a newspaper of general circulation.

Exhibit
A: Annual Report for the Elmwood Business Improvement District for ‘26 & Budget ‘27
A1: Map of the Elmwood BID 2027
A2: Assessment Rates 2027

EXHIBIT A

Annual Report for the Elmwood Business Improvement District for 2026

October 16, 2026

To: Members of the Berkeley City Council
From: The Elmwood Business Improvement District Advisory Board
Re: 2027 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2027 calendar 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 Third 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 on May 3, 2026.
- Hosted The Elmwood Beer Crawl on July 18, 2026.
- Hosting the Wine Walk on September 19, 2026
- Secured a funding commitment for the Music in the Elmwood event for two years, 2027 & 2028.
- Represented the interests Elmwood merchants on important issues such as Corridors Upzoning, marketing, and parking management.
- 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 management of 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 2027 for your review.

2026-2027 Actual and Projected Expenditures
Elmwood Business Association

INCOME	2026 Budget	2027 Budget
Operating Income		
BID Membership dues	$ 35,000	$ 33,000
Other Revenue		$ 5,500
Special Allocation Fund (2026 Music in the Elmwood) – From Berk. City Council	$7,000	
Sponsorship for Wine Walk	$2,000	
Wine Walk + Vendor Fees	$15,000	
November Craft Faire	$1,300	
Other (Russell Lot Revenue)	$2,000	
Total Operating Income	**$ 62,300**	**$ 38,500**
Non-Operating Income		
Fees Collected from Vendors		$ 1,000
Total Non-Operating Income		**$ 1,000**
Total INCOME	**$ 62,300**	**$ 39,500**

EXPENSES		
Advertising & Marketing		
Various Holiday/Seasonal Marketing	$13,000	
Web Hosting and marketing	$3,000	
Banner Maintenance		$ 1,800
Building Light Maintenance		$ 250
Spring event production		$ 500
Merchant Social - Summer		$ 1,300

	Artisan Craft Event		$ 300
	Web Hosting and marketing		$ 1,000
	Halloween event production		$ 600
	Holiday season event production (incl. tree lights)		$ 2,500
Events (including Music in the Elmwood)		$10,000	
	Music Festival Expenses		$ 7,000
Consulting & Accounting		$300	
	Square Payment System		$ 120
	Accounting S/W (Xero)/Tax Filing		$ 200
Dues and Subscriptions		$350	
	Chamber of Commerce		$ 350
Insurance		$1,500	
	Liability for EBA		$ 650
	Liability for Board members		$ 900
License & Permits			
	Taxes & Licenses	$ 250	$ 200
Other: Office Supplies/Annual Mtg.			
	Office Expense	$1,000	
	Printing/copy	$ 700	$ 1,200
	Postage & Delivery (PO Box)	$ 250	$ 250
	Annual Mtg. Food/Beverage/Merchant Social	$ 2,500	$ 1,300
Repairs and Maintenance			

	Gardening (Tree wells)	$ 400	$ 400
Professional Fees			
	Legal and Professional Fees	$ 100	$ 100
Bank Fees			
	Wells Fargo Bank	$ 160	$ 150
Security			
	Holiday Private Security	$ 7,000	$ 10,000
Admin Support			
	Wages	$ 12,000	$ 12,500
	Total Operating Expenses	**$ 52,510**	**$ 43,570**

Retained Earnings		**$ 9,760**	**$ (4,070)**

Exhibit A1: Elmwood Business Improvement District (BID), Map

Elmwood BID Boundaries



City of Berkeley

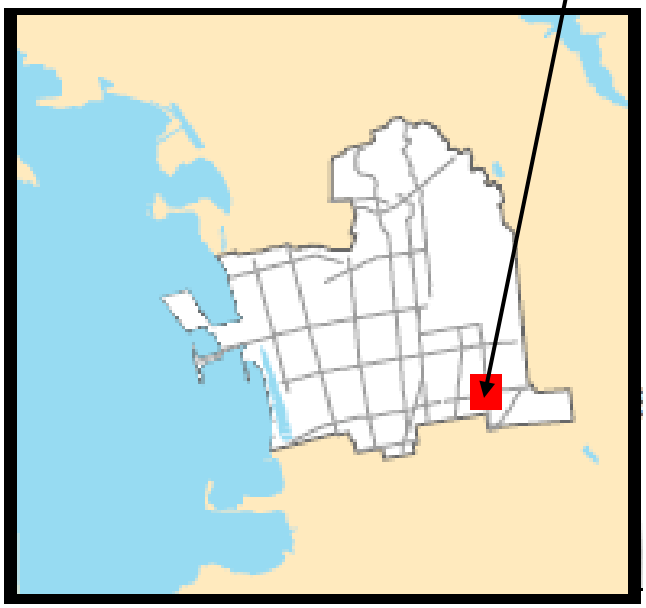


Exhibit A2: Elmwood Business Improvement District, Assessment Rates

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), 2013)

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

RENEWAL OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT AND LEVYING OF ASSESSMENT FOR 2027

The Elmwood Business Improvement District (BID) Advisory Board is proposing that the Berkeley City Council confirm the Annual Report of the Elmwood BID for 2026 and levy an assessment for 2027.

The hearing will be held on December 1, 2026 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 19, 2026.**

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@berkeleyca.gov for further information.

For further information, please contact Vincent McCoy, Office of Economic Development, at 510-981-2490.

Published: Draft Resolution of Intention, November 20, 2026 – The 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 19, 2026.

Mark Numainville, City Clerk
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17

Office of the City Manager

PUBLIC HEARING
December 1, 2026

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 2027

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 2026-2027 and, if no majority protest exists, levy annual assessments in the District for calendar year 2027 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 2027. The renewal process was initiated on November 17, 2026, when Council approved by Resolution No. 72,523–N.S. (See Attachment 1, Exhibit 1A) and set the public hearing date for December 1, 2026. The City Clerk noticed businesses in the Solano Avenue BID area by publishing the draft of Resolution No. 72,523–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 district's annual report and budget and levy assessments for calendar year 2027.

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 2026, 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

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. 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. 72,523–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 2027, 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 2027, 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 November 17, 2026, the City Council by Resolution No. 72,523–N.S. (attached as Exhibit 1A) approved the Annual Report and proposed budget of the Solano Avenue BID for 2026-27 and declared its intent to levy an assessment in the District to finance the proposed activities for the calendar year 2027; and

WHEREAS, Resolution No. 72,523–N.S.. also scheduled a public hearing for December 1, 2026, 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 draft 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 2027.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to enter into a contract or contract amendments with a suitable non-profit, the Telegraph Property and Business Management Corporation (TPBMC), 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. 72,523–N.S. (November 17, 2026), including the 2026-27 Annual Report and Budget, District Map, and Assessment Table

Exhibit 1A

RESOLUTION NO. 72,523-N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2026-2027; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2027; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 1, 2026 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2027.

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 2027 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 2026 and Budget for the year 2027 (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 Annual Report and budget 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 1, 2026. 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 1, 2026 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 draft 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 2026 & Budget 2027
A1: Map of the Solano BID
A2: Assessment Rates

Exhibit A

Report for the Solano Avenue Business Improvement District for 2026 and Budget for 2027

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 update 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 cleaning of porous pavement on a weekly basis. Additional services have been considered and further options and changes will be discussed in the context of the 2027 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 2026, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (e.g., supporting the SAA in producing holiday events). The BID continues using its 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 the Upper Solano directory. The details of the 2027 Work Plan, are to be developed over the remainder of the year and include engaging with the City of Berkeley 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

The board is challenged by having two (out of 9 possible) members. The current members have expressed that they are both ready to leave their positions. Ongoing recruitment is a focus for the remainder of 2026 and 2027. 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. To date, there are no candidates for seats on the board.

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 2027 is $30,000 so the fiscal agent fee is estimated to be $1,500.

FINANCIAL STATUS OF THE SOLANO BID, AUGUST 2026	
Solano BID Balance, as of 8/31/2026	$35,455
Accounts Receivable - Remaining Carryover	$25,400
Less fall and winter payments remaining for Solano Ave Assn Contract, for 2026-27 holiday-related events	-$10,000
Less payments for holiday decor installation, removal and storage, Nov. 2026 to Jan 2027	-$5,471
Allocated Expenditures	-$15,400
Unallocated as of 8/31/2026	**$29,984**

BUDGET FOR THE SOLANO BID FOR 2027 (Calendar Year)	
Estimated new revenue 2027	$29,984
Carryover from 2026 (estimated)	$6,000
Estimated SAA Events Payments	-$15,000
Estimated Holiday Decorations Payments	-$5,600
Estimated Peralta Svcs Corp sidewalk Cleaning/tree well maintenance	-$6,200
Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue	-$1,500
Total additional available for expenditure in 2027	**$7,684**

RECOMMENDATIONS

The Advisory Board recommends that Council:

- Approve the 2026 Annual Report and 2027 Budget.
- Make no changes in the boundaries of the Solano Business Improvement District 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 2027 the estimated surplus revenues from 2026, as stated in the 2027 Budget.

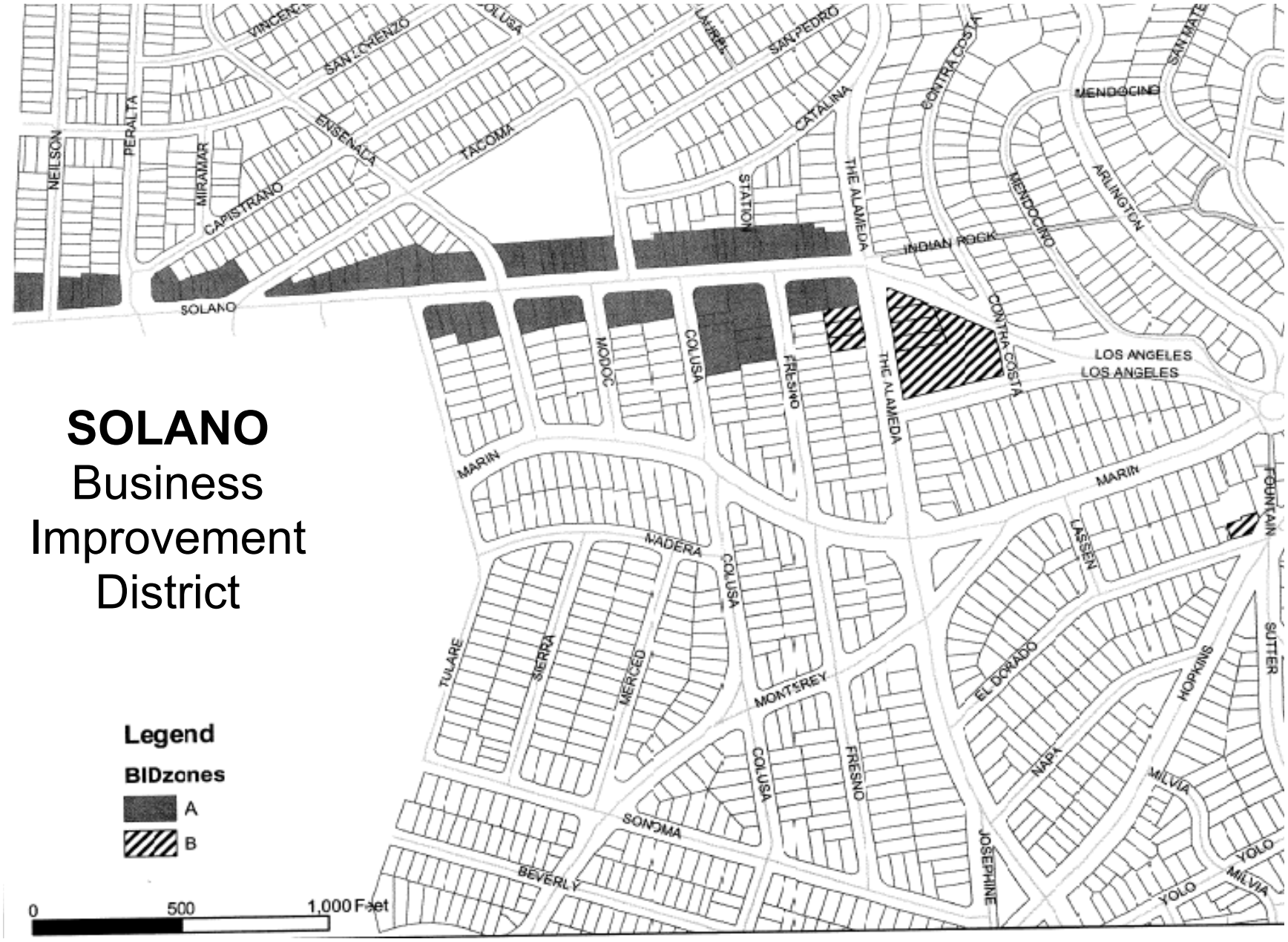

SOLANO
Business
Improvement
District
Legend
BIDzones
A
B
0
500
1,000 Feet
SAN LORENZO
SAN PEDRO
CATALINA
CONTRA COSTA
MENDOCINO
SAN MATE
PERALTA
NEILSON
MIRAMAR
CAPISTRANO
ENSENADA
TACOMA
STATION
THE ALAMEDA
ARLINGTON
INDIAN ROCK
SOLANO
MODOC
COLUSA
FRESNO
LOS ANGELES
MARIN
MADERA
LASSEN
FOUNTAIN
TULARE
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 2027

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 2026 and levy an assessment for 2027.

The hearing will be held on December 1, 2026 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 19, 2026.**

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@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. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@berkeleyca.gov for further information.

Published: Draft Resolution of Intention, November 20, 2026 – The 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 19, 2026.

Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Changes to Selected Recreation Program and Facility Rental Fees

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 72,290-N.S. and all amendatory resolutions.

FISCAL IMPACTS OF RECOMMENDATION

The proposed new fees and fee increases will provide additional revenue to offset the operational costs associated with the Naturalist Classroom Program at the Waterfront (Shorebird Nature Center), Echo Lake bus transportation and family camp, Echo Lake and Berkeley Tuolumne Camp Counselor-in-Training programs, swim lessons, and Swim Center facility rental. Funding for these recreation programs and facilities comes from the Marina Fund, General Fund and Camps Fund. Proposed revenue from the proposed fee adjustments will be deposited into the appropriate fund as described below.

These fee increases will raise an estimated $121,288 in FY2027 to help offset program and facility maintenance costs (see Table 1). The revenue assumptions below are generally based on resident fees. Non-resident fees are 20% higher, except at the Waterfront where higher non-resident fees are not permitted due to state tidelands requirements.

Table 1 - Summary of Estimated Annual Increase in Revenue

Fee	Marina Fund (608)	Camps Fund (125)	General Fund (011)	Total
Naturalist Classroom Program	$3,700			**$3,700**
Echo Lake Bus Transportation Fee		$74,060		**$74,060**
Echo Lake Family Camp		$2,884		**$2,884**
Echo & BTC CIT Program		$7,312		**$7,312**
Swim Center Rentals		$1,246		**$1,246**
Organized Group Swim Lessons (Subsidized)			$9,168	**$9,168**
Red Cross Swim Lessons (Cost Recovery)		$22,918		**$22,918**
TOTAL	**$3,700**	**$108,420**	**$9,168**	**$121,288**

If fees are not increased to cover costs in the Marina Fund and Camps Fund and offset costs in the General Fund, program reductions will be needed. The Marina Fund is an enterprise fund that is facing severe structural deficits, and cannot absorb increases in program costs. The Camps Fund is a self-supporting fund, in which revenue from Berkeley Tuolumne Camp (BTC), Echo Lake Camp, Cazadero Camp and in-town cost recovery programs is expected to cover all program and camp facility costs; fees similarly need to increase to cover costs of those programs. Programs in the General Fund are subsidized, but given the General Fund's fiscal constraints, fee increases are appropriate and necessary to keep pace with cost increases in order to maintain existing service levels.

CURRENT SITUATION AND ITS EFFECTS

On May 19, 2026, Council adopted an updated fee schedule for Recreation Division programs (Resolution No. 72,290-N.S.). The City regularly reviews all recreation fees in an effort to keep programs and facilities accessible to residents while accounting for increased costs to deliver those services. Proposed fee changes described below are proposed to go into effect January 1, 2027.

Naturalist Classroom Program

A $50 increase for the 1-hour program and a $75 increase for the 3-hour Naturalist Classroom is proposed to recover the program's costs. This additional increase is needed, despite the fact that this fee was already increased in January 2026, because the program needed additional hourly staff support to operate because career staff had to cover other programs. The program hosts elementary and middle-school classes for field trips at the Waterfront's Shorebird Nature Center, covering topics like fish, birds, marine mammals, dock life, watershed ecology and low-tide exploration. Even with

these fee increases, City program costs do not exceed those of most neighboring programs (see Attachment 1).

Echo Lake Bus Transportation Surcharge

Berkeley Echo Lake Youth Camp is a popular 5-night sleepaway camp for youth ages 7-14 and has been fully registered with waiting lists for the past several years. A new $50 one-way and $100 round-trip bus transportation surcharge is proposed for Echo Lake Youth Camp and the CIT program. Berkeley has historically provided bus transportation to and from Berkeley to Echo Lake near South Lake Tahoe at no additional cost, but with the steep increases in fuel and bus rental costs, this surcharge is needed to cover costs without increasing program registration fees. In a review of 8 local youth camps, 4 do not provide transportation, 2 charge $100-$125 round-trip, and 2 provide bus transportation at no additional cost. Even including these proposed increases, total Echo Lake Youth Camp fees remain lower than most local youth camps (see Attachment 1).

Echo and BTC Counselor-in-Training Fees

The City hosts counselor-in-training programs at Echo Lake Camp and Berkeley Tuolumne Camp. These 2-week programs are geared towards teens ages 15-17 to bridge the gap between being a camper and becoming a camp staff member. Fees for Echo Lake CIT are proposed to increase 10% to bring them closer to those of BTC, given that program demand remains high and was filled to capacity last summer. BTC CIT resident fees are not proposed to change. However, the non-resident CIT fee will be corrected to be 20% higher than the resident rate. With these changes, Echo and BTC CIT fees remain lower than all other neighboring programs, (see Attachment 1).

Echo Lake Family Camp Fees

Though most of the summer at Echo Lake is reserved for youth camp, 1-2 weekends per year are dedicated to family camp, where families come to enjoy mountain air and views, swim, hike, participate in camp programs, eat together in the dining hall, and sleep in tent cabins. A 7% increase in fees for Echo Lake Family Camp is proposed to cover program costs, which have risen since the last fee increase in January 2023. This will bring the fee for a standard tent (up to 3 people) for 3 nights from $1,397 to $1,500. These rates keep the program within range of similar local programs, (see Attachment 1).

King and West Campus Swim Center Rentals

Fees to rent King or West Campus Swim Centers have not been increased in more than 10 years. Prior to Covid, the pools were occasionally rented for private events like birthday parties or school outings. Since Covid, regular programming has increased and there has been less program time available for this. While rentals are not expected to grow significantly, the fees for rentals need to increase to cover the costs to staff the

pools during those periods. With these increases, City rentals will remain similar to average rental rates in neighboring cities, (see Attachment 1).

Organized Youth Group Swim Lessons (Subsidized)
Some groups like preschools and pre-K programs bring their entire class or cohort to participate in swim lessons. These are subsidized programs, funded out of the General Fund, but these fees have not increased in more than 10 years. The proposed increase will align them with our existing subsidized swim lesson rates and establish a single rate/person regardless of the number of participants, since the staffing required does not decrease with higher numbers of participants. The new rate would be $76 per 8-class session (compared to $96 per 8-class session for non-subsidized lessons).

Red Cross Swim Lessons (Cost Recovery)
The City offers American Red Cross-aligned swim lessons and aquatic safety programs for infants, children, teens, and adults. These are provided in structured levels from basic water safety to advanced strokes. These Learn-to-Swim programs are cost recovery, and fees are expected to cover program costs. While fees were last increased in May 2025, this 8-9% fee increase is needed to cover the increase in inflation-related costs of supplies as well as to cover costs for staff lifeguarding during lessons. Even with these increases, Berkeley's rates will be around the average of those in neighboring jurisdictions, (see Attachment 1).

BACKGROUND
The Parks, Recreation and Waterfront Department's annual operational budget (excluding capital improvement projects) is approximately $42 million. It is primarily supported by four funds: Parks Tax Fund, Marina Fund, Camps Fund, and the General Fund. The Recreation Division relies predominantly on the General Fund and the Camps Fund to support its programs. Program fees offset the costs associated with program delivery, facility operations, and ongoing maintenance. Fees for programs and reservations tied to the self-supporting Camps Fund, Parks Tax Fund, Marina Fund and Sports Field Operations Funds are used to cover the costs of providing these services.

The proposed fees were brought before the Parks, Recreation & Waterfront Commission on October 14, 2026 at their regular meeting and they indicated general support for the increases.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The proposed fee increases will support sustainability in these recreation programs which provide direct and indirect environmental benefits. Recreation programs connect the community with the environment, emphasize the importance of environmental stewardship, and teach youth and community members about our local environmental resources and how to preserve them.

RATIONALE FOR RECOMMENDATION
The proposed new fees and fee increases will provide additional revenue to offset the operational costs associated with the Naturalist Classroom Program at the Waterfront

(Shorebird Nature Center), Echo Lake bus transportation and family camp, Echo Lake and Berkeley Tuolumne Camp Counselor-in-Training programs, swim lessons, and Swim Center facility rental. These fee increases will raise an estimated $121,288 in FY2027 to help offset program and facility maintenance costs. If fees are not increased to cover costs in the Marina Fund and Camps Fund and offset costs in the General Fund, program reductions will be needed.

ALTERNATIVE ACTIONS CONSIDERED

If fees are not increased at this time, reductions in programming would need to be made to offset the costs of delivering those programs, or additional fee increases would be needed at a later time. For example, if the swim lesson fees were not increased, the City may need to reduce the number of swim sessions offered. If the bus fee is not adopted, staff would need to return to Council with additional proposed fee increases for program registration at Echo Lake.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront 510-981-6711

Attachments:

1. Fee Comparisons
2. Recreation Fees: Current vs. Proposed
3. Resolution
    Exhibit A: Fee Schedule
    Exhibit B: Scholarships and Special Use Rental Policy
4. Notice of Public Hearing

Fee Comparisons

Table 1: Naturalist Classroom Program

Agency	Fee (Per Hour)
City of Berkeley – Cost Recovery (Current)	***$100.00***
Hayward – HARD (Wetland Ecology)	$119.00
City of Berkeley – Cost Recovery (Proposed) – 3-Hour Program (Hourly Rate)	***$125.00***
KIDS for the Bay	$125.00
City of Berkeley – Cost Recovery (Proposed) – 1-Hour Program (Hourly Rate)	***$150.00***
Chabot Space & Science Center	$150.00
CuriOdyssey	$156.25
Hayward - HARD (Naturalist)	$165.00
Lindsey Wildlife Museum	$188.00

Table 2: Echo Lake Bus Transportation (Youth Camp)

Camp Program	Provides Bus Transportation	2026 Resident	Number of Nights	Average Nightly Fee
YMCA Camp Ravencliffe	Yes - no cost	$875	8	$109
Berkeley Echo Lake Camp 2027 (Current)	***Yes - no cost***	*$977*	*5*	*$195*
Berkeley Echo Lake Camp 2027 (Proposed)	***$50 one way $100 round-trip***	*$1,077**	*5*	*$215*
Cazadero (Young Musicians)	$45 one-way $90 round-trip	$1,125*	5	$225
YMCA Camp Loma Mar	$100 one way $150 round-trip	$1,215*	5	$243
Camp Concord	Yes - no cost	$1,080	4	$270
Camp Winnarainbow	No	$1,425	5	$285
Sierra Nevada Journeys	No	$1,430	5	$286
Camp Augusta	No	$2,750	6	$458
Mountain Camp	$125 one way $250 round-trip	$3,150*	6	$525

*Assumes round-trip cost in registration fee

Table 3: Echo Lake Family Camp Weekend Standard Tent (up to 3 campers)

Agency	Fee (Resident)	Number of Nights	Avg. Nightly Cost
Camp Mather	$1,156	6	$193
Camp Sacramento	$1527	5	$305
San Jose Camp (Family Camp at Yosemite)*	$924	3	$308
Sky Lake Camp	$1,265	3	$422
Berkeley Echo Lake Camp (Current)	***$1,397***	***3***	$466
Berkeley Echo Lake Camp Weekend (Proposed)	***$1,500***	***3***	$500
Berkeley Tuolumne Camp Weekend	$1,664	3	$555
Pinecrest Lake Family Camp	$1,800	3	$600
Blue and Gold Family Camp (Lair of the Bear)	$3,648	6	$608
Stanford Family Camp	$4,375	7	$625
Camp Augusta Family Camp	$1,890	3	$630
Camp Tawonga Family Camp	$2070	3	$690
Jamison Ranch	$3,975	5	$795
YMCA Camp Loma Mar	$2,600	3	$867
Sierra Nevada Journeys Family Camp	$1,800	2	$900

Table 4: Echo Lake Counselor-in-Training Program

Agency	Fee (Resident)	Number of Nights	Avg. Nightly Cost
Cazadero Music Camp	Free (Volunteer)	Free (Volunteer)	FREE
Berkeley Echo Lake Camp (Current)	$543	12	$45
Berkeley Echo Lake (Proposed)	$597	12	$50
Berkeley Tuolumne Camp	$614	12	$51
YMCA Camp Ravencliff	$875	12	$73
Camp Concord	$1,050	5	$88
Camp Winnarainbow	$1,425	12	$119
YMCA Camp Loma Mar	$1,625	12	$135
Camp Augusta Leadership Program	$4,325	20	$216
Sierra Nevada Journeys Camp	$2,860	12	$238
Camp Tawonga	$6,825	19	$359
Mountain Camp	$5,350	12	$446

Table 5: Swim Center Rental (Hourly Rate)

Agency	Fee (1-35 people, 36-70 people, 71-100 people, 101-150 people) (Resident)
City of Berkeley (Current)	***$100,$145,$177,$217***
City of Oakland	$100,$175,$250, $350
City of Pacifica	$194,$224,$254,$314
Pleasant Hill Recreation & Park District (General)	$240,$240,$240,$330
City of Berkeley (Proposed)	***$240,$295,$350,$405***
City of Brisbane	$242 (Does not offer rentals over 60 participants)
City of San Leandro	$485, $485, $485, $485

Table 6: Swim Lessons (Per 4-Classes)

Agency	Fee (Youth, Adult) (Resident)
City of Oakland	$20.50 (Y), $30.29 (A)
City of San Francisco	$22.50 (Y), $46.50 (A)
City of Berkeley – Subsidized (Current)	***$38 (Y), $40 (A)***
City of Berkeley – Cost Recovery (Current)	***$44 (Y), $48 (A)***
City of Concord	$46 (Y)
City of Richmond	$48 (Y), $44 (A)
City of Berkeley – Cost Recovery (Proposed)	***$48 (Y), $52 (A)***
City of Walnut Creek	$51 (Y), $51 (A)
Hayward Area Recreation & Park District	$52 (Y), $52 (A)
City of Emeryville	$53 (Y), $53 (A)
Pleasant Hill Recreation & Park District	$53 (Y), $53 (A)
City of Hercules	$53.50 (Y), $53.50 (A)

ATTACHMENT 2

Recreation Fee Schedule: Current vs. Proposed
Effective December 2, 2026 (unless otherwise noted below)

Program Area	Unit of Measure	Resident (Current)	Resident (Proposed)	Non-Resident (Current)	Non-Resident (Proposed)
II. FACILITY RENTAL CHARGES					
5. Swim Centers (1-hour minimum) King Pool, West Campus Pool					
1-35 people	Hour	$100	$240	$120	$288
36-70 people	Hour	$145	$295	$174	$354
71-100 people	Hour	$177	$350	$212	$420
101-150 people	Hour	$217	$405	$260	$486
III. SWIM CENTER FEES					
1. Red Cross Swim Sessions					
B. Group Lessons (Cost Recovery)					
Adult	4-Class Session	$48	$52	$58	$63
Adult	8-Class Session	$96	$104	$115	$125
Youth, Senior, Disabled	4-Class Session	$44	$48	$53	$58
Youth, Senior, Disabled	8-Class Session	$88	$96	$106	$115
C. Organized Youth Groups (Residents Only)					
0-9 participants	Session	-	$76	-	N/A
10-15 participants	Session	$65	$76	$115	N/A
16-21 participants	Session	$62	$76	$53	N/A
22-32 participants	Session	$54	$76	$106	N/A
~~**33-43 participants**~~	~~Session~~	~~$48~~		~~$48~~	
~~**44-54 participants**~~	~~Session~~	~~$39~~		~~$39~~	
~~**55+ participants**~~	~~Session~~	~~$37~~		~~$37~~	
IV.RECREATION PROGRAMS					
3. Waterfront Programs					

Program Area	Unit of Measure	Resident (Current)	Resident (Proposed)	Non-Resident (Current)	Non-Resident (Proposed)
B. Education Programs					
Naturalist Classroom Program	3-hours	$300	$375	N/A	N/A
Naturalist Classroom Program	1-hour	$100	$150	N/A	N/A

Program Area	Unit of Measure	Resident (Current) (as of 1/1/2027)	Resident (Proposed)	Non-Resident (Current) (as of 1/1/2027)	Non-Resident (Proposed)
V. Camp Programs					
2. Echo Lake Camp					
B. Counselor-In-Training					
Counselor-In-Training	2-Week	$543	$597	$653	$717
C. Family Camp Sessions					
Weekend Standard Tent (up to 3 campers)	4-Day	$1,397	$1,500	$1,676	$1,800
3. Tuolumne Camp					
C. Counselor-In-Training (CIT)					
Counselor-In-Training	2-Week	$614	$614	$677	$737
4. **Resident Camp Surcharge**					
Bus Transportation Surcharge	One-Way	-	$50	-	$50
Bus Transportation Surcharge	Round-Trip	-	$100	-	$100

Attachment 3

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

CHANGES TO SELECTED RECREATION FACILITIES AND PROGRAM FEES AND RESCINDING RESOLUTION NO. 72,290-N.S.

WHEREAS, on May 19, 2026 Council adopted the new Fee Schedule for Recreation Division programs (Resolution No. 72,290-N.S.); and

WHEREAS, the proposed new fees and fee increases will provide additional revenue to the General Fund, Marina Fund, and Camps Fund, which will help cover the cost of delivering programs and maintaining facilities; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the rates and charges set forth in Exhibit A are hereby fixed and established for the Parks and Recreation programs and facilities and shall be effective January 1, 2027, unless otherwise noted in Exhibit A.

BE IT FURTHER RESOLVED that Resolution No. 72,290-N.S.; and all amendatory resolutions are hereby rescinded effective January 1, 2027.

Exhibits
A: Recreation Fee Schedule
B: Scholarships and Special Use Rental Policy

Exhibit A:
Recreation Fee Schedule
Effective December 2, 2026 (unless otherwise noted below)

Program Area	Unit of Measure	Resident	Non-Resident
I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES			
The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities.			
New Programs	Various	Up to $450	Up to $540
II. FACILITY RENTAL CHARGES			
1. Room Rentals: Regular Hours (1-Hour Minimum); Non-Regular Hours (2-Hour Minimum) James Kenney (JK), Live Oak (LO), Frances Albrier (FA), Martin Luther King (MLK), Willard (W)			
A. Youth, Senior, Disabled			
Regular Hours	Hour	$49	$59
Non-Regular Hours	Hour	$65	$78
B. All Other			
Auditorium (FA), Social Hall (LO), Community Room – Full (W)			
Regular Hours	Hour	$80	$96
Non-Regular Hours	Hour	$100	$120
Fireside Room (LO), Community Room (JK, YAP), Community Room – Half (W)			
Regular Hours	Hour	$62	$74
Non-Regular Hours	Hour	$78	$94
Game Room (MLK), Arts & Crafts Room (FA, JK, LO, YAP) Meeting Room (JK, LO, MLK, FA)			
Regular Hours	Hour	$55	$66
Non-Regular Hours	Hour	$69	$83
Outdoor Patio (W)	Hour	$40	$48
Outdoor Patio (W)	4-hours	$150	$180
C. Multi Room Discount			

Program Area	Unit of Measure	Resident	Non-Resident
2nd room	Rental	25% discount	25% discount
3rd room, each additional room	Rental	50% discount	50% discount
D. Gym Rentals (JK, MLK)			
Regular Hours	Hour	$77	$92
Non-Regular Hours	Hour	$96	$115
E. Filming Fee			
Parks and Facilities	½ Day	$400	$400
	Full Day	$800	$800
F. Surcharges			
Table & Chair Set-Up	Rental	$63	$76
Kitchen Use	Rental	$86	$103
Small Storage Room	Month	$21	$25
Large Storage Room	Month	$31	$37
Stage Use w/Room Rental	Hour	$26	$31
P/A system & staff operation	Hour	$42	$50
Cleaning/Damage Deposit All Rentals (Refundable)	Rental	$200	$200

Program Area	Unit of Measure	Resident (as of 7/1/26)	Resident (as of 1/1/27)	Non-Resident (as of 7/1/26)	Non-Resident (as of 1/1/27)
2. City Athletic Fields					
A. Cedar Rose, Codornices, Glendale-La Loma, Grove, James Kenney, Ohlone, Rosa Parks, San Pablo, Thousand Oaks, Willard					
Youth non-profit leagues	2-Hours	$36		$43	
Adults, for-profits, private schools	2-Hours	$72		$86	
Youth Non-Profit Leagues, with Lights	2-Hours	$72		$86	
Adults, For-Profit, Private Schools, with Lights	2-Hours	$108		$130	
Maintenance Deposit		40% of Fee		40% of Fee	
B. Gabe's Fields at Harrison Park, Natural Turf					
Youth non-profit leagues, no lights	2-Hours	$43.50	$51	$52	$61

Program Area	Unit of Measure	Resident (as of 7/1/26)	Resident (as of 1/1/27)	Non-Resident (as of 7/1/26)	Non-Resident (as of 1/1/27)
Adults, for-profits, private schools, no lights	2-Hours	$87.50	$92	$105	$110
Youth, non-profit leagues, with lights	2-Hours	$79.50	$87	$95.50	$104
Adults, for-profits, private schools, with lights	2-Hours	$123.50	$128	$148	$154
C. Gilman Fields, Natural Turf					
Youth non-profit leagues, no lights	2-Hours	$43.50	$51	$52	$61
Adults, for-profits, private schools, no lights	2-Hours	$87.50	$92	$105	$110
D. Gilman Fields, Synthetic Turf					
Youth non-profit leagues, no lights	2-Hours	$65	$80	$78	$96
Adults, for-profits, private schools, no lights	2-Hours	$117.75	$131	$141	$157
Youth non-profit leagues, with lights	2-Hours	$101	$116	$121	$139
Adults, for-profits, private schools, with lights	2- Hours	$153.75	$167	$184.50	$200
E. Sports Field User Fines (Policy Violations: Applicable to All Athletic Fields)					
Playing on Closed Grass Fields	1st Offense	$250		$250	
	2nd Offense	$500		$500	
Running practices in main goal areas	1st Offense within 12 mo	$50		$50	
	2nd Offense within 12 mo	$100		$100	
	3rd Offense within 12 mo	$200		$200	
Dogs, Alcohol, Trash, Wheeled vehicles	Incident	$100		$100	
Field Monitor	Hourly	Actual cost		Actual cost	
F. Additional Rules (Applicable to All Athletic Fields)					
Weekday slots 5:30pm-7:00pm are charged as full two-hour slot					
All other slots are pro-rated in 30-minute increments					
G. Lighting Fee Times for Sports Fields					
Fall Season (Mid-August – November)	6:00pm – 11:00pm				
Winter Season (December – February)	4:30pm – 11:00pm				

Program Area	Unit of Measure	Resident (as of 7/1/26)	Resident (as of 1/1/27)	Non-Resident (as of 7/1/26)	Non-Resident (as of 1/1/27)
Spring Season (March – May)	7:30pm – 11:00pm				
Summer Season (June – Mid-August)	9:00pm – 11:00pm				

Program Area	Unit of Measure	Resident	Non-Resident
3. Skate Park Rental			
Rental (includes 2 staff members)	Hour	$250	$300
Birthday Party Rental (includes 2 staff members & lesson)	Hour	$350	$420
Cleaning/Damage Deposit (refundable)	Rental	$200	$200
4. Outdoor Court Reservations Tennis Courts, Pickleball Courts, Basketball Courts			
A. Day Use			
Adult	Hour	$8	$10
Youth, Senior, Disabled	Hour	$6	$7
B. Night Use/Lighted Courts			
Adult	Hour	$12	$14
Youth, Senior, Disabled	Hour	$10	$12
B. Pickleball Courts (Striped, without nets)			
Adult	Hour	$5	$6
Youth, Senior, Disabled	Hour	$4	$5
5. Swim Centers (1-hour minimum) King Pool, West Campus Pool			
1-35 people	Hour	$240	$288
36-70 people	Hour	$295	$354
71-100 people	Hour	$350	$420
101-150 people	Hour	$405	$486
Cleaning/Damage Deposit (refundable)	Rental	$200	$200
6. Picnic Areas (4-hour minimum)			
Aquatic Park Area 1	4-hours	$50	$60

Program Area	Unit of Measure	Resident	Non-Resident
Aquatic Park Area 2	4-hours	$54	$65
Aquatic Park Area 3	4-hours	$54	$65
Aquatic Park Area 4	4-hours	$54	$65
Berkeley Rose Garden Area 1	4-hours	$50	$60
Berkeley Rose Garden Area 2	4-hours	$50	$60
Berkeley Way Mini Area 1	4-hours	$33	$40
Cedar Rose Area 1	4-hours	$36	$43
Cedar Rose Area 2	4-hours	$36	$43
Cedar Rose Area 3	4-hours	$36	$43
Cesar Chavez Area 1	4-hours	$50	$50
Cesar Chavez Area 2	4-hours	$220	$220
Cesar Chavez: Area 3	4-hours	$70	$70
Charlie Dorr Mini Park Area 1	4-hours	$33	$40
Codornices Park Area 1	4-hours	$83	$100
Codornices Park Area 2	4-hours	$66	$79
Codornices Park Area 3	4-hours	$50	$60
Codornices Park Area 4	4-hours	$50	$60
Cragmont Area 1	4-hours	$50	$60
Cragmont Area 2	4-hours	$50	$60
Cragmont Area 3	4-hours	$50	$60
Glendale La Loma Area 1	4-hours	$40	$48
George Florence Mini Park Area 1	4-hours	$33	$40
Greg Brown Park Area 1	4-hours	$33	$40
Grove Area 1	4-hours	$50	$60
Horseshoe Park 1	4-hours	$75	$75
James Kenney Area 1	4-hours	$50	$60
James Kenney Area 2	4-hours	$50	$60
John Hinkel Area 1	4-hours	$40	$48

Program Area	Unit of Measure	Resident	Non-Resident
John Hinkel Area 2	4-hours	$50	$60
King School Area 1	4-hours	$33	$40
Live Oak Park Areas 1	4-hours	$66	$79
Live Oak Park Areas 2	4-hours	$66	$79
Ohlone Park @ McGee Area 1	4-hours	$50	$60
San Pablo Park Area 1	4-hours	$33	$40
San Pablo Park Area 2	4-hours	$33	$40
San Pablo Park Area 3	4-hours	$33	$40
San Pablo Park Area 4	4-hours	$33	$40
San Pablo Park Area 5	4-hours	$33	$40
Strawberry Creek Area 1	4-hours	$50	$60
Strawberry Creek Area 2	4-hours	$33	$40
Shorebird Park Area 1	4-hours	$75	$75
Shorebird Park Area 2	4-hours	$75	$75
Shorebird Park Area 3	4-hours	$45	$45
Shorebird Park Area 4	4-hours	$75	$75
Willard Park Area 1	4-hours	$50	$60
Bounce House Permit	Per Use	$40	$48
7. Parks & Open Space (not athletic fields)			
A. Special Events			
1-99 Participants	Day	$180	$350
100-249 Participants	Day	$270	$500
250-499 Participants	Day	$350	$700
500+ Participants	Day	$550	$1,000
Cleaning/Damage Deposit (refundable)	Day	$700	$700
Pass-through costs Event organizer required to pay City staff costs to monitor Park events	Hour or Unit	Actual costs	Actual costs

Program Area	Unit of Measure	Resident	Non-Resident
B. Special Events – Additional Days			
1-99 Participants	Day	$170	$340
100-249 Participants	Day	$230	$460
250-499 Participants	Day	$250	$600
500+ Participants	Day	$450	$900
C. John Hinkel Amphitheater			
Rental	4-hours	$200	$240
Each Additional Hour (after 4 hours)	Hour	$75	$90
Cleaning/Damage Deposit (refundable)	Rental	$500	$500
Add-on: Picnic Area 2 - Lower Level	4-hours	$15	$20
Multi-Day Discount – Applies to reservations that are greater than 3-days (Applies to the Full Permit)	4-hours	20% discount	20% discount
D. Camp Day Use Fee			
1-50 Participants	Day	$50	$50
51-100 Participants	Day	$100	$100
101-150 Participants	Day	$150	$150
E. Small Turf Areas in Parks (Ages 8 yrs & under; Mon-Fri only; Max 3 days per week)			
Aquatic Park, James Kenney Park, Live Oak Park, Ohlone Park	2-Hours	$25	$30
8. Weddings & Events (4-hour minimum)			
A. Rose Garden			
Rental	4-Hours	$1,150	$1,380
Each Additional Hour (after 4 hours)	Hour	$196	$235
Cleaning/Damage Deposit (refundable)	Rental	$700	$700
B. Cragmont, Live Oak Park			
Rental	4-Hours	$450	$540
Each Additional Hour (after 4 hours)	Hour	$75	$90
Cleaning/Damage Deposit (refundable)	Rental	$350	$350
C. John Hinkel (Outside Areas)			

Program Area	Unit of Measure	Resident	Non-Resident
Rental	Hour	$450	$540
Each Additional Hour (after 4 hours)	Hour	$75	$90
Cleaning/Damage Deposit (refundable)	Rental	$350	$350
Add-on: Picnic Area 2 - Lower Level	4-hours	$15	$20
Multi-Day Discount – Applies to reservations that are greater than 3-days (Applies to the Full Permit)	4-hours	20% discount	20% discount
D. Horseshoe Park (Small Park)			
Rental	4-Hours	$450	$540
Each Additional Hour (after 4 hours)	Hour	$75	$90
Cleaning/Damage Deposit (refundable)	Rental	$350	$350
E. Old Ferry Dock			
Rental	4-Hours	$450	$540
Each Additional Hour (after 4 hours)	Hour	$75	$90
Cleaning/Damage Deposit (refundable)	Rental	$350	$350
F. Spinnaker Way Vista			
Rental	4-Hours	$750	$750
Each Additional Hour (after 4 hours)	Hour	$170	$170
Cleaning/Damage Deposit (refundable)	Rental	$700	$700
G. Yacht Club Point			
Rental	4-Hours	$750	$750
Each Additional Hour (after 4 hours)	Hour	$170	$170
Cleaning/Damage Deposit (refundable)	Rental	$700	$700
H. Aquatic Park			
Covered Lagoon Pier Rental	Hour	$250	$300
I. Codornices Park			
Redwood Grove Rental	4-hours	$450	$540
9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)			

Program Area	Unit of Measure	Resident	Non-Resident
Codornices Park #A1 (Next to Picnic Site #2)	4-hours	$40	$48
Live Oak Park #A1	4-hours	$50	$60
Shorebird Park #A1 (Near Nature Center Playground)	4-hours	$50	$50
III. SWIM CENTER FEES			
1. Admissions Lap Swim, Family Swim, Recreation Swim, Independent Exercise			
Adult (Drop-in)	Swim	$7	$8
Adult (10-Swim Card)	10-Swims	$58	$70
Adult (Monthly)	Month	$85	$102
Youth, Senior, Disabled (Drop-In)	Swim	$4	$5
Youth Senior Disabled (10-Swim Card)	10-Swims	$33	$40
Youth Senior Disabled (Monthly Card)	Month	$49	$60
2. Red Cross Swim Sessions			
A. Group Lessons (Subsidized)			
Adult	4-Class Session	$40	$48
Adult	8-Class Session	$79	$95
Youth, Senior, Disabled	4-Class Session	$38	$46
Youth, Senior, Disabled	8-Class Session	$76	$91
B. Group Lessons (Cost Recovery)			
Adult	4-Class Session	$52	$63
Adult	8-Class Session	$104	$125
Youth, Senior, Disabled	4-Class Session	$48	$58
Youth, Senior, Disabled	8-Class Session	$96	$115
C. Organized Youth Groups (Residents Only)			
0-9 Participants	Session	$76	N/A
10-15 participants	Session	$76	N/A
16-21 participants	Session	$76	N/A

Program Area	Unit of Measure	Resident	Non-Resident
22-32 participants	Session	$76	N/A
3. Premium Classes Continuous & Coached Workouts: Water Aerobics, Parent/Tot, Stroke Technique, Master Swim			
Adult (Drop-in)	Swim	$8	$10
Adult (10-Swim Card	10-Swims	$75	$90
Adult (Monthly)	Month	$94	$113
Youth, Senior, Disabled (Drop-In)	Swim	$6	$7
Youth Senior Disabled (10-Swim Card)	10-Swims	$56	$67
Youth Senior Disabled (Monthly Card)	Session	$70	$84
4. Private Swim Lessons (1/2 hour session)			
Individual (One-on-One)	Lesson	$30	$36
Semi-Private Lesson (2 or more Participants)	Lesson	$50	$60
IV. RECREATION PROGRAMS			
1. Sports			
A. Adult Softball League			
4 Game Season	Team	$376	$451
8 Game Season	Team	$752	$902
10 Game Season	Team	$940	$1,128
B. Adult Basketball League			
8 Game Season	Team	$800	$960
	Individual	$120	$144
10 Game Season	Team	$1,000	$1,200
	Individual	$150	$180
C. Adult Volleyball League			
8 Game Season	Team	$360	$432
10 Game Season	Team	$450	$540

Program Area	Unit of Measure	Resident	Non-Resident
12 Game Season	Team	$540	$648
15 Game Season	Team	$675	$810
D. Open Gym Volleyball			
Drop-In	Drop-In	$5	$5
E. Youth Baseball			
Individual	Session	$51	$61
F. Youth Hoops League			
Individual	Session	$100	$120
G. Youth Twilight Basketball			
Individual	Session	$27	$32
H. Youth Flag Football League			
Individual	Session	$30	$36
I. Tennis Lessons			
Youth	Session	$73	$88
Adult	Session	$107	$128
J. Skate Park Lessons & Classes			
Full Day	Session	$258	$310
1/2 Day Camp	Session	$195	$234
Park Introduction	Session	$11	$13
Trick Clinic	Session	$11	$13
Private Lessons	Hour	$43	$52
Group Lessons	Session	$108	$130
2. Programs at Centers			
A. After School Program (Subsidized)			
Transitional Kindergarten/Kindergarten	Day	$14	$17
1st Grade – 5th Grade	Day	$12	$14
B. After School Program (Cost Recovery)			
Transitional Kindergarten/Kindergarten	Day	$18	$22

Program Area	Unit of Measure	Resident	Non-Resident
1st Grade – 5th Grade	Day	$16	$19
C. Summer Fun Camps			
Core	Session	$200	$240
AM Extended Care	Session	$35	$42
PM Extended Care	Session	$100	$120
3. Waterfront Programs			
A. Adventure Playground			
Child Admission (anyone between 1 and 14 years old)	Day	$5	N/A
Group size 5-10	2-hours	$75	N/A
Group size 11-20	2-hours	$105	N/A
Group size 21-30	2-hours	$158	N/A
Group size 31-40	2-hours	$210	N/A
B. Education Programs			
Naturalist Classroom Program	3-hours	$375	N/A
Naturalist Classroom Program	1-hour	$150	N/A
Docent Training	Session	$65	N/A
C. Nature Center & Adventure Playground Rentals			
AP Birthday Party Package	2-hours	$325	N/A
Naturalist Birthday Party Package	3-hours	$426	N/A

Program Area	Unit of Measure	Resident (as of 1/21/2026)	Resident (as of 1/1/2027)	Non-Resident (as of 1/21/2026)	Non-Resident (as of 1/1/2027)
V. Camp Programs					
1. **Berkeley Day Camp**					
Youth Core Program	5-Day	$310	$326	$373	$392
AM Extended Care	5-Day	$66	$69	$78	$82
PM Extended Care	5-Day	$101	$107	$122	$128
Counselor-In-Training	10-Day	$251	$263	$300	$315

	Cancelled Reservation	Session	25% of reservation not to exceed $150			
2.	**Echo Lake Camp**					
A.	**50 & Better Camp**					
	50 & Better Camp Tent (up to 2 campers)	5-Day	$818		$981	
	50 & Better Camp Tent (up to 2 campers)	4-Day	$650		$780	
	50 & Better Camp Tent (up to 2 campers)	Weekend	$515		$618	
	50 & Better Camp Additional Camper	1-Day	$55		$66	
B.	**Counselor-In-Training**					
	Counselor-In-Training	2-Week	$517	$597	$622	$717
	Counselor-In-Training	1-Week	$355	$373	$428	$449
C.	**Family Camp Sessions**					
	Full-Week Standard Tent (up to 3 campers)	7-Day	$1,843		$2,212	
	Full-Week Low-Occupancy Tent	7-Day	$1,595		$1,914	
	Nightly Rate: Mon, Tues, or Wed	1-Night	$450		$540	
	Weekend Standard Tent (up to 3 campers)	4-Day	$1,500		$1,800	
	Weekend Low-Occupancy Tent	4-Day	$1,226		$1,471	
	Mid-Week Standard Tent (up to 3 campers)	4-Day	$1,210		$1,452	
	Mid-Week Low-Occupancy Tent	4-Day	$1,062		$1,274	
	Additional Camper Fee (1-Day)	1-Day	$90		$108	
	Additional Camper Session-Based Daily Rate	1-Day	$80		$96	
D.	**Day Use Fees**					
	Adult (15+) Day Use	1-Day	$108		$129.60	
	Youth (7-14) Day Use	1-Day	$72		$86.40	
	Child (3-6) Day Use	1-Day	$54		$64.80	
E.	**Group Rental Rates**					
	Adult (15+)	1-Day	$85		$102	
	Youth (7-14)	1-Day	$71.50		$85.80	
	Child (3-6)	1-Day	$52.80		$63.36	
	Infant (0-3)	1-Day	$0		$0	

	Cleaning / Damage Deposit	Rental	$2,000		$2,000	
F.	**New Camper Welcome Weekend**	Weekend	$195		$234	
G.	**School Outdoor Education**					
	Teachers & Adult Chaperones	1-Day	$60		$72	
	Youth Participants	1-Day	$45		$54	
H.	**Work Weekend**	Weekend	$0		$0	
I.	**Youth Camp**					
	6-Day Program	6-Days	$930	$977	$1,116	$1,172
J.	**Wedding Rental**					
	Wedding Rental	4-Hours	$750		$900	
	Wedding Rental - Each Additional Hour (after 4 hours)	Hour	$125		$150	
	Cleaning / Damage Deposit	Rental	$2,000		$2,000	
K.	**Backpacking Program**					
	Beginning Backpacking	6-Day	$1,275	$1,339	$1,529	$1,605
	Advanced Backpacking	6-Day	$1,680	$1,764	$2,016	$2,117
	Adult Backpacking	4-Day	$600	$660	$720	$792
3.	**Tuolumne Camp**					
A.	**50 & Better Camp**					
	50 & Better Camp Tent (up to 2 campers)	5-Day	$1,008		$1,210	
	50 & Better Camp Tent (up to 2 campers)	4-Day	$806		$967	
	50 & Better Camp Tent (up to 2 campers)	Weekend	$605		$726	
	50 & Better Camp Additional Camper per day	1-Day	$60		$72	
B.	**Leaders-In-Training (LIT)**	4-Day	$941		$1,129	
C.	**Counselor-In-Training (CIT)**					
	Counselor-In-Training	2-Week	$537	$614	$645	$737
	Counselor-In-Training	1-Week	$355	$373	$428	$449
D.	**Family Camp**					
	Full-Week Standard Tent (up to 3 campers)	1-Week	$2,195		$2,633	
	Full-Week Low-Occupancy Tent	1-Week	$1,887		$2,264	

	Weekend Standard Tent (up to 3 campers)	4-Day	$1,664		$1,997	
	Weekend Low-Occupancy Tent	4-Day	$1,459		$1,751	
	Mid-Week Standard Tent (up to 3 campers)	4-Day	$1,430		$1,716	
	Mid-Week Low Occupancy Tent	4-Day	$1,210		$1,452	
	Nightly Rate: Mon, Tues, or Wed	1-Day	$525		$630	
E.	**Family Camp Day Use Fees**					
	Adult (15+) Day Use	1-Day	$135		$162	
	Youth (7-14) Day Use	1-Day	$90		$108	
	Child (3-6) Day Use	1-Day	$68		$81.60	
	Additional Camper Fee (1-Day)	1-Day	$100		$120	
	Additional Camper Session-Based Daily Rate	1-Day	$90		$108	
F.	**Group Rental Rates**					
	Adult (15+)	1-Day	$110		$132	
	Youth (7-14)	1-Day	$93		$111.60	
	Child (3-6)	1-Day	$78		$93.60	
	Infant (0-3)	1-Day	$0		$0	
	Cleaning / Damage Deposit	Rental	$2,000		$2,000	
G.	**New Camper Welcome Weekend**	Weekend	$195		$234	
H.	**School Outdoor Education**					
	Adult Chaperones	1-Day	$75		$90	
	Youth Participants	1-Day	$56		$67.20	
I.	**Work Weekend**	Weekend	$0		$0	
J.	**Youth Camp**					
	5-Day Program	5-Day	$840		$1,008	
	6-Day Program	6-Day	$1,008		$1,210	
	7-Day Program	7-Day	$1,176		$1,411	
	Per Day Fee	1-Day	$168		$202	
K.	**Wedding Rental**					
	Wedding Rental	4-Hour	$1,000		$1,200	

Wedding Rental - Each Additional Hour (after 4 hours)	Hour	$150		$180	
Cleaning / Damage Deposit	Rental	$2,000		$2,000	
4. **Resident Camp Surcharges**					
Family Camp Program Deposit Payment (Non-Refundable)	Reservation	$500 per reservation			
Late Fee	Reservation	$75 per reservation if balance is not paid by dates specified			
Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival)	Reservation	$100			
Cancel Reservation (30 days or more before arrival)	Reservation	25% of reservation not to exceed $150 (after $500 non-refundable deposit)			
Cancel Reservation (due to emergency or illness, with Doctor's Letter)	Reservation	No Charge			
Bus Transportation Surcharge	One-Way	$50			
Bus Transportation Surcharge	Round-Trip	$100			

Program Area	Unit of Measure	Resident	Non-Resident
VI. Youth Works Program			
1. Accelerator Program			
Summer Intern at Business Site	7-Weeks	Up to $2,500	N/A

Exhibit B:
Scholarships and Special Use Rental Policy

I. Scholarships/Low-Income Fee Support

Eligibility

Scholarships are available to Berkeley Residents who meet Federal low-income guidelines. The City of Berkeley offers partial (50%) or full (100%) scholarships to Berkeley Residents for a wide variety of Recreation Division Programs. Scholarship eligibility is based upon Housing and Urban Development (HUD) income thresholds, and applicants must submit documents to verify their proof of residency and gross household income or submit a low-income affidavit form to qualify.

- **100% Scholarship**: Applicants must meet HUD's current "Very Low Income Limits."
- **50% Scholarship**: Applicants must meet HUD's current "Very Low Income Limits" plus the difference between the "Low Income Limits" and the "Very Low Income Limits."

The most up-to-date version of HUD's Income Limits can be found here:
https://www.huduser.gov/portal/datasets/il.html

Annual Renewal Process

Following initial approval for a scholarship, applicants must renew their scholarship eligibility annually by submitting current proof of Berkeley residency and income. City of Berkeley Recreation Administration Staff will reach out to scholarship recipients annually to request renewal documentation.

II. Special Use Rental Policy

1. A primary goal of the City's Community Centers is to become a "hub" of resources and referrals for neighborhoods by establishing a relationship of mutual support and trust. Through this trust, we promote safe neighborhoods and opportunities for families and youth to be engaged in activities that enhance the community and support the goals of the Parks Recreation and Waterfront Department. Each year the Parks Recreation and Waterfront Department receives numerous requests from community groups to meet at its Community Centers as well as the Berkeley Marina Conference Room for no fee. As a way to cultivate community relationships and respond to community requests for free meeting space, the City has created a policy whereby qualified local groups (e.g., neighborhood, Community Agency Contract, or non-profit groups that comply with this policy) are allowed to hold meetings, free of charge, at the City's Community Centers and the Berkeley Marina Conference Room during normal business hours.

2. Application Process
   A completed application and attachments must be submitted before a reservation is confirmed. Groups applying for a Special Use Rental must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department ("PRW"). The department is committed to administering excellent recreation programs at our

community centers, camps, marina and parks; developing new programs that improve access for 18 Exhibit B historically underserved participants; maintaining our trees and municipal urban forest, landscaping and infrastructure; and, developing Capital Projects with community input to improve and enhance residents' park and facility experience.

All interested groups must submit a completed Special Use Rental application on an annual basis, with all of the following attached:

- Proof that membership has approved meetings (either by providing a Board resolution, Agendas, or Minutes).
- A $200 Cleaning/Damage Deposit (Refundable).
- A written statement that the group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans' status, disabilities (physical and mental), and medical condition (including cancer and HIV status).
- A written statement describing the group's goals and how they support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department.

In addition to the above requirements that apply to all interested groups, Community Agency Contract and non-profit groups must also submit:

- List of membership roster with names, addresses, and phone numbers
- Proof of non-profit status (required for non-profit groups)
- At least 14 days before the date of the first meeting, qualified groups must provide a valid Certificate of Insurance (COI) containing the City's minimum liability requirements, and naming the city of Berkeley as additional insured on separate Endorsement. This COI must cover all of the group's reserved dates for the year. If the COI is not provided at least 14 days prior to the first reserved date, the reservation will be cancelled.

PRW will not begin to review the application until the application is complete, including all required information and attachments. A reservation is not confirmed until the applicant receives written notice of approval from PRW.

Applications may be picked up at: 1) any Recreation Center; 2) Recreation Division Office, 1720 8th St., Berkeley, CA 94710; 3) Berkeley Marina Office; or 4) City of Berkeley website: www.cityofberkeley.info/parks.

Approval of applications is at the discretion of the Recreation and Youth Services Manager or designee; a decision denying the application is final and not subject to appeal. If PRW denies the fee waiver application, the interested group may apply to rent the room for the standard fee.

Qualified Groups: In order to qualify for this policy, groups must comply with all of the requirements set forth above in section I. In addition, groups must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department and groups must be one of the following:

- Neighborhood Groups: Any group living in a specific area of Berkeley that comes together to either exchange ideas for neighborhood improvement and community building, or to help solve neighborhood problems or issues.
- Non-profit Groups: Any organized non-profit group that meets at least quarterly.
- Community Agency Contract Groups: Any City of Berkeley Community Agency Contract group that serves youth under 18 years of age.

There must be adult leaders, advisors and/or chaperones attending each meeting.

3. Limitations
    - Qualified groups may hold a regular meeting of up to two hours at a specified meeting room or in a Community Center or the Marina Conference Room for up to eight (8) times per year during regular operating hours.
    - Exception: The Community Room, Auditorium, or Social Hall at each Community Center may be used for one additional "larger scale" meeting, such as a banquet or social event, each year.
    - Meetings must be open to the public.
    - Regular Business Operating Hours are when the Community Center or Marina Office is open (Hours may vary for each facility based on its regular schedule of use).
    - Qualified groups may not conduct the following activities: for-profit business or commercial activities; campaign activities; private instruction; or fundraising (unless fundraising proceeds are devoted solely to municipal recreation and park improvements, which must be demonstrated with a written request to the Recreation and Youth Services Manager/designee).
    - A reservation for the qualified group may be scheduled a maximum of 180 days in advance and a minimum of 14 days in advance, and must not conflict with ongoing programs, paid rentals, or classes.
    - A qualified group is required to do set-up, takedown and clean up.
    - Any additional fees other than the waived rental fee (e.g., kitchen use, stage, setup/take down, etc.) shall apply and are the sole financial responsibility of the qualified group.
    - The City has the right to cancel a reservation at any time.
    - Groups cancelling a reservation must give at least 72-hours-notice. If proper notice of cancellation is not given, the City reserves the right to revoke the group's reservations for the entire year, or any part of the year. The City may revoke the group's reservations for the entire year, or any part of the year for any of the following reasons: if the group fails to abide by any of the information in its application; the group fails to comply with any of the Rules and Regulations of the City's Facility Rental Policy.

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

CHANGES TO SELECTED RECREATION FACILITIES AND PROGRAM FEES

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 a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Parks, Recreation & Waterfront is proposing to establish new fees and increase current fees for select recreation programs and facility rentals, as contained in the attached Recreation Fee and Policy Schedule.

The hearing will be held on December 1, 2026 at 6:00 PM in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Scott Ferris at 510-981-6711.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 19, 2026. **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.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk

Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

Published: November 13, 2026 and November 20, 2026 – The Berkeley Voice

Published pursuant to Government Code Section 6062a

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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 19, 2026.

Mark Numainville, City Clerk
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19

Office of the City Manager

PUBLIC HEARING
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Corridors Zoning and General Plan Updates

RECOMMENDATION

Conduct a public hearing and upon conclusion:

- Adopt the first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code to increase housing capacity along commercial and transit corridors, consistent with Program 27— Priority Development Areas, Commercial and Transit Corridors, and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update and the City's Affirmatively Furthering Fair Housing (AFFH) obligations.

- Adopt a Resolution approving and adopting General Plan map and text amendments to re-designate certain parcels and update certain land use designations to be consistent with the associated Ordinance amendments.

- Refer to the City Manager the development of additional small business support strategies, including business license tax relief, relocation assistance, and other measures to support business continuity.

- Direct staff to evaluate the Corridors Upzoning Project after five years with respect to any impacts on emergency services.

- Find the Corridors Zoning Update is exempt from CEQA pursuant to SB 131, and consider the Addendum demonstrating that the Corridors Zoning Update would not result in new or more significant environmental impacts than were analyzed and disclosed in the City's Environmental Impact Report for the 2023-2031 Housing Element Update and adopt the Findings and Statement of Overriding Considerations that the benefits of the proposed project outweigh the unavoidable adverse environmental impacts.

SUMMARY
The Corridors Zoning Update would implement targeted Zoning Ordinance, Zoning Map, and General Plan amendments along Solano Avenue, North Shattuck, and College Avenue to increase housing opportunities in high-resource areas while supporting small businesses and maintaining the character of the corridors. The proposed project establishes Mixed-Use Opportunity Areas on select sites identified as having higher redevelopment potential, where updated development standards would allow additional height, density, and mixed-use development. Existing zoning regulations would remain largely unchanged outside of these designated areas.

The proposed amendments also establish Commercial Priority Zones to support active ground-floor commercial uses, introduce objective design standards for pedestrian-oriented development, and require early notification to commercial tenants on redevelopment sites. The project is intended to implement Program 27 of the City's 2023–2031 Housing Element Update and advance the City's Affirmatively Furthering Fair Housing (AFFH) goals, by increasing housing capacity in historically exclusionary, high-resource neighborhoods while balancing housing production with small business retention and corridor vitality.

FISCAL IMPACTS OF RECOMMENDATION
The proposed zoning changes are intended to increase the residential and mixed-use development potential of properties in high resource commercial districts. This could result in higher property tax revenues. These changes also allow for larger development projects compared to the current zoning regulations, so on average, the City can expect to collect more development fees on a per-project basis. These fees may include those for affordable housing (BMC 23.328), childcare if the projects involve non-residential uses, and public art. The proposed zoning changes also include revisions that would streamline project approvals, which could reduce staff review times and accompanying fees.

CURRENT SITUATION AND ITS EFFECTS
The Corridors Zoning Update is an implementation action of Berkeley's 2023–2031 Housing Element Update (Program 27).[1] The project is intended to:

- Expand housing opportunities in high-resource areas;
- Address historic exclusionary zoning patterns; and
- Promote equitable housing distribution while maintaining neighborhood character and supporting local businesses.

At the November 2025 City Council worksession, Council members expressed general support for advancing the Corridors Zoning Update to increase housing

[1] *City of Berkeley Housing Element Update 2023-2031*. https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf

capacity along commercial and transit corridors, consistent with the City's Housing Element and AFFH obligations. Council input included an emphasis on achieving greater uniformity across corridors to avoid perpetuating historic patterns of exclusionary zoning, while also strengthening protections for small businesses. Several Councilmembers supported building heights of seven stories across the corridors, with consideration of up to eight stories on North Shattuck, as well as more flexible ground-floor requirements. Additional input included exploring increased Floor Area Ratios (FAR), minimizing upper-story stepbacks to preserve housing yield, and advancing strategies to support small business retention and mitigate displacement.

Public comment at the Council worksession and throughout the broader, two-year engagement process reflected a wide range of perspectives. Many commenters supported increased housing along corridors, citing the need to address housing shortages, meet AFFH goals, and support commercial vitality through increased foot traffic. Others expressed concern regarding potential displacement of small businesses, the feasibility of relocation, construction impacts, and the affordability of new commercial spaces and housing units. Additional concerns included negative impacts on neighborhood character, traffic, and whether upzoning should be more targeted. Across viewpoints, there was a consistent call for policies that balance housing production with the preservation of local businesses and community-serving uses.

At the February 4, 2026 Planning Commission meeting, staff and the consultant team presented potential anti-displacement strategies for small businesses and draft Objective Design Standards associated with the Corridors Zoning Update ***(Link 1-Planning Commission Presentation).***[2] The Commission received public comments, asked questions, and provided feedback on a range of topics, including examples of successful small business anti-displacement tools used in other jurisdictions, potential construction mitigation strategies for small businesses, clarification of height and density bonus scenarios, support for legacy businesses, and approaches to streamline permitting for small businesses. Commissioners also discussed zoning strategies for residential uses around commercial corridors, appropriate retail zoning to meet future market demand, and expressed support for the proposed ground floor objective design standards.

Following discussion, the Planning Commission established an Ad-Hoc Committee consisting of Commissioners Merker, Twu, Owens, and Kahn to develop a "sense of the Commission" statement for further discussion.

[2] https://berkeleyca.gov/sites/default/files/2026-02/PresentationsCombined_IntroSmallBusinessODS.pdf

At the March 4, 2026 Planning Commission meeting, the Ad-Hoc Committee presented its report ***(Link 2 – Ad-Hoc Committee's Memo)***.[3] The Planning Commission accepted the Ad-Hic Committee's recommendation that staff explore the use of a height-to-street-width ratio as an objective regulatory tool and apply new development standards only to those parcels or areas that are most likely to redevelop. Commissioners requested that these outcomes be supported by detailed capacity and feasibility analysis.

At the May 6, 2026 Planning Commission public hearing, the Commission received a staff presentation, considered public comments, and discussed the proposed zoning framework, development standards, and small business retention strategies ***(Link 3 – Planning Commission Staff Report Packet)***.[4] Staff presented two alternative methods to identify Mixed-Use Opportunity Areas – Option 1A (Proposed Select Sites/ Map-Based), and Option 1B (Criteria Based).

Public comments at this meeting reflected a broad range of perspectives regarding housing growth, affordability, small business retention, parking, and neighborhood character. Many commenters supported a more targeted approach to increased development intensity and expressed support for Option 1A, citing concerns about impacts on small businesses, grocery stores, parking availability, traffic, and construction disruption. Several speakers emphasized the importance of preserving neighborhood-serving businesses and maintaining the character of the commercial corridors. Other commenters supported additional housing opportunities along the corridors, noting the need to address housing affordability, advance fair housing goals, and leverage access to transit and commercial amenities. Some commenters also expressed concern that the revised proposal would not meaningfully increase housing production or affordable housing opportunities. Additional comments included requests for stronger on-site affordability requirements and commercial tenant protections.

Following discussion, the Planning Commission recommended that the City Council adopt the Corridors Zoning Update with several modifications, including use of the maps from Option 1B criteria-based approach for identifying Mixed-Use Opportunity Areas while removing the flexibility to assemble parcels; increased maximum building heights within those areas resulting in 5 stories on College Avenue, 6 stories on Solano Avenue and 7 stories on Shattuck Avenue (previously 4 on College, 5 on Solano and 6 on Shattuck Avenues); removal of massing and lot coverage standards; allowing Administrative Use Permits for qualifying projects; and re-evaluating the zoning changes during the 7th Cycle Housing Element update.

The Fire Department reviewed the Planning Commission recommendation and identified the need to account for the cumulative impacts of increased density and

[3] https://berkeleyca.gov/sites/default/files/2026-03/2026-03-04%20Supplemental%20Agenda%20Packet.pdf
[4] https://berkeleyca.gov/sites/default/files/2026-04/2026-05_06_PC_Item%2010A_Corridors.pdf

building heights on emergency response capabilities, noting that the Corridors Upzoning Project comes on the heels of a number of additional rezonings that allow more development, including the San Pablo Avenue Specific Plan, Middle Housing, the Ashby and North Berkeley BART developments and the Southside Plan. While individual zoning changes may not result in significant impacts to Fire operations, multiple rezoning efforts can have a cumulative impact on service demand and operations. The Fire Department identified particular concerns along College Avenue and North Shattuck, both of which serve as important emergency response routes and already experience traffic congestion. Additional residents, deliveries, and commercial activity could further impede emergency vehicle access. Solano Avenue presents fewer concerns regarding existing emergency response traffic, but the Fire Department emphasized the need to maintain adequate roadway width as building heights increase. More broadly, the Fire Department stressed that taller buildings would require at least 26 feet of unobstructed roadway width for aerial fire apparatus operations, potentially creating conflicts with bicycle facilities, traffic calming, parking, loading, and other streetscape improvements.

Planning staff proposes working with the Fire Department and Public Works to evaluate demand trends related to recently upzoned areas and to identify specific infrastructure improvements, such as undergrounding overhead utilities, adjusting traffic signals, and expanding emergency vehicle signal preemption, in order to ensure public safety while meeting our housing goals. The Project to Increase Telegraph and Claremont Housing (PITCH) referral could present an opportunity to create such an internal stakeholder group to proactively analyze a proposed upzoning.

In addition, and consistent with direction undertaken with the adoption of the San Pablo Specific Plan, Planning staff would recommend that the City Council direct staff to reevaluate the Corridors Upzoning Project after five years with respect to any impacts on emergency services.

Summary of Zoning and General Plan Changes
The proposed project introduces a targeted zoning approach that applies updated development standards to select sites meeting specified objective criteria along the corridors through a Mixed-Use Opportunity Areas designation, while retaining nearly all existing zoning regulations for all other parcels.

The project includes zoning map amendments, objective design standards, and corresponding General Plan amendments to ensure consistency with the proposed Mixed-Use Opportunity Areas framework. Existing base zoning districts (C-E, C-SO, and C-NS) would remain unchanged and would continue to regulate development outside of designated Mixed-Use Opportunity Areas.

This zoning approach includes the following components:

- The project proposes establishing a Mixed-Use Opportunity Area designation in each corridor to identify the parcels that would be subject to revised development standards.
- On Solano Avenue, the project proposes incorporating the Andronico's parking lot parcels (currently zoned as R-1) into the Solano Commercial (C-SO) zoning district.
- On College Avenue, the project proposes incorporating a parking lot associated with the Elmwood Post Office into the Elmwood Commercial (C-E) zoning district.
- The project establishes Commercial Priority Zones along the three corridors, where ground-floor commercial frontages would be required and residential frontages would be prohibited.
- The project establishes objective design standards to guide development across the corridors, including the identified Mixed-Use Opportunity Areas. These standards encourage storefront activation and site design to ensure pedestrian-oriented development.
- The project includes corresponding amendments to relevant General Plan policies and maps to ensure consistency with the zoning text and map amendments ***(Attachment 1, Exhibit A)***.

Mixed-Use Opportunity Areas (*Figures 1-3, below*)
The proposed Zoning Ordinance amendments introduce a Mixed-Use Opportunity Area designation that allows increased height, density, and development intensity on select sites along the corridors. This approach reflects the direction of Planning Commission to target additional development capacity on sites with the greatest redevelopment potential, while maintaining the existing scale and character of the broader corridors. Outside of these designated areas, existing zoning regulations would largely remain in effect. A parcel with a Mixed-Use Opportunity Area designation would not be able to expand the application of the Area's development standards by aggregating adjoining parcels.

Consistent with Planning Commission direction, the City would re-evaluate and re-examine the zoning changes (including the requirement to not permit parcel aggregation) during preparation of the 7th Cycle Housing Element to assess project outcomes, redevelopment patterns, and potential future zoning modifications.

Figure 1: C-E Elmwood Mixed-Use Opportunity Areas



Figure 2: C-NS North Shattuck Mixed-Use Opportunity Areas



Figure 3: C-SO Solano Avenue Mixed-Use Opportunity Areas



Small Business Retention and Anti-Displacement Strategy
The proposed Mixed-Use Opportunity Areas framework is intended, in part, to reduce displacement pressure on existing commercial businesses along the corridors. Additional development capacity would be concentrated on a targeted set of sites with higher redevelopment potential based on site characteristics such as size, orientation, access and ownership, and would avoid applying increased height and density across all parcels.

By maintaining nearly all existing zoning standards on the majority of parcels, the proposal provides more predictability for existing businesses, while still enabling new housing and mixed-use development in strategic locations to help the City meet its AFFH goals. This targeted approach reflects Planning Commission's direction to balance housing production goals with the preservation of small businesses and the existing commercial fabric of the corridors.

In addition to this zoning strategy, the proposed Ordinance includes early notification requirements to provide advance notice to commercial tenants of potential redevelopment. The Planning Commission also recommend that City Council refer to the City Manager the development of additional small business support strategies for application citywide. These could include a waiver of business license taxes for a finite number of years for any business that is forced to relocate due to a housing development project; other forms of relocation assistance; or other measures to support business continuity.

Development Standards for the Project Areas

a) Outside Mixed-Use Opportunity Areas (See Table 1)
Existing development standards related to height and FAR would largely remain. Table 1 summarizes the proposed changes for parcels *outside* of the Mixed-Use Opportunity Areas. The proposed changes include:

- Establishing minimum and maximum residential density standards;
- Increasing the maximum height in the C-NS zoning district by 3 feet; and
- Removing lot coverage standards.

Table 1: Existing and Proposed Zoning Standards for all Land Uses (Non-Residential, Mixed-use, and Residential Only)
Outside Mixed-Use Opportunity Areas

	C-E: Elmwood *60 ft street width*	**C-SO: Solano** *77-82 ft street width*	**C-NS: North Shattuck** *95 ft street width*
Height			
Maximum Height	**2 stories** 28 ft	**2 stories** 28 ft	**3 stories** ~~35 ft.~~ 38 ft
Density			
Density for Mixed-Use Projects (du/acre)	25 (min), 40 (max)	40 (min), 60 (max)	40 (min), 85 (max)
Density for Residential Only (du/acre)	25 (min), No max	40 (min), No max	40 (min), No max
Lot Coverage Maximum			
Non-Residential, Residential, and Mixed-Use	100%		

b) Within Mixed-Use Opportunity Areas (See Table 2)
The Mixed-Use Opportunity Areas function as a designation that applies enhanced development standards to specific mapped locations. Table 2 summarizes the proposed changes for parcels *within* the Mixed-Use Opportunity Areas. The proposed changes include:

- Increasing maximum building heights to 5 stories and 58 feet in the C-E zoning district, 6 stories and 68 feet in the C-SO zoning district, and 7 stories and 78 feet in the C-NS zoning district. Table 2 includes, for informational purposes, estimates of likely maximum heights for State Density Bonus projects, given the base zoning.
- Establishing a maximum residential density standard. No minimum density standard is proposed.

Table 2: Proposed Maximum Heights and Density for all projects <u>Within</u> the Mixed-Use Opportunity Areas

	C-E: Elmwood *60 ft street width*	**C-SO: Solano** *77-82 ft street width*	**C-NS: North Shattuck** *95 ft street width*
Height			
Maximum Height	**5 stories** 58 ft	**6 stories** 68 ft	**7 stories** 78 ft
Estimated Height 50% Density Bonus	*6 - 8 stories (88 ft)*	*8 - 9 stories (98 ft)*	*9 - 11 stories (118 ft)*
Estimated Height 100% Density Bonus	*8 - 10 stories (108 ft)*	*10 – 12 stories (128 ft)*	*12 - 14 stories (148 ft)*
Density			
Mixed-Use Opportunity Area Sites Residential Density (du/ac)	25 (min) 115 (max)	40 (min) 140 (max)	40 (min) 165 (max)

Housing Capacity Analysis
Attachment 3 is a capacity analysis that compares the additional units, including affordable units, that would result from three scenarios:

- A scenario which includes 7 story maximum base heights across all three corridors.
- The Higher Density Alternative presented to the Planning Commission in September 2025 and to the City Council in November 2025. The Higher Density Alternative assumed base heights of 4 stories in the C-E zoning district, 5 stories in the C-SO zoning district, and 6 stories in the C-NS zoning district.
- The updated Mixed-Use Opportunity Areas site selection approach recommended by the Planning Commission, which includes an assumption of base heights of 5 stories in the C-E zoning district, 6 stories in the C-SO zoning district, and 7 stories in the C-NS zoning district for parcels within the Mixed-Use Opportunity Areas, with no change to other parcels.

All scenarios assumed the utilization of 50% State Density Bonus.

The analysis is summarized in Table 3. The proposed Mixed-Use Opportunity Areas approach results in approximately 0.5 percent less in total residential capacity across the three corridors, compared to the Higher Density Alternative that was presented to the City Council in November 2025.

- While the Higher Density Alternative rezoned all parcels in each corridor, staff analysis concluded that only a limited number of sites would be redeveloped; even with the Higher Density Alternative upzoning, most parcels would not redevelop. The parcels included in the Mixed-Use Opportunity Areas were among those identified as most likely to redevelop in the Higher Density Alternative.
- The Mixed-Use Opportunity Areas approach provides an additional story of allowable development compared to the Higher Density Alternative, hence the slightly larger unit totals in the C-E and C-NS zoning districts.
- In the C-SO zoning district, the Higher Density Alternative designated all parcels located between Ensenada and Colusa Avenues as likely to be redeveloped with upzoning. These parcels are not designated as Mixed-Use Opportunity Areas. As a result, the unit totals for the C-SO zoning district are slightly lower in the Planning Commission recommendation than the Higher Density Alternative, even with the additional permitted story of development.

Table 3: Comparison of Projected Number of Units Over Existing Conditions

	College Avenue (C-E)	Solano Avenue (C-SO)	North Shattuck (C-NS)	Total Berkeley Corridors
Total Projected Units				
7 Stories Across All Three Corridors	215 units	682 units	1,132 units	**2,029 units**
Higher Density Alternative (2025)	140 units	578 units	1,040 units	**1,758 units**
Mixed-Use Opportunity Areas	143 units	528 units	1,080 units	**1,751 units**
On-site Affordable Units (10% of total projected units)*				
7 Stories Across All Three Corridors	22 units	68 units	113 units	**203 units**
Higher Density Alternative (2025)	14 units	58 units	104 units	**176 units**
Mixed-Use Opportunity Areas	14 units	53 units	108 units	**175 units**

Ground Floor Objective Design Standards

The proposed Zoning Amendments include ground floor objective design standards (ODS) that would support active, pedestrian-oriented ground floors along the corridors. These standards would encourage new development that contributes to a continuous, engaging public realm while providing flexibility for a range of commercial and mixed-use building types.

Ground floor frontages along the primary corridor streets would be required to provide a minimum of 80 percent commercial or live/work frontage. Non-commercial uses would be limited, and parking access, residential units, and inactive frontages would be prohibited along primary street frontages. Service elements, including utilities, trash storage, and building access, would be minimized and, where feasible, located on side streets or secondary frontages to maintain uninterrupted pedestrian activity and a consistent streetscape experience along the corridors' frontages.

The ODS would also ensure that commercial spaces are functional, adaptable, and viable for a range of tenants over time. Requirements would include minimum floor-to-floor heights, sufficient space depth, rectilinear layouts, and high levels of transparency along frontages. Commercial spaces would be required to be delivered as "warm shell,"

including basic infrastructure such as ventilation, utility capacity, and grease interceptors to support restaurant and food service uses. Designs would also be required to allow subdivision into smaller tenant spaces, supporting a diversity of local and small businesses.

Commercial Priority Zones

Commercial Priority Zones would be established along all three corridors to reinforce concentrations of active, pedestrian-oriented uses in key locations. Within these Zones, ground floor commercial uses would be required to support retail continuity and business clustering. Outside of the Commercial Priority Zones, mixed-use development would be required to provide either ground floor commercial or live/work uses ***(see Figures 4, 5 and 6)***. Live/work units could function as active ground floor spaces and would be required to be designed to allow conversion to commercial uses. Live/work units would be required to incorporate storefront design elements, including appropriate glazing, entrances, and meet standards for height, width, and setbacks to maintain a fine-grained, pedestrian-oriented frontage pattern.

Figure 4: College Avenue Commercial Priority Zone

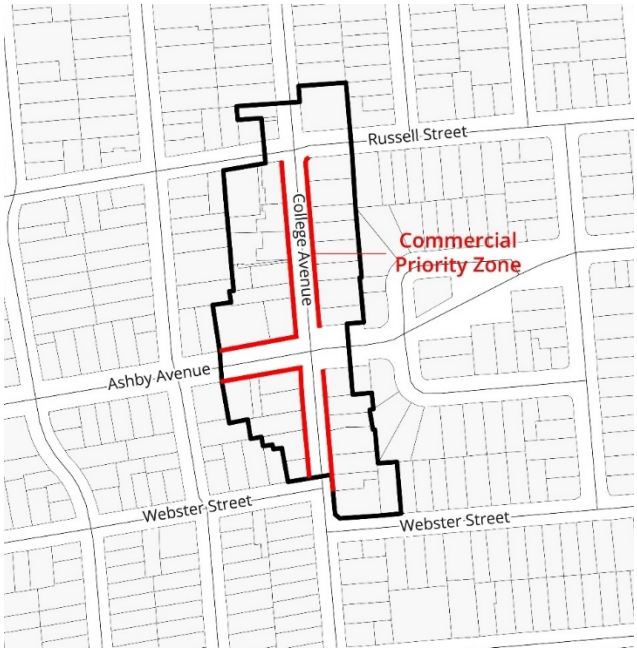


Figure 5: Solano Avenue Commercial Priority Zone

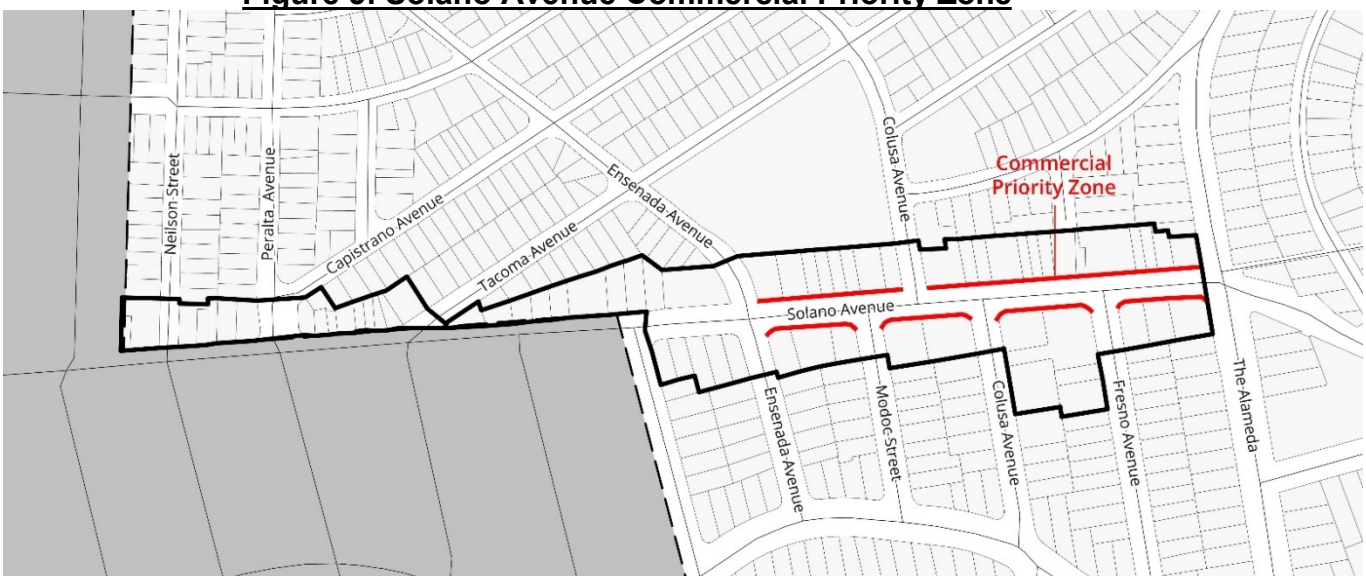
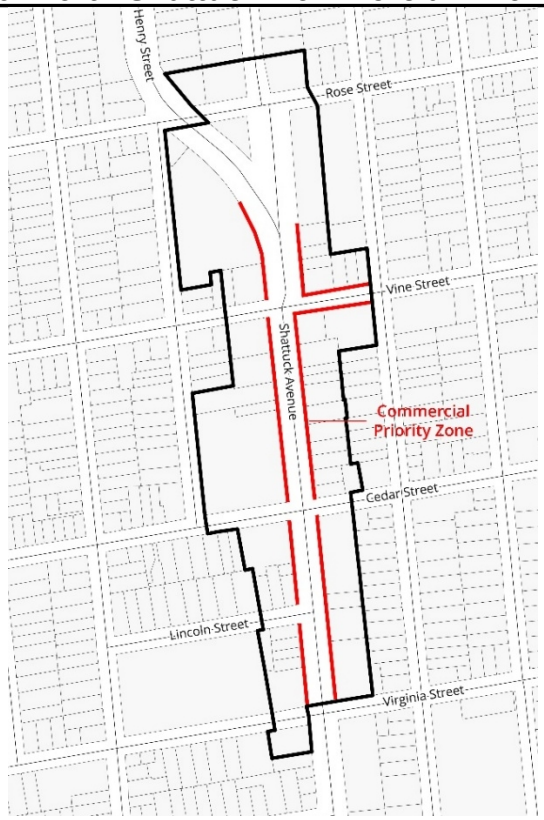


Figure 6: North Shattuck Commercial Priority Zone



Pre-Application Notice Requirement for Commercial Tenants
The proposed Zoning Ordinance amendments include early pre-application noticing requirements for proposed projects that are located on sites with existing commercial tenants. In addition to posting on-site notice, applicants would be required to notify commercial tenants prior to submitting a discretionary permit application. This provision is intended to provide businesses with earlier awareness of potential redevelopment and additional time to plan for potential impacts.

Anchor Tenant Preservation
The Mixed-Use Opportunity Areas identified in the C-SO and C-NS zoning districts include existing large-format retailers, including grocery stores and a CVS. In response to concerns that redevelopment could lead to a loss of large-format, community-serving retailers, the proposed ordinance includes Anchor Tenant Preservation requirements in the C-SO and C-NS zoning districts. Under these requirements, if an existing commercial space greater than 18,000 square feet is proposed to be demolished, a commercial space with a minimum size of 10,000 square feet shall be built on-site. The space must be able to accommodate one tenant but may be subdivided into smaller commercial spaces.

Summary of Proposed Corridors Zoning Amendments
Table 4 provides a summary of the proposed amendments included in the Ordinance (***Attachment 2***), including the specific code sections modified, a description of the changes, and the corresponding rationale.

The proposed Ordinance includes a range of amendments to Title 23 to implement updated development standards and use regulations across the C-E (Elmwood), C-NS (North Shattuck), and C-SO (Solano Avenue) zoning districts. These amendments establish a consistent regulatory framework across the three corridors, introduce Mixed-Use Opportunity Areas to accommodate additional housing, and incorporate objective design standards to support active, pedestrian-oriented ground floors and context-responsive building form. The proposed Ordinance also removes subjective findings, refines permitted uses and permit requirements, and adds provisions such as commercial tenant notification and updated glossary definitions to support implementation.

Table 4: Summary of Proposed Corridors Zoning Amendment Changes

Ord Section	BMC Section and Title	Description of Changes	Rationale
Title 23, Division 2- Zoning Districts			
1	23.204.020 -Allowed Uses in the Commercial District.	Reduction of permit requirements for select uses.	Encourage small business and create consistent standards across the commercial districts.
2	23.204.030-Additional Permit Requirements.	Revise permit requirements for New Floor Area.	Create consistent standards across commercial districts.
3	23.204.080 C-E Elmwood Commercial District.	Incidental Wholesale Activities Permit requirements removed.	Create consistent standards across commercial districts.
	23.204.080 C-E Elmwood Commercial District.	Commercial Priority Zones definition and requirements added.	Prioritize commercial uses along the ground floor.
		Mixed-Use Opportunity Areas purpose and identification added.	Identify sites along the corridor where additional housing can be accommodated.
		Table 23.204-21. C-E Development Standards – addition of height, density and lot coverage criteria	Accommodate additional housing while controlling massing.
		Ground Floor Residential Setbacks added.	Design standard for residential entries on main avenues.
		Ground Floor Design Standards added.	Establish standards for active, pedestrian-oriented ground floors with

Ord Section	BMC Section and Title	Description of Changes	Rationale
3			functional, flexible commercial spaces that support retail viability and enhance the public realm.
		Permit Findings: design and character compatibility removed.	Remove subjective standard.
4	23.204.090 C-NS North Shattuck Commercial District.	Commercial Priority Zones definition and requirements added.	Prioritize commercial uses along the ground floor.
		Mixed-Use Opportunity Areas purpose and identification added.	Identify sites along the corridor where additional housing can be accommodated.
		Table 23.204-24. C-NS Development Standards - addition of height, density and lot coverage criteria.	Accommodate additional housing while controlling massing.
		Ground Floor Residential Setbacks added.	Establish design standard for residential entries on main avenues.
		Ground Floor Design Standards added.	Establish standards for active, pedestrian-oriented ground floors with functional, flexible commercial spaces that

Ord Section	BMC Section and Title	Description of Changes	Rationale
4	23.204.090 C-NS North Shattuck Commercial District.		support retail viability and enhance the public realm.
		Anchor Tenant Preservation	Establish requirement that the removal of a 18,000 sf or greater commercial use must be replaced with a commercial space of at least 10,000 sf.
		Permit Findings: design and character compatibility removed.	Remove subjective standard.
		Commercial Priority Zones definition and requirements added.	Prioritize commercial uses along the ground floor.
5	23.204.100 C-SA South Adeline Commercial District	Figure renumbered.	Ensure consistency across Zoning Ordnance
6	23.204.120 C-SO Solano Avenue Commercial District	Mixed-Use Opportunity Areas purpose and identification added.	Identify sites along the corridor where additional housing can be accommodated.
		Table 23.204-33. C-SO Development Standards - addition of height, density and lot coverage criteria	Accommodate additional housing while controlling massing.

Ord Section	BMC Section and Title	Description of Changes	Rationale
6	23.204.120 C-SO Solano Avenue Commercial District	Ground Floor Residential Setbacks added.	Establish design standard for residential entries on main avenues.
		Commercial Priority Zones definition and requirements added.	Prioritize commercial uses along the ground floor.
		Ground Floor Design Standards added.	Establish standards for active, pedestrian-oriented ground floors with functional, flexible commercial spaces that support retail viability and enhance the public realm.
		Anchor Tenant Preservation	Establish requirement that the removal of a 18,000 sf or greater commercial use must be replaced with a commercial space of at least 10,000 sf.

Ord Section	BMC Section and Title	Description of Changes	Rationale
6	23.204.120 C-SO Solano Avenue Commercial District	Permit Findings: design and character compatibility removed.	Remove subjective standard.
Title 23, Div 3- Citywide Provisions			
7	23.302.070 Use-Specific Regulations.	Requirement for no building openings for food service-establishments in C-NS and C-E districts removed.	Create consistent standards across commercial districts.
8	Table 23.302-7 Permit Requirements for Parking Lots/Structures	AUP for parking lots in the C-SO removed. Use Permits now required.	Create consistent requirements across commercial districts.
9	23.322.120 Transportation Services Fee.	TSF may be required for new development in C-SO, C-NS. C-E added to this category.	Create consistent requirements across commercial districts.
Title 23, Div 4 – Permits and Administration			
10	23.404.020(D) – Pre-Application Notice Posted by Applicant	Requirement for applicants to provide written notice to existing commercial tenants on the subject property prior to application submittal added.	Support commercial tenants at risk of displacement.
Title 23, Div 5 – Glossary			
11 - 13	23.502.020 Defined Terms	“C” Terms – “Cold Shell (Commercial Space) definition added.	Establish new definitions.

Ord Section	BMC Section and Title	Description of Changes	Rationale
11-13		"R" Terms – "rectilinear" definition added.	
		"W" Terms – "Warm Shell (Commercial Space) definition added.	

BACKGROUND

The Corridors Zoning Update is an implementation action of Berkeley's 2023–2031 Housing Element (Program 27)[5] to expand housing opportunities in three high-resource commercial and transit corridors—Solano Avenue, North Shattuck, and College Avenue. The project seeks to affirmatively further fair housing by addressing historic patterns of exclusionary zoning and promoting equitable distribution of housing growth, while supporting small, locally owned businesses.

The three corridors are within Berkeley's highest resource and highest-income neighborhoods, characterized by access to essential amenities and opportunities that promote well-being and economic advancement for residents. A goal of the Corridors Zoning Update is to increase the maximum allowable height along the three corridors to match or exceed the maximum allowable height along other, lower-resourced or lower-income Berkeley neighborhoods, such as Adeline Street, Telegraph Avenue, University Avenue, Downtown and San Pablo, as illustrated in Table 5.

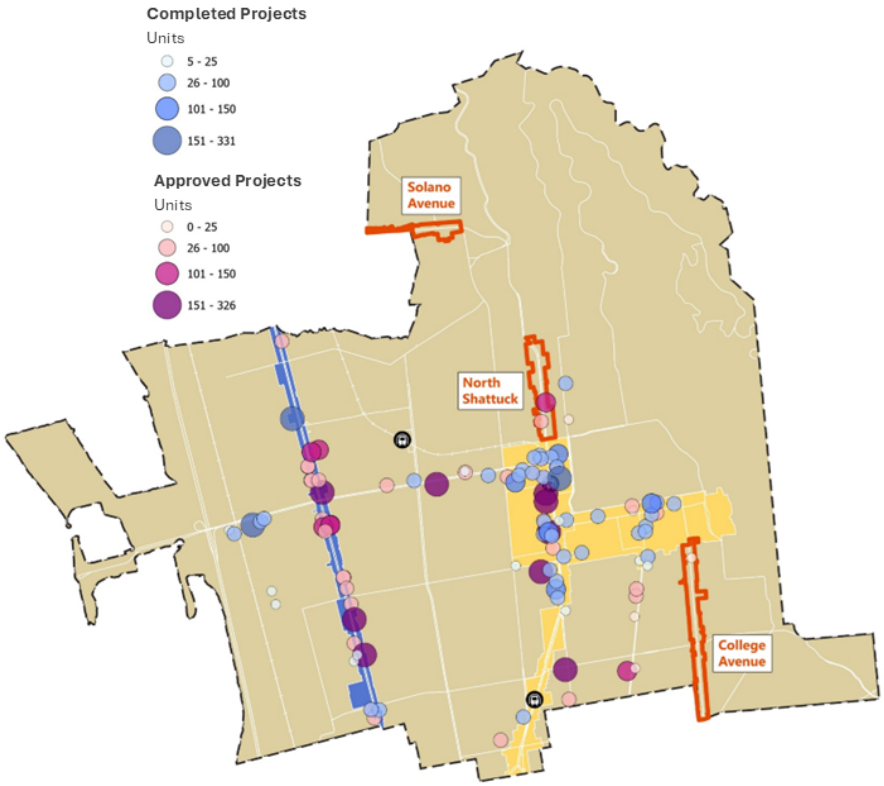
Table 5. Base Height Comparison along Berkeley Commercial Corridors

Maximum Stories	Zoning District
7/8 stories	• Downtown Core/Corridor (C-DMU) • Telegraph Avenue Commercial (C-T) • San Pablo Commercial (C-SP)
6 stories	
4 stories	• Adeline Corridor Commercial (C-AC), South Shattuck • North Shattuck, south of Virginia (C-C) • Corridor Commercial (C-C), Telegraph Avenue • University Avenue Commercial (C-U)
3 stories	• Neighborhood Commercial (C-N), College & Alcatraz • **North Shattuck Commercial (C-NS), existing** • Adeline Corridor (C-AC), North and South Adeline • West Berkeley Commercial (C-W), 4th Street
2 stories	• **Solano Avenue Commercial (C-SO), existing** • **College Avenue Commercial (C-E), existing**

[5] *City of Berkeley Housing Element Update 2023-2031*. https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf

The lower development standards across the three corridors can at least in part explain why very little housing development has occurred along the three corridors, while most new housing development has occurred in areas with more expansive development standards, as shown in Figure 7, below.

Figure 7. Completed and Pipeline Projects, 2014-2024.



To complete the Corridors Zoning Update, the City engaged a consultant team led by Raimi + Associates, with support from Plan to Place (for community engagement), Yes Duffy Architects (for images and modelling), Strategic Economics (for financial analysis and analysis of small business displacement factors and mitigation measures), Rincon Consultants (for CEQA review), and Kittleson & Associates (for transportation analysis).

The team's work has been informed by community input gathered through meetings, workshops, and direct outreach efforts, including:

- Community Workshop #1 (May 1, 2025), a citywide on-line introductory workshop[6];
- Community Workshop #2, corridor-specific, in-person workshops in North Shattuck (August 20, 2025), College Avenue (August 26, 2025) and Solano Avenue (August 27, 2025);[7]
- Pop-up outreach events at Solano Stroll (September 15, 2025), North Shattuck Farmers' Market (September 18, 2025); and Downtown Berkeley Farmers' Market (September 20, 2025);[8]
- Planning Commission worksession (September 17, 2025);[9]
- City Council worksession (November 6, 2025); [10]
- On-line survey (August 27 – October 10, 2025), with approximately 1664 respondents;[11]
- Two Planning Commission discussions
    - Objective Design Standards and Small Business Anti-Displacement Tools (February 4, 2026),[12] and
    - Planning Commission Subcommittee Report (March 4, 2026);[13]
- Planning Commission Public Hearing (May 6, 2026).[14]

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[6] A summary can be found here: https://berkeleyca.gov/sites/default/files/documents/Berkeley%20Corridors%20Zoning%20Update_Workshop%20%231%20Summary_0.pdf

[7] A summary can be found here: https://berkeleyca.gov/sites/default/files/documents/Berkeley%20Corridors%20Workshop%20%232%20Summary.pdf

[8] A summary can be found here: https://berkeleyca.gov/sites/default/files/documents/Berkeley%20Corridors_Pop%20Up%20Summary_Final_0.pdf

[9] Agenda materials for the Planning Commission worksession can be found here: https://berkeleyca.gov/sites/default/files/documents/Corridors%20PC_Staff%20Report.pdf

[10] Agenda materials for the Council worksession can be found here: https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-11-06%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf

[11] A summary can be found here: https://berkeleyca.gov/sites/default/files/documents/BerkeleyCorridors_SurveyResults_Final_0.pdf

[12] Agenda materials for this discussion can be found here: https://berkeleyca.gov/sites/default/files/2026-01/Item%2010B%20Packet.pdf

[13] The Subcommittee's report can be found here: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/Sub-Committee%20Recommendation%20re%20Corridors%20240226_.pdf

[14] Agenda materials for the Planning Commission Public Hearing can be found here: https://berkeleyca.gov/sites/default/files/2026-04/2026-05_06_PC_Item%2010A_Corridors.pdf

Land Use Planning staff and the consultant team also met with the following organizations over the course of the Berkeley Corridors Zoning Update:

- Elmwood Merchants Association (June 24, 2025)
- Solano Avenue Business Improvement District (July 22, 2025)
- Claremont Elmwood Neighborhood Association (July 10, 2025)
- Berkeley Design Associates (May 14, 2026)
- Berkeley Neighborhoods Council (August 9, 2025)
- Berkeley Neighbors for Housing and Climate Action (August 14, 2025)
- North Shattuck Merchants Association (December 19, 2025)
- Avalon/Monkey Island Neighbors (January 14, 2026)
- Save Berkeley Shops (January 15, 2026, April 28, 2026, July 28, 2026)
- Keith-Shasta Neighbors (January 23, 2026)
- Berkeley Urban Studies Student Association/Cal Department of City and Regional Planning students (February 11, 2026)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed Berkeley Corridors Zoning Update would implement Zoning Ordinance and Zoning Map amendments and associated General Plan text and map amendments for three corridors: Solano Avenue, North Shattuck, and College Avenue, consistent with Housing Element Update Program 27. The Zoning Update would increase allowable density, height, and building bulk to facilitate mixed-use and residential development along these corridors. Therefore, the entire Update—including Zoning Ordinance and Zoning Map amendments and associated General Plan text and map amendments—is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a).[15]

Additionally, the environmental impacts of implementing the Housing Element Update were previously analyzed in the 2023 Housing Element Update Environmental Impact Report (2023 EIR- ***Link 4***).[16] The proposed zoning changes represent a refinement of the policies evaluated in the 2023 EIR. Therefore, minor modifications and additions to that environmental analysis are necessary. As documented in the Addendum prepared

[15] CD Memorandum, California Environmental Quality Act (CEQA) Reforms for Housing Element Rezoning (Public Resources Code Section 21080.085) (May 19, 2026), *available at* https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/memos/ceqa-rezone-exemption-memo-051926.pdf

[16] https://berkeleyca.gov/sites/default/files/documents/Berkeley%202023-2031%20Housing%20Element%20Update%20Draft%20EIR.pdf

for this project *(**Attachment 1, Exhibit B**),* these changes do not require preparation of a subsequent or supplemental EIR.

Pursuant to Section 15164 of the CEQA Guidelines, a lead agency may prepare an addendum to a previously certified EIR when only minor technical changes or additions to the environmental analysis are necessary and none of the conditions requiring a subsequent EIR have occurred. Under CEQA Guidelines Section 15162(a), once an EIR has been certified for a project, a subsequent or supplemental EIR is required only if substantial changes are proposed to the project, substantial changes occur in the circumstances under which the project is undertaken, or new information of substantial importance becomes available that would result in new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. Based on the analysis contained in the Addendum, none of these conditions are present. Therefore, preparation of a subsequent or supplemental EIR is not required.

RATIONALE FOR RECOMMENDATION

The proposed action includes the Planning Commission's recommended Zoning Ordinance, Zoning Map, and General Plan amendments to increase housing capacity along Solano Avenue, North Shattuck, and College Avenue, consistent with Housing Element Program 27—Priority Development Areas, Commercial and Transit Corridors, and the City's Affirmatively Furthering Fair Housing obligations. The proposed amendments would focus additional development capacity on designated Mixed-Use Opportunity Areas while maintaining nearly all existing zoning standards on most corridor parcels to balance housing production goals with small business retention and neighborhood compatibility.

The proposed amendments also establish objective design standards, Commercial Priority Zones, and commercial tenant notification requirements intended to support active, pedestrian-oriented corridors and reduce displacement impacts on existing businesses.

The proposed action includes recommendations to the City Manager to direct future work, brought forward in response to community concerns. This work includes exploring options to mitigate any identified negative impacts to existing businesses that occupy buildings redeveloped pursuant to the amendments and directs staff to evaluate the proposed amendments in five years with respect to any impacts on emergency services.

The Alternative Actions Considered section below includes discussion of additional zoning and development framework alternatives considered during the public process and Planning Commission review.

ALTERNATIVE ACTIONS CONSIDERED

Alternatives considered include:

Building Form Alternatives (Presented to the City Council on November 6, 2025)
As part of the Corridors Zoning Update Alternatives Report and City Council study session on November 6, 2025, staff and the consultant team presented two corridor-wide building form alternatives that evaluated varying levels of height and density across the three corridors. These alternatives informed subsequent Planning Commission direction to focus additional development capacity on targeted Mixed-Use Opportunity Areas rather than applying updated development standards uniformly across the corridors.

- **Alternative 1 – Medium Density.**
  This alternative would establish a medium-density development framework by increasing allowable building heights to approximately a 0.8:1 building height-to-street-width ratio. The alternative would allow up to 3 stores, on College Avenue, 4 stories on Solano Avenue, and 5 stories on North Shattuck, with additional height possible through State Density Bonus. This alternative represented the lower-intensity growth scenario evaluated in the Alternatives Report.

- **Alternative 2 – Higher Density.**
  This alternative would establish a higher-density development framework by increasing allowable building heights one additional story above Alternative 1. The alternative would allow up to 4 stories on College Avenue, 5 stories on Solano Avenue, and 6 stories on North Shattuck, with additional height possible through State Density Bonus. This alternative represented the highest-intensity growth scenario evaluated in the Alternatives Report and was intended to maximize mid-rise mixed-use and residential development potential along the corridors.

Building Form Standards: Massing Standards and Upper Floor Stepbacks (Presented to Planning Commission on September 8, 2025)
Staff presented to the Planning Commission recommended building form standards to address transitions to residential neighborhoods. The proposed building massing standards would limit where building area can be located on an individual lot, with the goal of having buildings step down in the rear, where the corridors' Commercial zoning districts adjoin Residential zoning districts. Proposed upper-floor stepbacks further sculpt building massing by requiring the building façade to stepback above a certain height to reduce the perceived height of a building.

The Planning Commission removed both building form standards as part of its recommendation to the City Council, due to concerns that these standards could reduce residential floor area. The Planning Commission maintained objective design standards related to ground floor frontages and commercial spaces.

CONTACT PERSON
Justin Horner, Principal Planner, Planning & Development, 510-981-7476

Attachments:
1: Resolution
Exhibit A: General Plan and Land Use Map Amendments
Exhibit B: CEQA Statement of Overriding Consideration and Addendum to 2023-2031 Housing Element Update
2: Zoning Ordinance Amendments
3: Housing Capacity Analysis
4: Public Hearing Notice

Links:

1. Planning Commission Presentation, Feb 4, 2026 (Linked)
2. Ad-Hoc Committee's Memo, March 4, 2026 (Linked)
3. Planning Commission Staff Report, May 6, 2026 (Linked)
4. 2023 Housing Element Environmental Impact Report (Linked)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY TO ADOPT PROPOSED AMENDMENTS TO TITLE 23 (ZONING ORDINANCE) AND THE ZONING MAP TO PERMIT THE CITY OF BERKELEY ENCOURAGE HOUSING ALONG COLLEGE AVENUE, SHATTUCK AVENUE AND SOLANO AVENUE AND ADOPT CONFORMING GENERAL PLAN TEXT AMENDMENTS

WHEREAS, Berkeley Municipal Code (BMC) Chapter 23.402.020 (Review and Decision-Making Authority) authorizes the Planning and Development Department to evaluate Zoning Ordinance Amendments; and

WHEREAS, the City of Berkeley ("City"), in accordance with the provisions of California Government Code Section 65300 et seq., is required to adopt a General Plan for its long-range development, and further to periodically update that plan to reflect current conditions; and

WHEREAS, the City's 2023-2031 6th Cycle Housing Element was adopted by the Berkeley City Council on January 18, 2023 and certified by the State Department of Housing & Community Development on February 28, 2023; and

WHEREAS, the adopted 2023-2031 Housing Element Update (HEU) includes "Program 27 – Priority Development Areas (PDAs), Commercial and Transit Corridors" to accommodate housing capacity and growth on transit and commercial corridors, particularly in formerly red-lined areas and higher resource areas of Solano Avenue, Shattuck Avenue and College Avenue by pursuing zoning map and development standard amendments to allow multi-unit development on lots in the C-SO, C-NS and C-E districts; and

WHEREAS, the Corridors Zoning Update was developed to increase housing capacity along commercial and transit corridors, consistent with the City's Housing Element and Affirmatively Furthering Fair Housing (AFFH) obligations; and

WHEREAS, small businesses are vital to the wellbeing of commercial corridors and the City, and any negative impacts to small businesses that may result from housing development projects should be mitigated; and

WHEREAS, on May 6, 2026, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, the proposed Zoning Ordinance, Zoning Map and General Plan amendments together constitute a rezoning that implements Housing Element Update Program 27 in the City's approved Housing Element and are therefore exempt from CEQA pursuant to Public Resources Code Section 21080.085(a); and

WHEREAS, the environmental impacts of the proposed Zoning Ordinance, Zoning Map and General Plan amendments were previously analyzed in the 2023 Housing Element Update Environmental Impact Report (Final EIR), and an Addendum has been prepared pursuant to CEQA Guidelines Section 15164 to address minor modifications and additions to that analysis; and

WHEREAS, in connection with the amendments, an Addendum to the certified Final EIR pursuant to Section 15164 of the CEQA Guidelines has been prepared that describes the changes the proposed Project would have to the HEU, and compares the impacts of those changes to the impacts of the HEU identified in the EIR; and

WHEREAS the Addendum to the certified Final EIR determined that potential impacts associated with the proposed Project are consistent with potential impacts disclosed and analyzed in the EIR. That is, the proposed Project would not result in any new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the EIR. Further, no new information of substantial importance exists which would require major revisions of the HEU EIR. Therefore, none of the conditions outlined in CEQA Guidelines Section 15162(a)(1-2) requiring preparation for a subsequent EIR have been met. Further, none of the conditions outlined in CEQA Guidelines Section 15162(a)(3)(A-D) requiring preparation of a subsequent EIR have been met; and

WHEREAS, based on the analysis contained in the Addendum, no further evaluation of environmental impacts is required for the proposed Project, no subsequent EIR is required pursuant to CEQA Guidelines Section 15162, and the Addendum is the appropriate level of environmental analysis and documentation for the proposed Project pursuant to CEQA Guidelines Section 15164, and therefore the Mitigation Monitoring and Reporting Program in the Final EIR sufficiently addresses impacts from the proposed Project; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and

WHEREAS, public hearing notice was published in the Berkeley Voice, posted at each street frontage adjacent to properties proposed for rezoning, and mailed to all property owners, tenants, and residents within properties proposed to be rezoned pursuant to California Government Code Section 65090 and BMC Section 23.404.040 for the City Council hearing on December 1, 2026.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Berkeley: 1) Adopt findings in support of separately proposed Zoning Ordinance and Zoning Map amendments; 2) Amend the General Plan to incorporate changes consistent with the Zoning Ordinance amendments; and 3) amend the Land Use Diagram to redesignate select parcels currently designated as Lower Density and Medium Density Residential to Neighborhood Commercial.

Pursuant to Berkeley Municipal Code Section 23.412.060, the City Council makes the

following findings to support its recommendation for the zoning ordinance amendments:

(1) **The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.** The proposed amendments are consistent with the General Plan, including the 2023–2031 Housing Element, by increasing housing capacity along identified commercial corridors (College Avenue, North Shattuck, and Solano Avenue). The amendments implement Housing Element Program 27 and support policies related to sustainable growth, transit-oriented development, and Affirmatively Furthering Fair Housing.

(2) **The proposed amendment is consistent with state law.** The proposed amendments are consistent with state law, including the Housing Crisis Act (SB 330), as they do not reduce allowable density or intensity. The amendments implement the City's certified Housing Element and align with state policies promoting residential development on commercial corridors.

(3) **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare**. The zoning ordinance amendments serve the public interest by increasing housing opportunities in transit-accessible, high-resource areas while maintaining appropriate development standards. The proposed regulations ensure compatibility with surrounding neighborhoods and compliance with applicable health and safety requirements.

(4) **The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance**. The amendments are internally consistent with the Zoning Ordinance as they update and align development standards, permitted uses, and definitions across the C-E, C-NS, and C-SO districts, while maintaining consistency with other applicable provisions of Title 23.

(5) **The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the Zoning Ordinance and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.** The affected sites are physically suitable for the proposed zoning map amendments, as the changes align zoning designations with existing corridor conditions and development patterns. The inclusion of the Andronico's parking lot parcels into the C-SO district on Solano Avenue creates consistent zoning along each corridor and supports appropriate mixed-use and commercial development consistent with surrounding uses and infrastructure. The inclusion of parcels on Addison Street next to the College Avenue Post Office in the C-E district places multiple adjacent parcels that are under common ownership under a single zoning designation, and creates a site that can accommodate mixed-use residential development at a scale that helps Berkeley meet its Housing Element goals to affirmatively further fair housing in high-resource areas; and

BE IT FURTHER RESOLVED that pursuant to California Government Code Sections 65353 and 65853, the City Council makes the following findings to support the General Plan text amendments included as Exhibit A of this resolution:

(1) **The proposed amendment is in the public interest.** The General Plan amendment serves the public interest by facilitating additional housing capacity and production to better meet housing demand, by reversing historically discriminatory land use policies, and Affirmatively Furthering Fair Housing; and

(2) **The proposed amendment is consistent and compatible with the General Plan.** The proposed General Plan amendments would ensure internal consistency among General Plan elements. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare. The General Plan amendments would not be detrimental to the public health, safety and welfare of the City because they would facilitate development that would be completed in compliance with current building and fire codes and regulations; and would be subject to the City's standard conditions of approval regarding noise and air quality, waste diversion, toxics and stormwater requirements, as well as applicable mitigation measures included in the Housing Element Update EIR; and

BE IT FURTHER RESOLVED that the City Council of the City of Berkeley hereby adopts the General Plan amendments, included as Exhibit A of this resolution; and

BE IT FURTHER RESOLVED, that the City Council, as the final decision-making body for the lead agency, has considered and analyzed the Addendum and hereby adopts and incorporates by reference into this Resolution the CEQA Findings and Statement of Overriding Considerations (Exhibit C) and incorporates by reference the Mitigation Measure Reporting Program (MMRP) contained in the certified Final Environmental Impact Report for the Housing Element Update 2023-2031 (SCH#2022010331) and adopted via Resolution No. 70,669-N.S. (Jan. 18, 2023).

Exhibits

A: General Plan and Land Use Diagram Amendments for Solano Avenue, Shattuck Avenue, and College Avenue Corridors Zoning Update

B: CEQA Statement of Overriding Consideration

- Attachment 1. Addendum to the Housing Element Environmental Impact Report

Exhibit A

General Plan Amendments for Solano Avenue, Shattuck Avenue, and College Avenue Corridors Zoning Update

Land Use Element

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Policy LU-26 Neighborhood Commercial Areas

Maintain and improve Neighborhood Commercial areas, such as Elmwood, Solano, and North Shattuck, as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs. (See Land Use Diagram for locations of Neighborhood Commercial areas. Also see Economic Development and Employment Policy ED-4 and Urban Design and Preservation Policy UD-28.)

Actions:

A. Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.

B. Ensure safe, well-lighted, wide walkways that are appropriately shaded for compatibility with upper-story residential units and adequate traffic signals for pedestrian street-crossings in commercial areas.

C. Provide street trees, bus shelters, and benches for pedestrians in commercial areas.

D. Provide bicycle facilities and ample and secure bicycle parking wherever appropriate and feasible.

E. Maintain and encourage a wide range of community and commercial services, including basic goods and services.

F. Encourage sensitive infill development of vacant or underutilized property that is compatible with existing development patterns.

G. Control the design and operation of commercial establishments to ensure their compatibility with adjacent residential areas.

~~H. Use design review and careful land use decisions to preserve the historic character of Neighborhood Commercial areas.~~

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Neighborhood Commercial

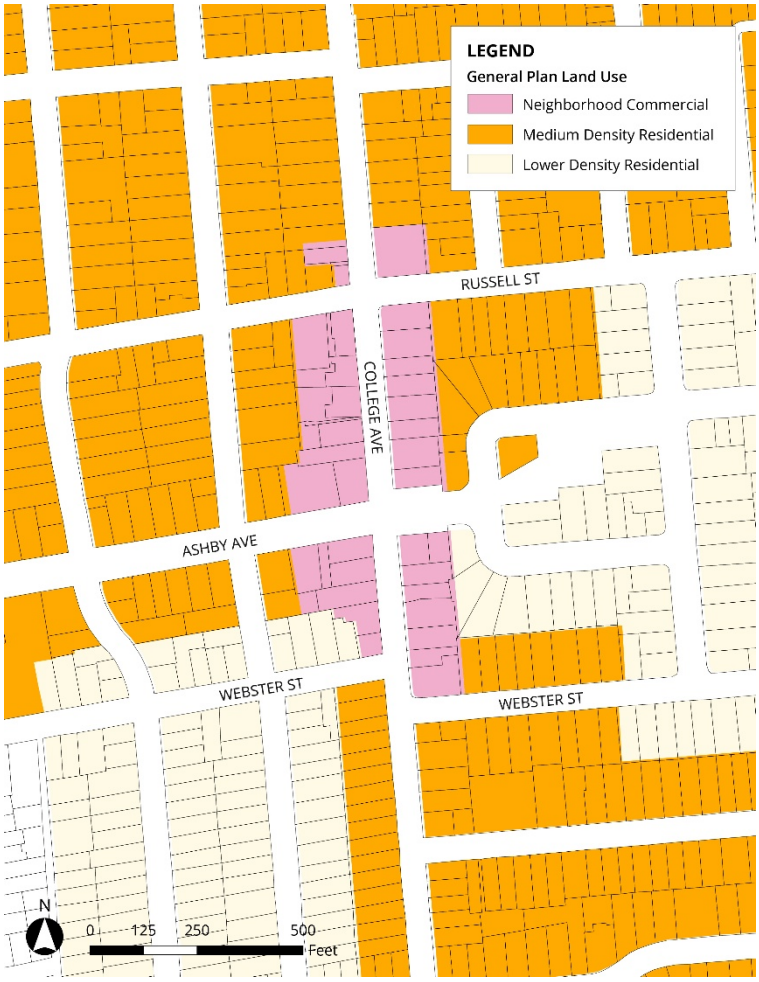
These areas of the city are generally characterized by pedestrian-oriented, neighborhood-serving commercial development, and multi-family residential structures. These areas are typically located on two-lane streets with on-street parking and transit. Appropriate uses for these areas include: local-serving commercial, residential, office, community service, and institutional. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 3. Population density will generally range from 44 to 365 persons per acre.

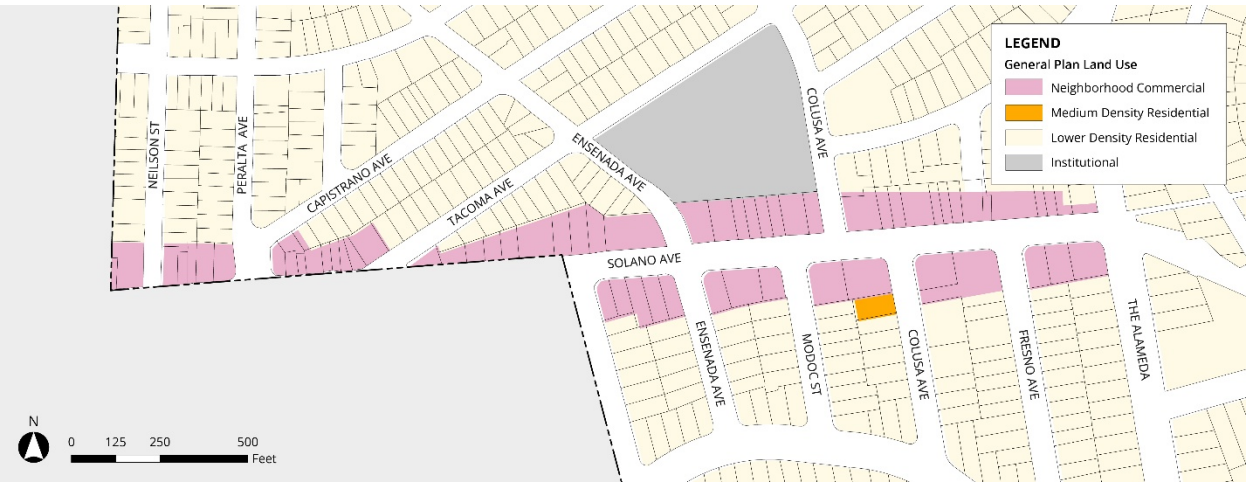
The Elmwood Commercial, North Shattuck Commercial, and Solano Avenue Commercial zoning districts include a Mixed-Use Opportunity Area, which allows for population densities up to 365 persons per acre.

For information purposes, the compatible zoning districts for this classification are shown below with accompanying development standards.

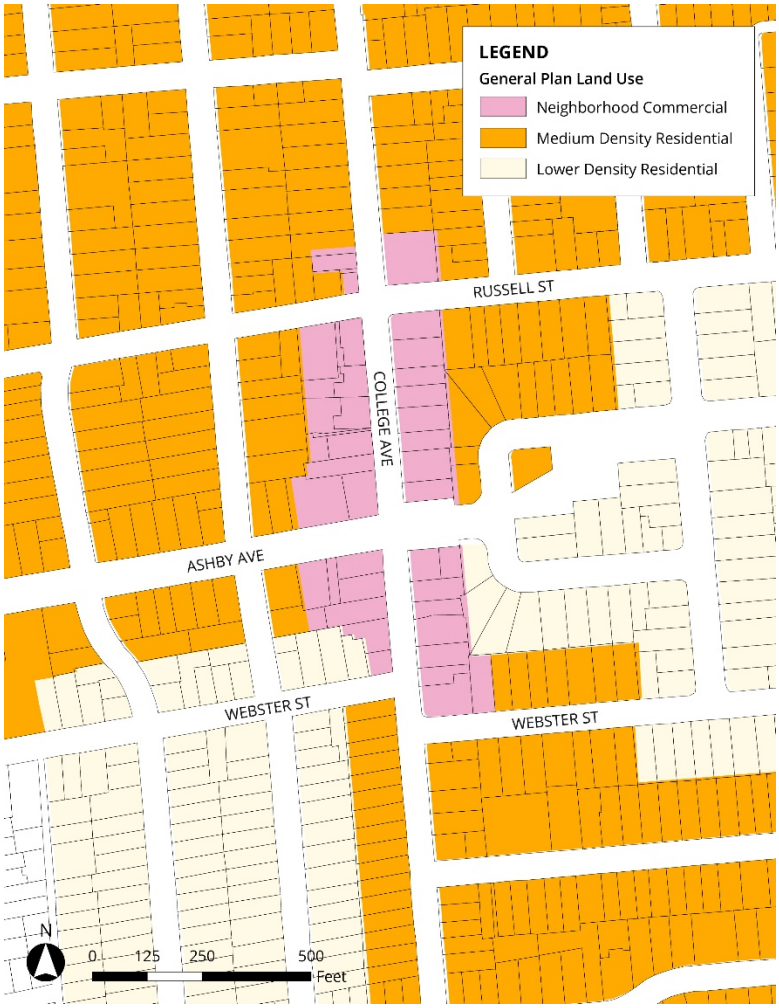
Zoning District	Maximum FAR	Maximum Height	Maximum Density	Mixed-Use Opportunity Area Maximum Height	Mixed-Use Opportunity Area Maximum Density
Neighborhood Commercial (C-N):	3	35ft	N/A	N/A	N/A
Elmwood Commercial (C-E):	.8 to 1 (non-residential)	28ft	40 du/ac	58 ft.	115 du/ac
North Shattuck Commercial (C-NS):	1 (non-res.)	38 ft	85 du/ac	78 ft.	165 du/ac
Solano Avenue Commercial (C-SO):	2 (non-residential)	28ft	60 du/ac	68 ft.	140 du/ac
South Area Commercial (C-SA)[7]	4	24-36ft	N/A	N/A	N/A

Map 1. Existing General Plan Land Use Designations





Map 2. Proposed General Plan Land Use Designations



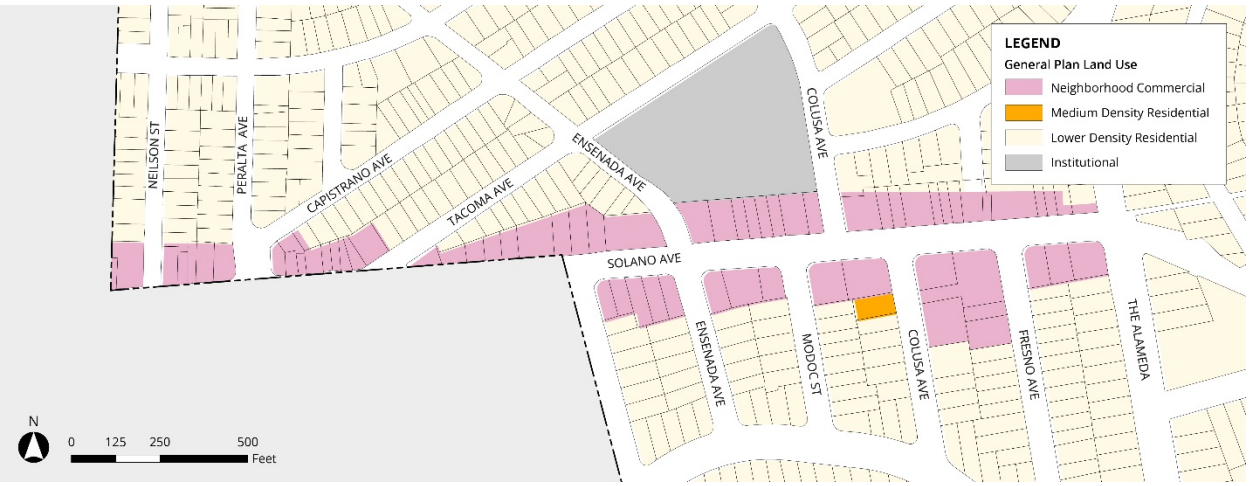

LEGEND
General Plan Land Use
Neighborhood Commercial
Medium Density Residential
Lower Density Residential
Institutional
NEILSON ST
PERALTA AVE
CAPISTRANO AVE
TACOMA AVE
ENSENADA AVE
COLUSA AVE
SOLANO AVE
ENSENADA AVE
MODOC ST
COLUSA AVE
FRESNO AVE
THE ALAMEDA
N
0 125 250 500
Feet

Exhibit B
CEQA Statement of Overriding Consideration

Exhibit B

CEQA Findings and Statement of Overriding Considerations

for the

Berkeley Corridors Zoning Update

Pursuant to Sections 15091 and 15093 of the
State CEQA Guidelines and Section 21081 of the Public Resources Code

As described further below, the proposed Berkeley Corridors Zoning Update (the Project) implements the 2023-2031 Housing Element Update (HEU) Project and therefore relies on the Final Environmental Impact Report (Final EIR) prepared by the City of Berkeley (City) for the City of HEU Project (SCH#2022010331) and certified via Resolution 70,669-N.S. (Jan. 18, 2023). The Final EIR identifies significant environmental impacts that will result from implementation of the HEU, including implementation of the Project. The City finds that the mitigation measures identified in the HEU EIR and adopted via Resolution 70,669-N.S. will reduce all but the following significant environmental effects (impacts) from the HEU and the Project to levels that are less than significant: historical resources, construction noise, cumulative cultural resources, and cumulative construction noise.[1] For those impacts, no feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified and included but would not reduce impacts to a level of less than significant; therefore, these impacts will remain significant unavoidable impacts of the project. These findings contain a statement of overriding considerations that explains why the benefits of the proposed Project outweigh the unavoidable adverse environmental effects and are therefore acceptable.

In accordance with CEQA and the CEQA Guidelines, the City adopts these findings as part of the project approval.

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[1] The Final EIR also determined that wildfire impacts and cumulative wildfire impacts would be significant and unavoidable, but these impacts could only occur due to development within the City of Berkeley's Very High Fire Hazard Zones. The project does not include parcels located in the City of Berkeley's Very High Fire Hazard Zones.

SECTION 1: INTRODUCTION

1.1 Statutory Requirements for Findings

CEQA Guidelines Section 15168(c) states that:

> (c) Use With Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
>
> (1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the program EIR as provided in Section 15152.
>
> (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
>
> (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
>
> (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.
>
> (5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

Further, CEQA Guidelines Section 15091 states that:

> (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
>
> (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

SECTION 2: PROJECT DESCRIPTION: Berkeley Corridors Zoning Update

This section provides a brief description of the project and lists the objectives of the proposed project.

2.1 Project Description

The Corridors Zoning Update (the Project) implements Program 27 – Priority Development Areas (PDAs), Commercial and Transit Corridors, in the *City of Berkeley 2023-2031 Housing Element (Housing Element)*. It includes zoning changes to increase housing development in the city's highest-resource areas, specifically along Solano Avenue, North Shattuck, and College Avenue. These areas have been identified as priority corridors by Berkeley City Council and Program 27 of the City's Housing Element 2023-2031 to address housing scarcity, affirmatively further fair housing, and overcome barriers to development.

The Berkeley Corridors Zoning Update will make zoning ordinance and zoning map amendments and conforming General Plan amendments to encourage mixed-use and residential development along the three corridors. The Berkeley Corridors Zoning Update does not include redesigning streets, sidewalks, or the public right-of-way along the three corridors nor propose new parks and public open spaces in those areas.

For the implementation of the Housing Element Update, the EIR assumed growth of an estimated 278 units based on opportunity sites and pipeline projects. This total may not include all potential residential development sites within the City limits, and individual sites may or may not be developed at the allowable densities. The placement and design of buildings on specific sites cannot be determined until the City receives an application for a specific project.

The EIR also analyzed alternatives as described in Section 5, below.

The Addendum prepared by the City analyzed the potential for an additional 4,399 new units attributable to the Corridors Zoning Update for a total of 4,677 new units in the Project area.

2.2 Project Objectives

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include "[a] statement of objectives sought by the proposed project… The statement of objectives should include the underlying purpose of the project." The City of Berkeley 2023-2031 Housing Element Update is intended to achieve the following project objectives:

1. Adopt policies and programs that meet the City's RHNA with the recommended buffer, provide additional housing opportunities consistent with other City priorities, remove governmental constraints to the maintenance, improvement and development of housing, and ensure ongoing compliance with State Housing Element law and the No Net Loss provisions of State law through the eight-year cycle.
2. Adopt policies and programs to encourage the development of affordable housing at a range of income levels consistent with RHNA, including at least 2,450 units for Very Low-Income households, at least 1,400 units for Low Income households, and at least 1,400 units for Moderate Income households.
3. Encourage the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing in high resource neighborhoods and affirmatively furthers fair housing.
4. Identify housing policies and programs that will conserve and rehabilitate existing units, provide services to increase housing opportunities for all residents of Berkeley, and increase the energy efficiency of both current and future housing units.

The Corridors Zoning Update, as a later activity in the HEU, shares these objectives.

SECTION 3: ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to

comment on the Draft EIR.

On January 14, 2022, the City of Berkeley issued a Notice of Preparation (NOP) for a 30-day comment period to receive input on the scope and content of the EIR and help identify the types of impacts that could result from the project as well as potential areas of controversy. The NOP was filed with the County Clerk, published in a local newspaper, and mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the project and its potential impacts. The City received written responses to the NOP regarding the scope and content of the EIR. The City also held an EIR scoping meeting as part of the regularly scheduled Planning Commission meeting on February 9, 2022. No members of the public provided verbal comments at the scoping hearing, but several Planning Commissioners provided verbal comments.

The Draft EIR was made available for public review on August 30, 2022. The Notice of Availability of a Draft EIR was posted with the County Clerk, filed with the State Clearinghouse for distribution to state agencies, published in a local newspaper, and mailed to local agencies and interested organizations. A Notice of Completion was also filed with the State Clearinghouse. The Draft EIR and an announcement of its availability were posted electronically on the City's website. The Draft EIR comment period closed on October 17, 2022. During the comment period, the City Planning Commission held a hearing to receive comments on the Draft EIR on September 7, 2022. The City received 16 comment letters (including emails) on the Draft EIR during the public comment period.

On May 6, 2026, a Draft Addendum was presented to the Planning Commission at one of its regularly-scheduled meetings. The Draft Addendum was posted electronically on the City’s website. For the May 6, 2026 meeting, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 on April 15 and April 22nd 2026 for the public hearing held on May 6, 2026. On December 1, 2026, the Final Addendum was presented to City Council. It was posted electronically on the City’s website. For the December 1, 2026 City Council meeting, public hearing notice was published in the Berkeley Voice, posted at each street frontage adjacent to properties proposed for rezoning, and mailed to all property owners, tenants, and residents within properties proposed to be rezoned pursuant to California Government Code Section 65090 and BMC Section 23.404.040.

The Addendum prepared by the City analyzed the potential for an additional 4,399 new units attributable to the Corridors Zoning Update for a total of 4,677 new units in the Project area, and determined that the Project would not have new or substantially more severe significant environmental impacts than those analyzed and disclosed in the HEU EIR.

SECTION 4: FINDINGS

The Berkeley Corridors Zoning Update is consistent with and within the scope of the project analyzed in the Housing Element Update Environmental Impact Report (“HEU EIR”), with sites along the three corridors identified in the HEU sites inventory. The “project description” for the HEU EIR states “sites identified in the HEU sites inventory analysis are generally located in areas near major transportation corridors and existing residential and commercial development” (Draft EIR at 2-8), and parcels included in the EIR sites inventory “are located throughout Berkeley, but mostly along existing commercial corridors.” (Draft EIR at 3-2). Further, the Corridors Zoning Update implements the HEU’s Program 27, which provides, “The City will update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource and higher income neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement. These updates will increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue.”

The HEU EIR examined the Berkeley Corridors Zoning Update at a sufficient level of detail to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

The Berkeley Corridors Zoning Update is consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.

No substantial changes are proposed in the project which will require major revisions of the HEU EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.

No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The HEU EIR was certified relatively recently, on November 30, 2022..

No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the HEU EIR was certified as complete, has been presented showing any of the following:

> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
>
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
>
> (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
>
> (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project /proponents decline to adopt the mitigation measure or alternative.

The mitigation measures adopted for the HEU shall also apply and be required as a condition of approving projects pursuant to the Berkeley Corridors Zoning Update.

The HEU EIR concluded that the HEU would have the following significant and unavoidable impacts: historical resources, construction noise, wildfire, and cumulative cultural resources, cumulative construction noise, and cumulative wildfire impacts. The Berkeley Corridors Zoning Update would share these significant and unavoidable impacts, with the exception of wildfire and cumulative wildfire impacts, which are not relevant to the Corridors Zoning Update because, unlike the HEU, it does not include parcels located in the City of Berkeley's Very High Fire Hazard Zones.

Pursuant to CEQA Guidelines Section 15168(c), the City prepared an Addendum to the Housing Element EIR (Attachment 1) which demonstrated that the proposed project is consistent with the project description, including the description of Program 27, analyzed in the 2023 program EIR, and that potential impacts associated with the proposed project would be consistent with potential impacts characterized in and mitigation measures developed for the 2023 EIR. Substantive revisions to the 2023 EIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the proposed project. Therefore, the following determinations are applicable:

- No further evaluation of environmental impacts is required for the proposed project
- No Subsequent EIR or negative declaration is necessary per CEQA Guidelines Section 15162
- This report is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15168(c).

SECTION 6: STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, the City has found that the proposed project will result in project and cumulative significant adverse environmental impacts related to historical resources and construction noise that cannot be avoided following adoption, incorporation into the proposed project, and implementation of mitigation measures described in the EIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the proposed project's significant environmental impacts. CEQA Guidelines §15093(b) provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. See also Public Resources Code Section 21081(b). Having balanced the economic, legal, social, technological or other benefits of the proposed project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City finds that the proposed project benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City's judgment, specific benefits of the proposed project outweigh the significant and unavoidable effects. The substantial evidence supporting the benefits of the project can be found in the preceding sections of these Findings, in the Project itself, and in the record of proceedings as defined in Section 9, below. The City further finds that each of the project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

The City further finds that these significant unavoidable impacts are outweighed by the benefits of the proposed project, each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed project. Those benefits, and additional considerations related to this finding, are as follows:

- The proposed project will ensure that the City of Berkeley meets its State-mandated RHNA requirements, including the required buffer to comply with the State Housing Element Law.
- The proposed project will encourage affordable housing, which is desired by the community and will contribute toward alleviating a shortage of housing in Berkeley and the region.
- The proposed project will encourage development of a variety of types of housing at a range of income levels.
- The proposed project will encourage the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing, including in in high resource neighborhoods, and affirmatively furthers fair housing.

On balance, the City finds that there are specific economic, legal, social, technological, or other benefits of the project serves to override and outweigh the significant unavoidable effects identified in the Final EIR. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), the City finds that these significant adverse environmental effects are considered acceptable.

SECTION 7: INCORPORATION BY REFERENCE

These findings incorporate the text of the Final Environmental Impact Report for the City of Berkeley 2023-2031 Housing Element Update (SCH#2022010331) by reference and in its entirety including the MMRP and CEQA Findings and Statement of Overriding Considerations, as well as Resolution 70,669-N.S. (Jan. 18, 2023), which certified the EIR and adopted its MMRP and CEQA Findings and Statement of Overriding Considerations. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, the determination of the environmentally superior alternative, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

SECTION 8: RECIRCULATION NOT REQUIRED

The project would not result in new or substantially more severed significant impacts than disclosed previously

in the Draft EIR. Therefore, recirculation of the EIR is not required.

SECTION 9: RECORD OF PROCEEDINGS

Various documents and other materials related to the project constitute the record of proceedings upon which the City bases its findings and decisions contained herein. Those documents and materials are located in the offices of the custodian for the documents and materials, which is the City of Berkeley Department of Planning and Development, 1947 Center Street, 2nd floor, Berkeley, CA 94704.

SECTION 10: CEQA FINDINGS

A. This section incorporates by reference the CEQA Findings and Statement of Overriding Considerations, which provide in part:

There are eight mitigations identified in the MMRP that address impacts identified in the EIR (Finding 1): three pertaining to air quality, two pertaining to cultural resources, one pertaining to geology, one pertaining to Tribal Cultural Resources and one pertaining to Wildfire.

There are no changes or mitigations to lessen impacts that are the responsibility of another agency (Finding 2).

After all mitigations are adopted, there remain significant and unavoidable impacts related to construction noise, cultural resources and wildfire (Finding 3). CEQA Guidelines §15093(b) provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. Therefore in order to certify the EIR and proceed with the project, the City Council will need to make a Statement of Overriding Consideration, a formal statement by the lead agency that, having balanced the economic, legal, social, technological or other benefits of the proposed project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City finds that the proposed project benefits outweigh its unavoidable adverse environmental effects. The Statement of Overriding Considerations includes the following:

- The proposed project will ensure that the City of Berkeley meets its State mandated RHNA requirements, including the required buffer to comply with the State Housing Element Law.
- The proposed project will encourage affordable housing, which is desired by the community and will contribute toward alleviating a shortage of housing in Berkeley and the region.
- The proposed project will encourage development of a variety of types of housing at a range of income levels.
- The proposed project will encourage the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing, including in in high resource neighborhoods, and affirmatively furthers fair housing.

Because the Corridors Zoning Update is a component of the HEU, it shares these impacts (with the exception of wildfire impacts, as discussed above).

B. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the Final EIR.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.

3. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation

measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.

C. Based on the foregoing Findings and the information contained in the record, the City determines that:

1. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.

2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 6, above.

Attachment 1: *Berkeley Corridors Zoning Update Project, Addendum to the 2023-2031 Housing Element Update Final Environmental Impact Report (SCH#2022010331), October 2026.*

2144995.1



Berkeley Corridors Zoning Update Project

Addendum to the 2023-2031 Housing Element Update Final Environmental Impact Report

SCH #2022010331

prepared by

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November 2026

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1 Introduction

This document is an Addendum to the *2023-2031 Housing Element Update Environmental Impact Report* (EIR) (State Clearinghouse #2022010331), which was prepared for the City of Berkeley's 2023-2031 Housing Element Update ("HEU"), as amended by the Southside Zoning Implementation Project Addendum to the 2023 EIR (herein collectively referred to as the "2023 EIR"). The *2023-2031 Housing Element Update EIR* was certified, the Mitigation Monitoring and Reporting Program was adopted, and the HEU was approved by the City of Berkeley ("City") on January 18, 2023. The Southside Zoning Implementation Project Addendum to the *2023-2031 Housing Element Update EIR* was adopted by the City in November 2023. This Addendum demonstrates that the proposed Berkeley Corridors Zoning Update Project (hereinafter referred to as "the project" or "proposed project") was analyzed as HEU Program 27 in the 2023 EIR. The Addendum further demonstrates that the project proposes to modify HEU Program 27, but these modifications do not result in the need to prepare a subsequent or supplemental EIR. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168, no further environmental review is required. Guidelines § 15168(c)(2).

Pursuant to CEQA Guidelines Section 15150, an addendum "may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public." Accordingly, the Final 2023 EIR is incorporated by reference herein. The Final 2023 EIR is available for public review at:

City of Berkeley
Land Use Planning Division
1947 Center Street, Second Floor
Berkeley, California 94704

The document is also available on the City's website: https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update.

The proposed project would involve changes to the approved HEU that was analyzed in the 2023 EIR in order to implement zoning text and map amendments, and associated General Plan text and map amendments, for three corridors: Solano Avenue, North Shattuck, and College Avenue, as called for in HEU Program 27, to increase density, height, and bulk to allow for mixed-use and residential development. The proposed project differs from HEU Program 27 by facilitating the development of an additional 4,399 units in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors, as well as a reduction in the amount of commercial uses by up to 110,788 square feet. Therefore, some modifications and additions are necessary to the 2023 EIR but, as demonstrated in this Addendum, no subsequent or supplemental EIR is required.

Pursuant to CEQA Guidelines Section 15164[1], a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15612 calling for preparation of a subsequent EIR have occurred. Under CEQA Guidelines Section 15162 (a), where an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that substantial changes are proposed in the project, substantial changes occur with respect to the circumstances under which the project is undertaken, or there is new information of substantial importance, any of which require major revisions of the previous EIR due to one or more new significant impacts not discussed in the previous EIR, or a substantial increase in the severity of previously identified significant impacts.

Regarding preparation of an addendum to an EIR, *CEQA Guidelines* Section 15164 states that:

[1] The CEQA Guidelines are found at California Code of Regulation, Title 14, Section 15000 *et seq*.

- The lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred (Section 15164(a)).
- An addendum need not be circulated for public review but can be included in or attached to the final EIR (Section 15164(c)).
- The decision-making body shall consider the addendum with the final EIR prior to making a decision on the project (Section 15164(d)).
- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence (Section 15164(e))

This Addendum has been prepared in accordance with CEQA (California Public Resources Code Section 21000, *et seq.*) and the *CEQA Guidelines*. It describes the changes in the HEU that constitute the proposed project and compares the impacts of those changes to the impacts of the HEU identified in the 2023 EIR. The analysis in this Addendum concludes that the proposed project does not require preparation of a subsequent EIR.

2 Background

This section provides an overview of the 2023-2031 Housing Element and the analysis of the HEU in the 2023 EIR to provide context for this Addendum.

2.1 2023-2031 Housing Element Update Project Description

The 2023-2031 HEU project amended the City's General Plan by replacing the 5th Cycle Housing Element with the 2023-2031 6th Cycle Housing Element and amended other portions of the City's General Plan as needed for consistency and HEU implementation. The City's Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period was 8,934 units, distributed among four income categories (very low, low, moderate, and above moderate). In order to meet the RHNA, the City assessed the capacity to provide sites to meet the RHNA in three categories: Likely Sites, Pipeline Sites, and Opportunity Sites. The Likely Sites, Pipeline Sites and Opportunity Sites together constituted the 2023 EIR Sites Inventory, providing for a total of 15,153 units, which includes 800 accessory dwelling units (ADUs).[2]

The City determined, based on the sites inventory, that rezoning was not needed to meet the RHNA. However, based on development activity the City determined that zoning alone would not deliver the level of deed-restricted affordable housing and economic and geographic diversity that the HEU aimed to achieve. Therefore, implementation programs and zoning policies were included in the HEU to encourage additional housing, particularly affordable housing that supports a diversity of income levels and household types. The implementation programs included in the HEU include a program to promote middle- and moderate-income housing and a program to facilitate additional housing development in the three corridors.

Specifically, Program 27 provides that the City "will update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource and higher income neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement. These updates will increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue." HEU at 143. The HEU further estimates that these updates will "increase new housing opportunities by at least 2000 units on commercial and transit corridors, particularly in the highest resource and higher income neighborhoods." HEU at 144.

2023-2031 HEU EIR Buildout

Table 1 summarizes the buildout analyzed in the 2023-2031 HEU EIR, which is based on the 2023-2031 HEU EIR Sites Inventory of 15,153 units, an additional 1,200 units at the Ashby and North Berkeley Bay Area Rapid Transit (BART) stations, and projections for implementation programs - Middle Housing Rezoning and the Southside Zoning Modification Project - totaling 2,745 units. Overall, the 2023-2031 HEU EIR assumed that implementation of the HEU zoning changes and other programs could facilitate up to 19,098 additional units in Berkeley (City of Berkeley 2023a).

[2] Likely Sites included 4,685 units with an estimated 800 ADUs; Pipeline Sites included 2,415 units; and Opportunity Sites included 8,053 units.

Table 1 2023-2031 HEU EIR Projected Buildout

	Total New Units
EIR Sites Inventory	
Likely Sites	4,685
Pipeline Sites	2,415
Opportunity Sites	8,053
Subtotal EIR Sites Inventory	**15,153**
Implementation Programs	
Middle Housing Rezoning	1,745
Southside Zoning Modification Project	1,000
Ashby and North Berkeley BART Stations	1,200
Subtotal Implementation Programs	**3,945**
Overall EIR Growth Assumption	**19,098**

Source: City of Berkeley 2023a

2.2 2023-2031 Housing Element Update EIR

The 2023-2031 HEU EIR evaluated potential environmental consequences associated with the HEU for all of the environmental issue areas identified in the *CEQA Guidelines* Appendix G checklist. The 2023 EIR found the following impacts to be less than significant without mitigation: aesthetics, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services and recreation, transportation, and utilities and service systems.

The 2023-2031 HEU EIR found that the following mitigation measures are required to reduce impacts related to air quality, paleontological resources, and tribal cultural resources: Mitigation Measure AQ-1 (Construction Emissions Reduction Measures), Mitigation Measure AQ-2 (Construction Health Risk Assessment), and Mitigation Measure AQ-3 (TAC Exposure Reduction Building Measures) would reduce air quality impacts to less than significant levels. Mitigation Measure GEO-1 (Protection of Paleontological Resources) would reduce geology and soils impacts to less than significant levels. Mitigation Measure TCR-1 (Tribal Cultural Monitoring) would reduce tribal cultural resources impacts to less than significant levels.

The 2023-2031 HEU EIR found that the HEU would have significant and unavoidable impacts related to cultural resources. Mitigation Measure CUL-1 (Historic Context Statement, Cultural Resources Survey and Designations) and Mitigation Measure CUL-2 (Historic Resources Discretionary Review) would reduce cultural resources impacts to the maximum extent feasible. However, even with implementation of mitigation measures, existing historical resources and historical resources eligible for listing could still be materially impaired by future development that would be carried out under the HEU. Therefore, cultural resources impacts would remain significant and unavoidable.

The 2023-2031 HEU EIR also found that the HEU would have significant and unavoidable impacts related to noise. Although future development facilitated by the HEU would be required to comply with the City's Standard Conditions of Approval, which would reduce construction noise impacts to the extent feasible, larger developments involving lengthier construction durations with the use of larger, heavy-duty equipment could still exceed the City's standards for stationary equipment in both multi-family residential and commercial zones. Furthermore, construction noise levels could exceed the City's standards at multiple sites where the HEU would facilitate development in Berkeley. Therefore, construction noise impacts would remain significant and unavoidable.

The 2023-2031 HEU EIR also found that the HEU would result in significant and unavoidable impacts related to wildfire. Adherence to City regulations and procedures and implementation of Mitigation Measure W-1 (Undergrounding of Power Drops in the VHFHSZs) would reduce the risk of fire during construction, but not to a less-than-significant level. That is because, for some development projects, even with implementation of wildfire prevention measures, impacts may result from the potential for unusual site-specific or road conditions, project characteristics, and the general ongoing fire risk in Berkeley Hills. Therefore, wildfire impacts would remain significant and unavoidable.

2.3 Southside Zoning Implementation Program EIR Addendum

The Southside Zoning Implementation Program Addendum was prepared in August 2023 as an addendum to the 2023-2031 HEU EIR. The HEU intended to increase housing capacity and production using zoning modifications and local density bonus to better meet student housing demand in the three corridors through changes in a targeted number of zoning parameters: building heights, building footprints (including setbacks and lot coverage), parking, ground-floor residential use, and adjustments to the existing zoning district boundaries. The 2023-2031 HEU EIR assumed rezoning would allow for 1,000 more units in the portions of the Multiple-Family Residential (R-3), Residential High Density Subarea (R-S), Residential Mixed Use Subarea (R-SMU), and Telegraph Avenue Commercial (C-T) districts within the Southside Plan Area for the 2023-2031 period.

The Southside Zoning Implementation Program included expansion of the R-SMU district in the area four blocks west of Telegraph Avenue, which would change from R-S to R-SMU, and three blocks east of Telegraph Avenue, which would change from R-3 and R-S to R-SMU. The Southside Zoning Implementation Program also included expansion of the R-S district into the areas currently zoned R-3 in between Haste Street, Dwight Way, and Fulton Street. No zoning boundary changes were proposed for the C-T district or within the Hillside Overlay zone.

The Southside Zoning Implementation Program could result in up to 2,652 new units on 65 sites in the three corridors. Since the HEU assumed a buildout of 1,000 units in the three corridors, the Southside Zoning Implementation Program included an additional 1,652 units compared to the HEU for a total of 20,750 units associated with implementation of the HEU as analyzed in the 2023 EIR.

3 Project Description

3.1 Project Location and Existing Conditions

The project location spans three roadway corridors and encompasses approximately 28.6 acres in the City of Berkeley, Alameda County, California. The three corridors are referred to as Solano Avenue, North Shattuck, and College Avenue. Figure 1 shows the regional location and Figure 2 shows the project boundaries for the three corridors.

The Solano Avenue corridor, which is shown on Figure 3, includes properties along Solano Avenue between approximately The Alameda and the city limits. Solano Avenue runs east-west, and land uses on either side of Solano Avenue include retail, office, commercial, residential, and mixed uses. Residential uses are also located one block to the north and south. The North Shattuck corridor, which is shown on Figure 4, includes properties along Shattuck Avenue between just north of Rose Street and Virginia Street. Shattuck Avenue runs north-south and is bordered by retail, office, commercial and mixed uses with residential uses to the east and west. The College Avenue Corridor, as shown on Figure 5, includes properties along College Avenue in the Elmwood district, generally between Russell Street and Webster Street. College Avenue runs north-south and similarly is bordered by retail, office, commercial, and mixed uses, with residential uses located further to the east and west.

The City's Zoning Ordinance and associated Zoning Map identify specific zoning districts in Berkeley, and development standards that apply to each district. The zoning districts that currently exist in the Solano Avenue corridor include C-SO (Solano Avenue Commercial District) and is surrounded by R-1 and R-1H (Single-Family Residential Districts) (Figure 6); the zoning districts that currently exist in the North Shattuck corridor include C-NS (North Shattuck Commercial District), C-C (Corridor Commercial District), and is surrounded by R-2A (Restricted Two-Family Residential) (Figure 7); and the zoning districts that currently exist in the College Avenue corridor include C-E (Elmwood Commercial District), bordered by R-2A (Restricted Two-Family Residential) (Figure 8).

The proposed changes to the General Plan, Zoning, and Development Standards would only affect the C-SO, C-NS, and C-E zoning districts within these corridor areas.

3.2 Proposed Project Characteristics

The Solano Avenue, North Shattuck, and College Avenue corridors were identified as priority corridors by the Berkeley City Council and Program 27 of the City's HEU to address housing scarcity, promote fair housing, and overcome barriers to development. These corridors have strong access to transit, schools, and jobs, but have produced less housing than other areas of the city, particularly when compared to lower-income areas. The proposed project is designed to affirmatively further fair housing by encouraging residential development in these high resource areas. The proposed project would implement Program 27 of the HEU to:

- Expand housing opportunities in high-resource areas;
- Address historic exclusionary zoning patterns; and
- Promote equitable housing distribution while maintaining neighborhood character and supporting local businesses.

Figure 1 Regional Location



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24-15856 EPS
Fig 1 Regional Location

Project Location

N

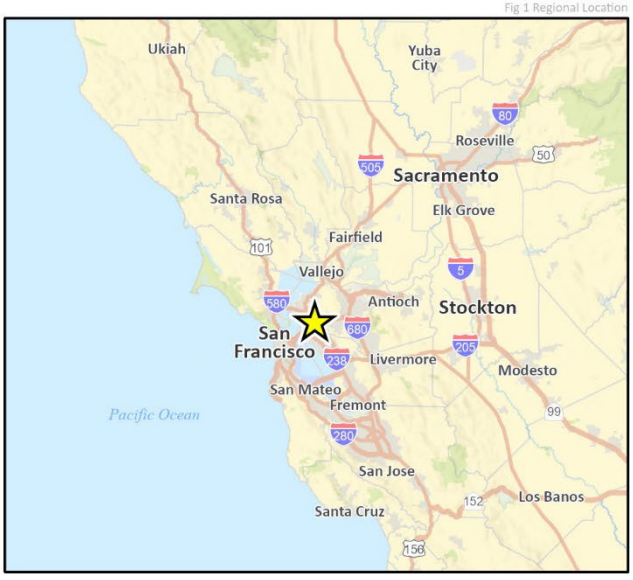


Figure 2 Project Location

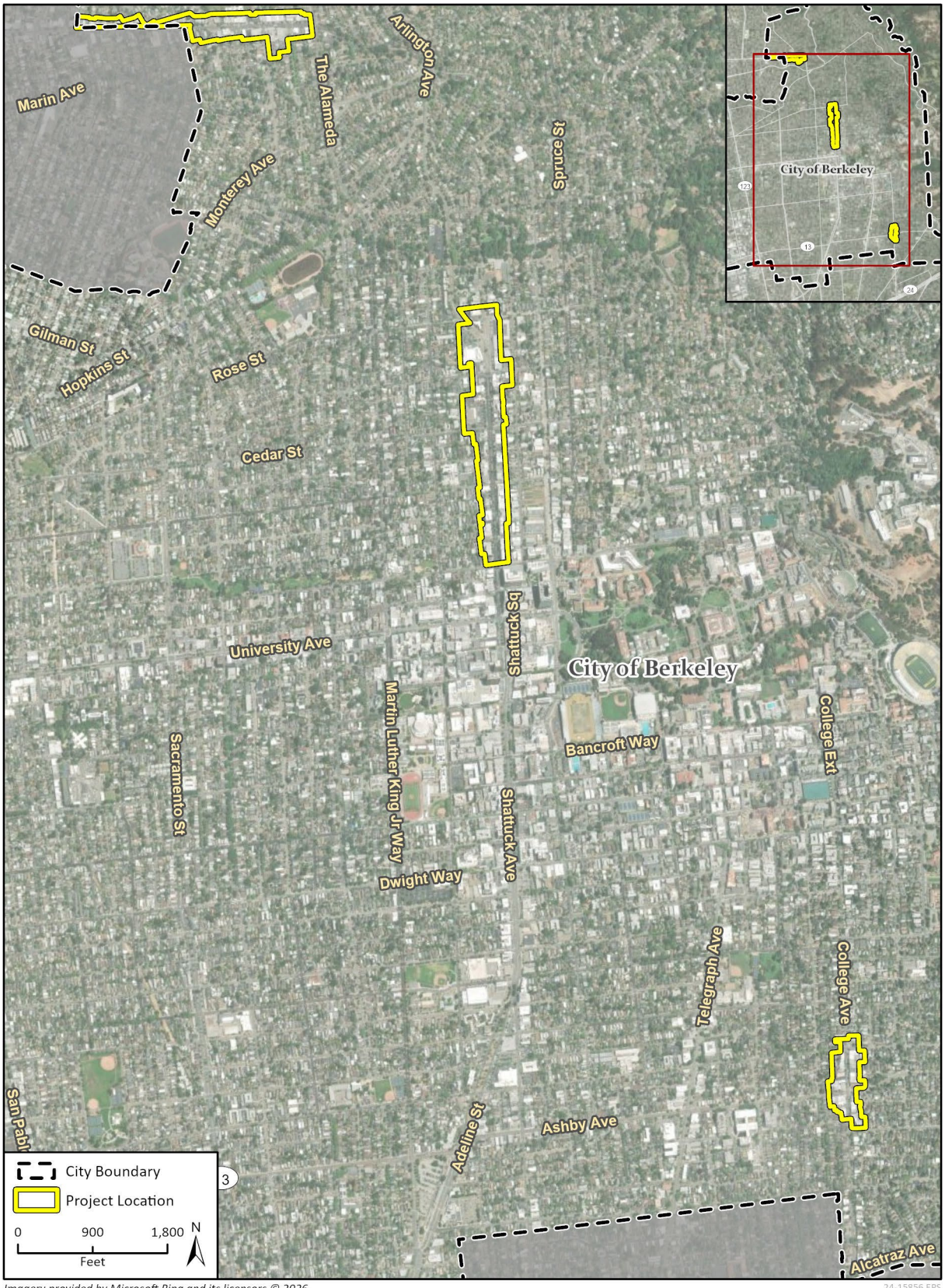


Figure 3 Solano Avenue Corridor Location

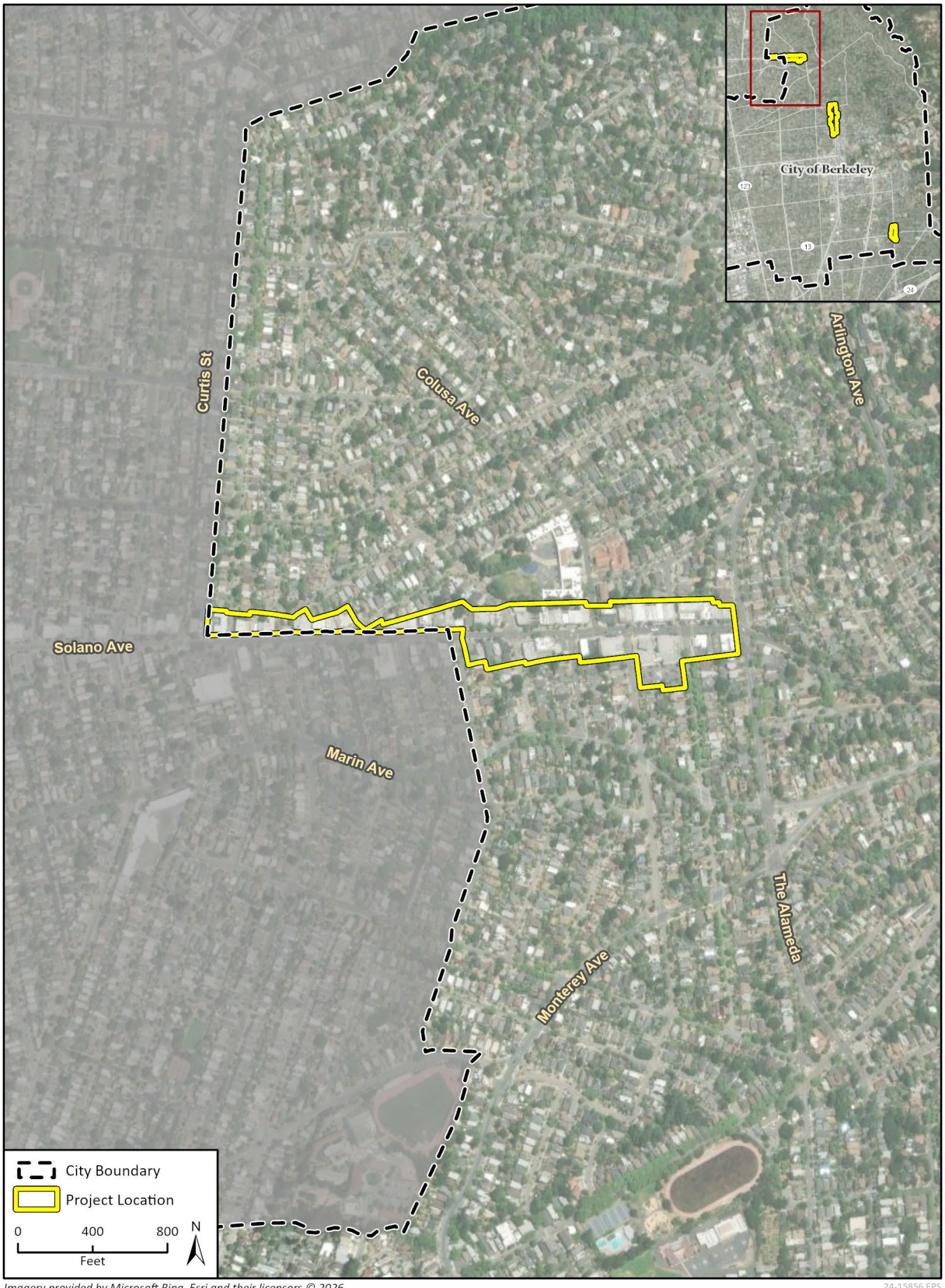


Figure 4 North Shattuck Corridor Location



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Fig 2 Project Location Map Series

Figure 5 College Avenue Corridor Location

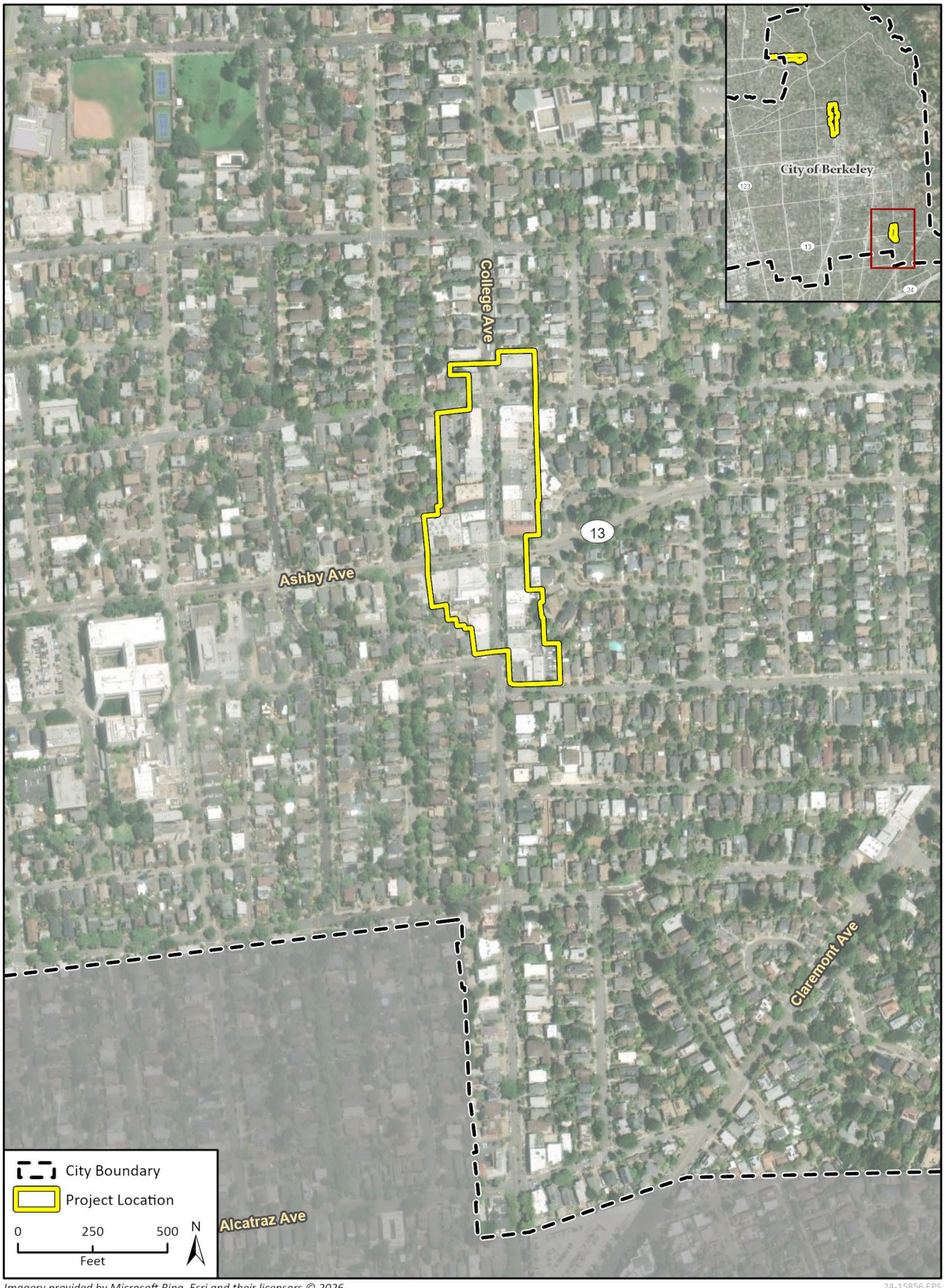
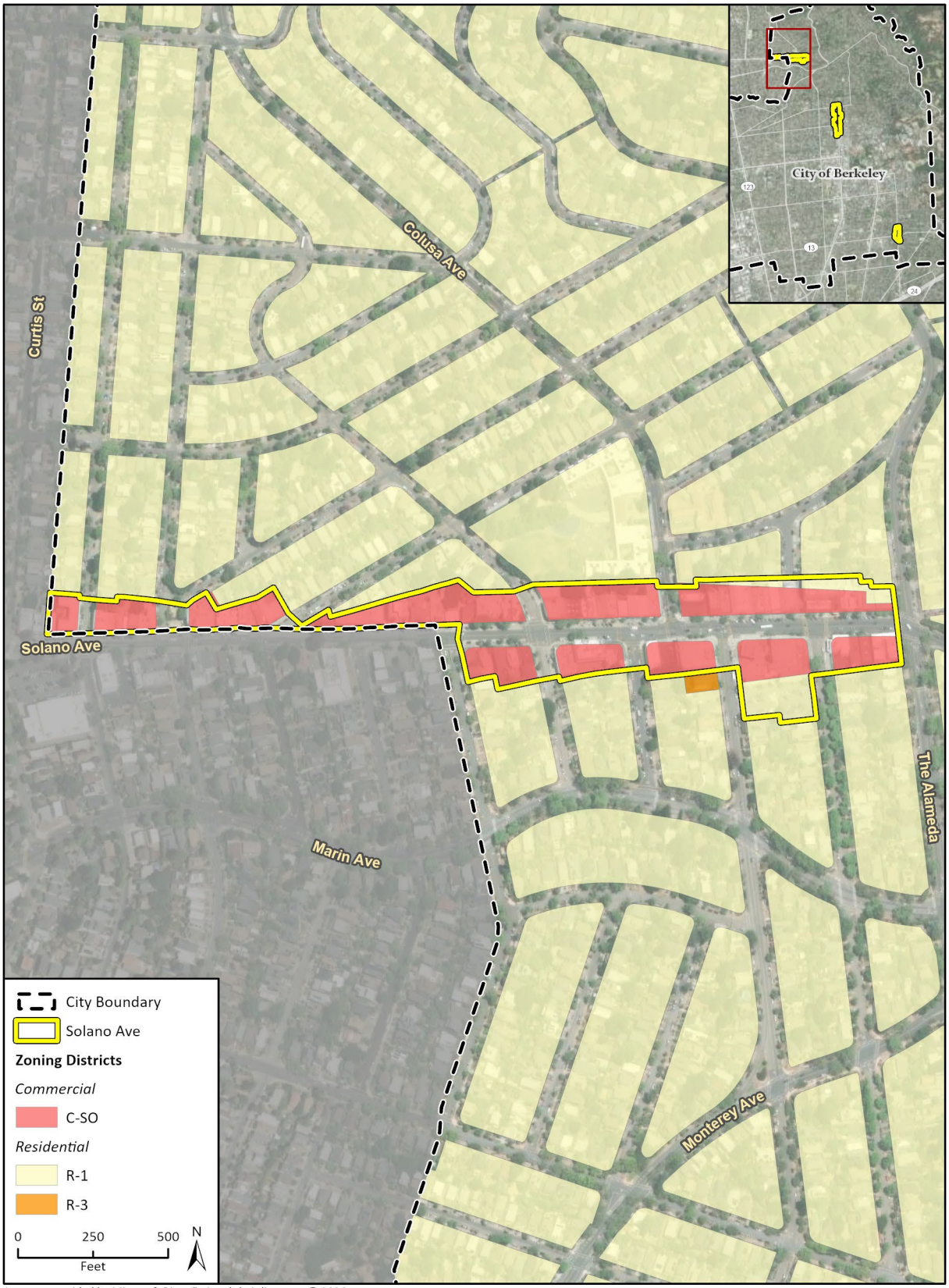


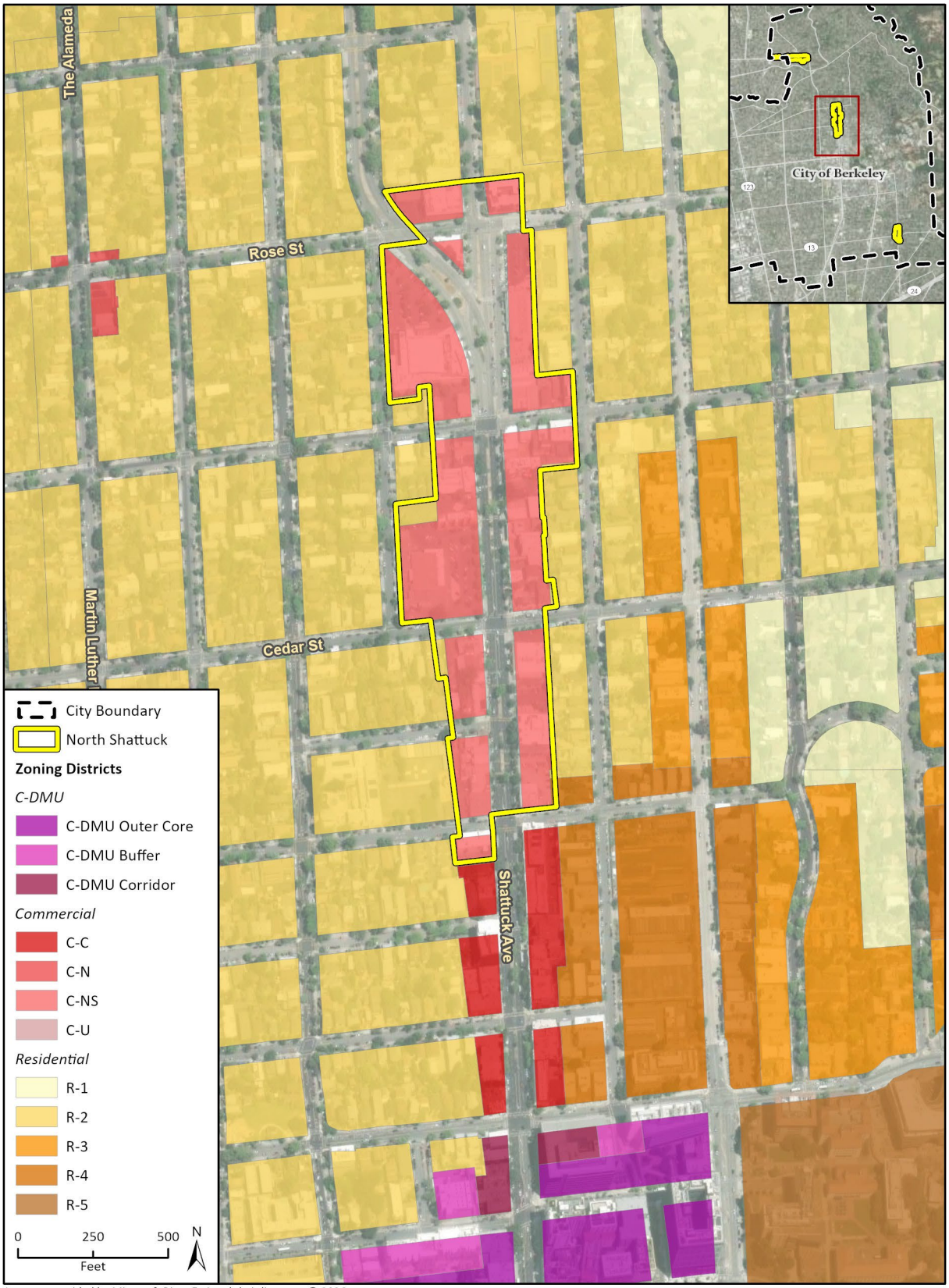
Figure 6 Solano Avenue Corridor Existing Zoning



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Additional data provided by City of Berkeley, 2025.

24-15856 EPS
Fig 3 Project Location with Zoning

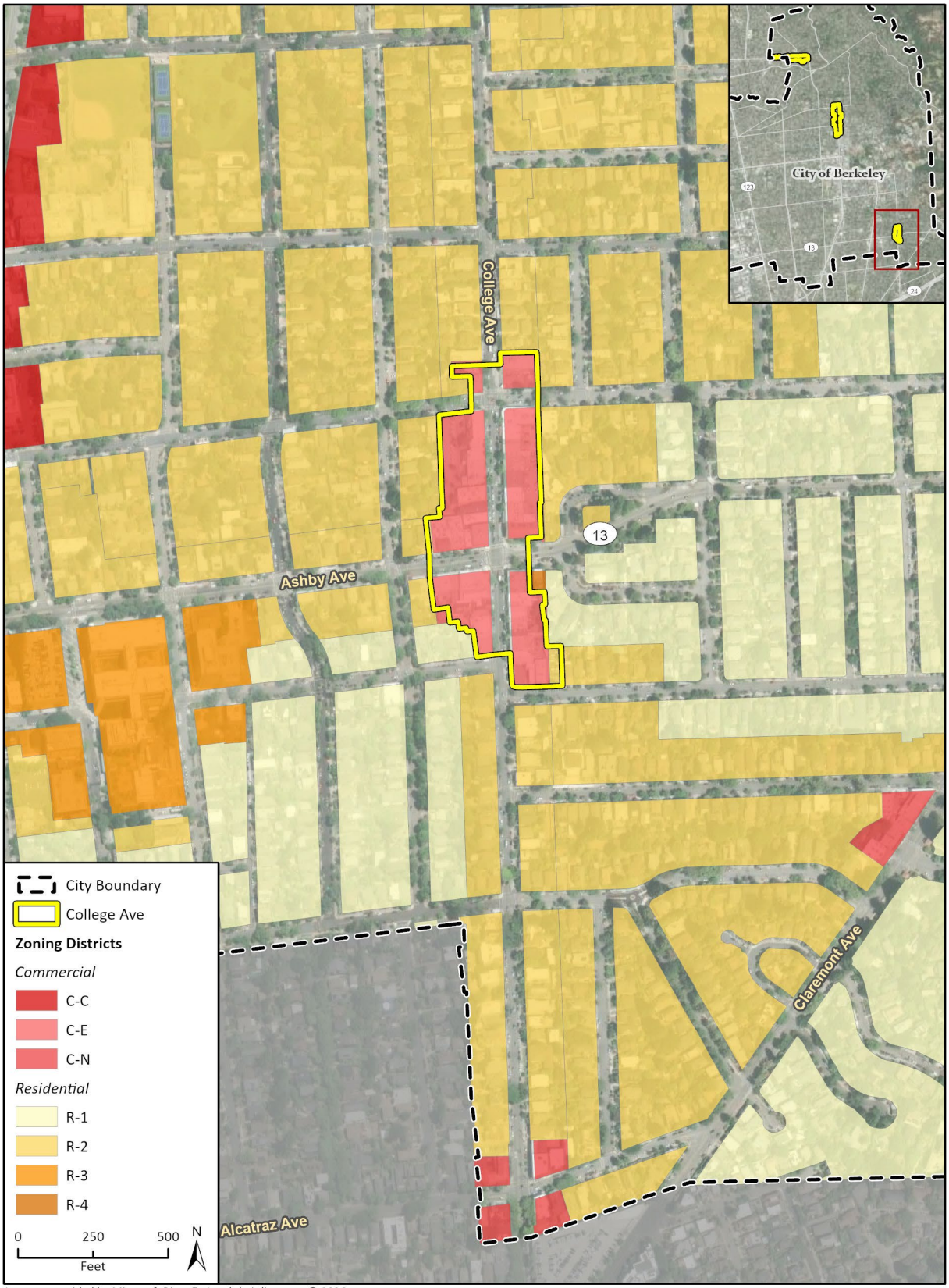
Figure 7 North Shattuck Corridor Existing Zoning



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Additional data provided by City of Berkeley, 2025.

24-15856 EPS
Fig 3 Project Location with Zoning

Figure 8 College Avenue Corridor Existing Zoning



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Additional data provided by City of Berkeley, 2025.

24-15856 EPS
Fig 3 Project Location with Zoning

The proposed project would change development standards for the C-SO, C-NS, and C-E zoning districts within the three corridors to increase allowed density and height to allow for mixed-use and residential development. Existing and proposed building heights and densities within the three corridors are summarized on Table 2. For the purposes of the CEQA document and as described in Appendix A, buildout under the proposed project is studied at up to 7 stories and 78 feet for each corridor, the maximum proposed height that is being considered, with additional units presumed to be developed through utilization of State Density Bonus Law, as described below. The final zoning may be less than the proposed project, but the maximum height included in the proposed development standards would not exceed 7 stories and 78 feet.

Table 2 Existing and Proposed Building Height and Density

Corridor	Existing Zoning	Proposed Project
Solano Avenue (C-SO)		
Maximum Base Building Height	2 stories; 28 ft	7 stories; 78 ft
Maximum FAR (non-residential)	2.0	2.0
Density (no maximum in current zoning code)	Estimated: 50-73 du/ac	Maximum: 165 du/ac
North Shattuck (C-NS)		
Maximum Base Building Height	3 stories; 35 ft	7 stories; 78 ft
Maximum FAR (non-residential)	1.0	1.0
Density (no maximum in current zoning code)	Estimated: 50-73 du/ac	Maximum: 165 du/ac
College Avenue (C-E)		
Maximum Base Building Height	2 stories; 28 ft	7 stories; 78 ft
Maximum FAR (non-residential)	0.8 Infill Lot; 1.0 Corner Lot	0.8 Infill Lot; 1.0 Corner Lot
Density (no maximum in current zoning code)	Estimated: 25-32 du/ac	Maximum: 165 du/ac

ft = feet; du = dwelling units; ac = acre

Development Assumptions

This analysis is based on the buildout assumptions as described in Appendix A. The total parcel area across the three corridors is approximately 28.6 acres. The area is already almost entirely built out; there are currently 282 residential units (including 110 planned residential units in the pipeline) and 656,902 square feet of commercial uses across the three corridors. The development assumptions that form the basis of this analysis are designed to be conservative and to overestimate the amount of redevelopment that is likely to occur to ensure that environmental review analyzes environmental impacts from all reasonably foreseeable development. The development assumptions take into account the redevelopment potential of parcels within the corridors and include a scenario where 100 percent of parcels with High and Modest Redevelopment Potential as defined in Appendix A are built out at densities that maximize density for mid-rise building types. The assumptions also consider the potential for high-rise building types for certain parcels. As described further below, these assumptions consider density bonuses available under the State Density Bonus Law. This scenario is not imminently likely to materialize but is being used to study a higher density scenario that may be possible under the proposed project (Appendix A).

Future residential projects under the proposed project may be eligible to utilize provisions of the State Density Bonus (California Government Code Sections 65915 – 65918). The State Density Bonus program encourages the development of on-site affordable housing, including up to a 50 percent increase in project densities for most projects, depending on the amount of affordable housing provided. Additional bonuses are possible up to 100 percent density bonus if additional affordable housing is provided. The State Density Bonus program also includes a package of incentives intended to help make the development of affordable and senior housing economically feasible. These include waivers and

concessions, such as reduced setbacks, increased height or modified open space and other requirements. Whether an individual project will utilize the State Density Bonus, or which aspects of State Density Bonus law an individual project would utilize, is difficult to predict.

Nonetheless, Appendix B provides an analysis of State Density Bonus trends and these trends informed the assumptions for this analysis regarding potential for future projects to utilize the State Density Bonus. Based on recent trends in Berkeley, and as discussed in Appendix B, this analysis assumes that most projects developed under the proposed project would reach no more than 8 stories when utilizing the State Density Bonus Law due to both recent development patterns in Berkeley and broader empirical research. The City's record of State Density Bonus Law projects over the past five years demonstrates a consistent tendency toward mid-rise construction, while cost analyses indicate that buildings exceeding 8 stories are often not economically feasible in districts with the seven-story base height limit included in the proposed project (Appendix B). As described in Appendix A, the CEQA buildout scenario assumes most projects would utilize a 50 percent density bonus to maximize mid-rise construction at 8 stories. The density at 8 stories assumes 1,000 gross square feet per unit and 1.5 times the maximum allowable density of 165 dwelling units per acre for a density of 247 dwelling units per acre. With a 100 percent density bonus, projects would be allowed up to 14 to 17 stories depending on site conditions. At this height, some high-rise projects may be feasible, particularly for larger sites that allow for more efficient buildings. The analysis assumes that sites greater than 12,000 square feet would utilize the 100 percent bonus up to 330 dwelling units per acre.

Based on projections of development potential in the corridors, it is estimated that the proposed project could facilitate the development of up to 4,677 net new residential units and reduce the amount of commercial uses by up to 110,788 square feet in the three corridors,[3] for a new total of 4,959 residential units and 546,114 square feet of commercial uses within the three corridors. Assumed redevelopment potential for the 16.1 acres of land likely to be redeveloped within the three corridors is summarized on Table 3 and further described in the following sections.

Table 3 Summary of Development Assumptions

	Residential			Commercial		
Corridor	Existing Residential (units)	Estimated Net New Residential with Proposed Project (units)	Total Residential with Project (units)	Existing Commercial (sf)	Estimated Net Reduction in Commercial with Proposed Project (sf)	Total Commercial with Project (sf)
Solano Avenue	91	1,667	1,758	188,278	(63,582)	124,696
North Shattuck	174	2,638	2,812	343,458	(35,737)	307,721
College Avenue	17	372	389	125,166	(11,468)	113,698
Total	**282**	**4,677**	**4,959**	**656,902**	**(110,788)**	**546,114**

sf = square feet, ( ) denotes subtraction

[3] The corridors include parcels developed with 100 percent commercial uses, such as the Andronico's grocery stores. The analysis assumes that potential redevelopment within the corridors would be mixed-use residential and commercial. Should the commercial sites redevelop as mixed-use residential, new developments would include less ground-floor commercial than what exists on-site currently. This is because the ground level would also need to accommodate parking, mechanical space, trash rooms, emergency egress, lobbies, and other amenities for the residential uses on the upper floors. Therefore, because the proposed project is anticipated to facilitate redevelopment of some commercial-only sites with mixed-use, overall, the amount of commercial space would decrease.

Solano Avenue

The Solano Avenue corridor encompasses approximately 9.9 acres over 69 parcels, with 91 existing residential units and 188,278 square feet of commercial uses. Based on the development assumptions in Appendix A, the proposed project could add up to an estimated 1,667 net new residential units at a density of 165 dwelling units per acre and reduce the amount of commercial uses by 63,582 square feet in the Solano Avenue corridor, resulting in a new total of 1,758 residential units and 124,696 square feet of commercial uses.

North Shattuck

The North Shattuck corridor encompasses approximately 14 acres over 50 parcels, with 174 residential units (including 110 planned residential units in the pipeline project located at 2109 Virginia Street), and 343,458 square feet of commercial uses. Based on the development assumptions in Appendix A, the proposed project could add up to an estimated 2,638 net new residential units at a density of 200 dwelling units per acre and reduce the amount of commercial uses by 35,737 square feet in the North Shattuck corridor, resulting in a new total of 2,812 residential units and 307,721 square feet of commercial uses.

College Avenue

The Elmwood Commercial District (C-E) on the College Avenue corridor encompasses approximately 4.7 acres over 34 parcels, with 17 existing residential units and 125,166 square feet of commercial uses. Based on the development assumptions in Appendix A, the proposed project could add up to an estimated 372 net new residential units at a density of 130 dwelling units per acre and reduce the amount of commercial uses by 11,468 square feet in the College Avenue corridor, resulting in a new total of 389 residential units and 113,698 square feet of commercial uses.

General Plan Amendment

The Neighborhood Commercial Land Use Classification outlined in the Land Use Element of the General Plan will be amended to read as follows:

Land Use Classifications

<u>Neighborhood Commercial</u>

These areas of the city are generally characterized by pedestrian-oriented, neighborhood-serving commercial development, and multi-family residential structures. These areas are typically located on two-lane streets with on-street parking and transit. Appropriate uses for these areas include: local-serving commercial, residential, office, community service, and institutional. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to a FAR of 3. Population density will generally range from 44 to 365 persons per acre.

The Elmwood Commercial, North Shattuck Commercial, and Solano Avenue Commercial zoning districts include a Mixed-Use Opportunity Area, which allows for population densities up to 365 persons per acre.

For information purposes, the compatible zoning districts for this classification are shown below with accompanying development standards.

Zoning District	*Maximum FAR*	*Maximum Height*	*Maximum Density*	*Mixed-Use Opportunity Area Maximum Height*	*Mixed-Use Opportunity Area Maximum Density*
Neighborhood Commercial	*3*	*35 ft.*	N/A	N/A	N/A
Elmwood Commercial	0.8 to 1 (non-residential)	28 ft	40 du/acre	58 ft	115 du/acre
North Shattuck Commercial	1 (non-residential)	38 ft	85 du/acre	78 ft	165 du/acre
Solano Avenue Commercial	2 (non-residential)	28 ft	60 du/acre	68 ft	140 du/acre
South Area Commercial	4	24 – 36 ft.	N/A	N/A	N/A

3.3 Proposed Project Buildout Assumptions Compared to 2023 EIR

As discussed above under Section 2.1 and shown on Table 1, the 2023 EIR assumed that implementation of the HEU zoning changes and other programs could facilitate up to 19,098 units additional units in Berkeley, of which 15,153 units are part of the EIR Sites Inventory. Of the Sites Inventory units, 278 of those units are within the three corridor areas. Therefore, 278 new units in the corridor areas were accounted for in the 2023 EIR.

As shown in Table 3, based on the development assumptions described in Appendix A, the proposed project would facilitate the development of up to 4,677 new residential units. Therefore, compared to the growth of 20,750 units anticipated under the HEU as analyzed in the 2023 EIR and the Southside Zoning Ordinance Addendum, the proposed project would allow for an increase in the number of residential units in Berkeley by 4,399 units (4,677 new units minus 278 new units already assumed in the corridors).

Further, as shown on Table 3, the proposed project could reduce the amount of commercial uses by up to 110,788 square feet in the corridors. The 2023 EIR did not assume a change in commercial uses in Berkeley due to implementation of the HEU.

Overall, the analysis in the Addendum assumes an increase in 4,399 residential units and a reduction in 110,788 square feet of commercial uses compared to what was analyzed in the 2023 EIR.

4 Conclusion Regarding Preparation of an Addendum to the 2023 EIR

The 2023 EIR was a program EIR that analyzed the impacts of the City's HEU, including HEU Program 27, which called upon the City to "update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource and higher income neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement." The proposed project is designed to implement Program 27. However, as implemented, the proposed project would increase the number of residential units to be developed beyond what was analyzed in the 2023 EIR. It would also decrease the amount of commercial space.

As stated above, the proposed project—including the proposed Zoning Ordinance, Zoning Map and General Plan amendments—constitutes a rezoning that implements Housing Element Update Program 27 in the City's approved Housing Element. Therefore, the proposed project is exempt from CEQA pursuant to Public Resources Code Section 21080.085(a).

Nonetheless, the City has prepared this Addendum to describe the potential additional impacts, beyond the impacts analyzed in the 2023 EIR.

The impact analysis that follows in Section 5 of this Addendum concludes, based on substantial evidence, that the proposed project would not result in new or substantially more severe significant environmental impacts beyond those identified in the 2023 EIR due to substantial changes in the previously approved project, substantial changes in the circumstances under which the project is undertaken, or new information of substantial importance. None of the conditions described in *CEQA Guidelines* Section 15162 that would call for preparation of a subsequent EIR have been met because of the proposed project's changes to the approved HEU. Therefore, this Addendum is the appropriate level of environmental documentation to prepare for the proposed project under CEQA. The City will consider this Addendum, along with the 2023 EIR, prior to making a decision on the proposed project.

5 Environmental Impacts of the Proposed Project in Relation to the HEU

This Addendum analyzes the changes proposed under the proposed project compared to the analysis of the HEU project in the 2023 EIR to determine if any of the criteria in *CEQA Guidelines* Section 15162 that call for preparing a subsequent EIR would apply to the proposed project. The existing environmental conditions on and around the project site are substantially the same under present conditions as those described in the 2023 EIR. The analysis contained in this section provides updates to existing environmental conditions, where necessary, to characterize potential impacts of the proposed project.

Appendix G of the *CEQA Guidelines* provides a checklist of environmental issue areas suggested for assessment in a CEQA analysis. The 2023 EIR addressed most of these environmental issue areas in detail including the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Population and Housing
- Public Services and Recreation
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities
- Wildfire

No impacts associated with agriculture and forestry resources or mineral resources were found to occur, and these issues were not analyzed further in the 2023 EIR. The proposed project would be located within the study area analyzed in the 2023 EIR, which includes the entire City of Berkeley, and for the same reasons as stated in the 2023 EIR would not result in impacts related to agriculture and forestry resources or mineral resources because those resources are not present in the three corridors. Therefore, these issues are not addressed further in this Addendum. The remaining environmental issue areas included in Appendix G of the *CEQA Guidelines* were analyzed in the 2023 EIR.

Potential environmental impacts of the proposed project are analyzed in this Addendum to determine if they are consistent with the impact analysis in the 2023 EIR, and whether additional mitigation measures are required to minimize or avoid further potential impacts. Where the following analysis identifies impacts, mitigation measures identified in the 2023 EIR and adopted and incorporated into the HEU, as well as existing applicable policies and regulations, are discussed, as relevant, with respect to mitigating potentially significant impacts of the proposed project that are different from (new) or substantially more severe than those identified in the 2023 EIR.

5.1 Aesthetics

Impacts Identified in the 2023 EIR

As discussed in Section 4.1, *Aesthetics*, of the 2023 EIR, residential projects located in a Transit Priority Area (TPA) are considered to have less than significant impacts on aesthetics pursuant to SB 743. For projects outside of a TPA, the HEU would not have a substantial adverse effect on a scenic vista since most new buildings would be of a similar height as existing development and views that would be

affected are already fully or intermittently impeded by mature trees and buildings. Development under the HEU would also be subject to design review as part of the project approval process and would be subject to the City's general development standards (Berkeley Municipal Code [BMC] Chapter 23.304) as well as objective development standards to ensure that buildings are compatible with neighboring land uses and architectural design and scale. Development under the HEU would replace facilities such as parking lots with buildings that may reduce nighttime sources of light, and new light sources would likely be adjacent and similar to nearby light sources. Development would also be required to comply with BMC Sections 23.304.100 and 23.304.130 which require exterior lighting to be shielded to avoid light spillover onto adjacent residential properties. Furthermore, the closest State Scenic Highway to the city is I-580 in Oakland approximately 1.6 miles from the city limits, and the closest eligible State Scenic Highway is SR 13 located approximately 0.5 miles from the city limits. The proposed HEU would not have a substantial adverse effect on a scenic vista, conflict with applicable local regulations governing scenic quality, create a new source of substantial light and glare, or substantially damage scenic resources within a scenic highway. Therefore, aesthetics impacts would be less than significant.

Impacts of the Proposed Project

Senate Bill 743 (California Public Resources Code [PRC] Section 21099), which was passed in 2013, made changes to CEQA for projects located in transit-oriented development areas. Among these changes are that a project's aesthetics impacts are no longer considered significant impacts on the environment if the project is a residential, mixed-use residential, or employment center project and if the project is located on an infill site within a transit priority area (TPA). Pursuant to PRC Section 21099, a "transit priority area" is defined as an area within 0.5 mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.

The proposed project would facilitate residential and mixed-use development in the Solano Avenue, North Shattuck Avenue, and College Avenue corridors, which are designated TPAs as mapped by the Metropolitan Transportation Commission (MTC 2021).

Multiple bus routes such as the Alameda-Contra Costa Transit District (AC Transit) bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 51B, 605, and 851 are located along the College Avenue Corridor. Therefore, because the proposed project would facilitate residential and mixed uses within a TPA, aesthetics impacts may not be considered significant impacts on the environment.

Pursuant to PRC Section 21099.d, "aesthetic impacts do not include impacts on historical or cultural resources." Analysis of impacts related to historic or cultural resources is provided below in Section 5.4, *Cultural Resources*.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to aesthetics, and no new mitigation measures are required.

Conclusion

Aesthetics impacts within TPAs, such as the Solano Avenue, North Shattuck Avenue, and College Avenue corridors, are not considered to be significant effects on the environment. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to aesthetics than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.2 Air Quality

Impacts Identified in the 2023 EIR

As discussed in Section 4.2, *Air Quality*, of the 2023 EIR, analysis of the HEU relied on the 2017 Bay Area Air Quality Management District (the Air District) CEQA Guidelines. Construction-related air quality impacts were found to be less than significant with implementation of Berkeley's Standard Conditions of Approval (COA) related to diesel particulate matter controls during construction, as well as Mitigation Measure AQ-1, which was adopted and incorporated into the HEU and requires adherence to the Air District's Basic Construction Mitigation Measures to reduce fugitive dust impacts. Operational air quality impacts were also found to be less than significant because the VMT associated with HEU buildout would increase by approximately 38 percent, which would not exceed the rate of increase from the forecast population of approximately 43 percent. As discussed in Section 4.2 of the 2023 EIR, because the HEU's VMT increase would not conflict with the Air District's CEQA Guidelines operational plan-level significance thresholds for criteria air pollutants, and the HEU would be consistent with control measures within the Air District 2017 Clean Air Plan, impacts related to conflicting or obstructing implementation of an applicable air quality plan would be less than significant.

According to the California Office of Environmental Health Hazard Assessment (OEHHA), construction of individual projects lasting longer than two months or located within 1,000 feet of sensitive receptors could potentially expose nearby sensitive receptors to substantial pollutant concentrations and therefore could result in potentially significant health risk impacts (OEHHA 2015). Construction conducted in response to the HEU could exceed the Air District's thresholds of an increased cancer risk of greater than 10.0 in a million and an increased non-cancer risk of greater than 1.0 Hazard Index (Chronic or Acute), and result in potentially significant impacts related to construction toxic air contaminant (TAC) emissions. However, with implementation of Mitigation Measure AQ-2, which was adopted and incorporated into the HEU, construction-related TAC impacts were found to be less than significant. The 2023 EIR determined that operation of land uses facilitated by buildout of the HEU would not include sources of TACs such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities, and also would not include new stationary sources onsite such as emergency diesel generators (the Air District 2017). Therefore, the 2023 EIR found less than significant impacts related to operational TACs.

In 2005, CARB issued recommendations to avoid siting new residences within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day or close to known stationary TAC sources (CARB 2005). The Air District's average daily traffic (ADT) threshold is lower, at 10,000 vehicles per day (the Air District 2012); therefore, this analysis conservatively uses the Air District's ADT threshold. Development consistent with the HEU could place sensitive receptors living in housing within approximately 500 to 1,000 feet of Interstate 580 (I-580) and Interstate 80 (I-80). There is also the potential for development to occur within 500 feet of roadways that have existing traffic volumes of 10,000 vehicles per day or more such as University Avenue, Adeline Street, Telegraph Avenue, Claremont Avenue, and Gilman Street (Caltrans 2020). Therefore, development of those housing sites could create a potentially significant impact by exposing future sensitive receptors to substantial pollutant concentrations. However, implementation of Mitigation Measure AQ-3, which was adopted and incorporated into the HEU, would be required and would reduce impacts to a less than significant level.

The 2023 EIR found that the HEU would not generate objectionable odors affecting a substantial number of people during operation since it would not include uses such as wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, or chemical plants. Impacts related to odors would be less than significant.

Impacts of the Proposed Project

The proposed project would increase potential residential buildout in the three corridors compared to what was analyzed in the 2023 EIR by up to 4,399 units, and is anticipated to facilitate redevelopment of some commercial-only sites with mixed-use such that amount of commercial space would decrease. Overall, the proposed project would facilitate increased development in areas well-served by alternative transportation thereby reducing the use of personal vehicles and subsequent mobile emissions. Specifically, AC Transit bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 51B, 605, and 851 are located along the College Avenue Corridor. The three corridors also include bicycle and pedestrian facilities to facilitate walking and biking.

Similar to the HEU, development facilitated by the proposed project would be required to comply with the latest Title 24 and BMC regulations, including:

- The requirements for residential indoor air quality;
- Part 6 of Title 24, which requires all new low-rise buildings to install photovoltaic (PV) panels that can generate an output greater or equal to the amount of electricity that is annually consumed;
- BMC Section 23.322.090, which contains requirements for residential bicycle parking;
- BMC Section 19.37.040, which requires 20 percent of parking spaces to be electric vehicle charging spaces capable of supporting future electric vehicle chargers and 80 percent of parking spaces to include raceways to facilitate future electric vehicle supply equipment at all new multi-family developments, and for new one- and two-family dwelling units to accommodate a dedicated 208/240-volt branch circuit for a future EV charger;
- BMC Section 19.37.040 which requires a minimum 65 percent diversion of construction/demolition waste.

Therefore, the proposed project would be consistent with the primary goals and control measures of the 2017 Clean Air Plan.

The proposed project would also increase the amount of construction activities compared to the HEU since it would potentially facilitate up to 4,399 more units, and would allow for increased building heights and density, which could require deeper foundations and/or increase the likelihood of sub-grade parking, thereby further increasing air pollutant emissions that would affect local air quality. Nonetheless, similar to the HEU, development facilitated by the proposed project would be required to comply with the City's Standard COA regarding diesel particulate matter controls during construction, as well as previously adopted Mitigation Measure AQ-1, which requires implementation of Bay Area Air District's (Air District) Basic Construction Mitigation Measures. This would reduce construction-related emissions to a less than significant level, similar to the HEU.

According to the Air District's 2022 CEQA Air Quality Guidelines (Air District 2023), determining compliance with the threshold for criteria air pollutants and precursors requires an assessment of the rate of increase of plan VMT and population. As discussed in the 2023 EIR, VMT associated with the HEU would not exceed the rate of increase from the forecast population. Table 4 summarizes the net increase in citywide population compared to the increase in citywide VMT based on modeling performed by Kittelson & Associates (Appendix C). Citywide data is used because VMT is not localized or constrained only to the three corridors.

Table 4 Increase in Population Compared to VMT Under Project

	2020 Without Project	2040 With Proposed Project	Net Increase	Percent Change
Population	128,004	203,785	75,781	59.2%
Residential Vehicle Miles Traveled	1,436,244	2,230,694	794,450	55.3%

Source: Kittelson & Associates, Inc 2026 (Appendix C)

As shown in Table 4, VMT for the proposed project would also increase at a lower percentage when compared to the 2020 Without Project scenario than the increase in population because the proposed project would concentrate growth and residences in proximity to jobs and services to reduce single-occupancy vehicle trips and encourage alternative modes of travel. Therefore, impacts concerning criteria pollutants generated from operation of the project would be less than significant, same as the HEU.

Similar to the HEU, development facilitated by the proposed project could exceed the Air District's thresholds for increased cancer risk of greater than 10.0 in a million and for increased non-cancer risk of greater than 1.0 Hazard Index (Chronic or Acute), and construction TAC impacts would be potentially significant. Nonetheless, individual development would be required to continue to implement previously adopted Mitigation Measure AQ-2, which would require construction activities that would occur within 1,000 feet of sensitive receptors, last longer than two months, and not utilize Tier 4 and/or alternative fuel construction equipment to prepare a construction Health Risk Assessment (HRA) that would reduce construction TAC impacts to a less than significant level.

Operation of development facilitated by the proposed project would not include sources of TACs such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities, and therefore would not be considered a source of TACs. Residences also do not typically include new stationary sources of TACs onsite, such as emergency diesel generators. However, if residences did include a new stationary source onsite, it would be subject to the Air District Regulation 2, Rule 2 (New Source Review) and require permitting. This process would ensure that the stationary source does not exceed applicable Air District health risk thresholds. Therefore, similar to the HEU, operational TAC impacts due to the proposed project would be less than significant.

Unlike the HEU, increased development facilitated within the Solano Avenue and North Shattuck Avenue Corridors would not place sensitive receptors living in housing within approximately 500 to 1,000 feet of Interstate 580 (I-580), Interstate 80 (I-80), or State Route 13 (SR 13)/Ashby Avenue. However, development facilitated in the College Avenue Corridor could place sensitive receptors living in housing within 500 feet of SR 13/Ashby Avenue. In addition, there is potential for development to occur within 500 feet of a roadway that has a traffic volume of 10,000 vehicles per day or more such as Solano Avenue, which could result in a potentially significant impact (Caltrans 2023). Therefore, continued implementation of previously adopted Mitigation Measure AQ-3 would be required for future development located within 500 feet of Solano Avenue or SR 13, which would require the incorporation of TAC reduction design features into future projects in order to reduce impacts to a less than significant level.

As with the HEU, the proposed project's changes to the HEU would facilitate development of new residential uses and would not facilitate new odor-generating uses such as wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, or chemical plants. Therefore, development facilitated by the proposed project would not generate objectionable odors affecting a substantial number of people during operation, and impacts would be less than significant, similar to the HEU.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to air quality, and no new mitigation measures are required. Berkeley's Standard COA requiring construction BMPs, as referenced in the 2023 EIR, would remain applicable.

> **Air Quality – Diesel Particulate Matter Controls During Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
>
> A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with

current guidance from the Air District and OEHHA. The health risk assessment shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared for any development project allowed by the project. All Emissions Plans must include the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

Previously adopted 2023 EIR Mitigation Measures AQ-1 through AQ-3 would remain applicable and would continue to be implemented and monitored.

AQ-1 Construction Emissions Reduction Measures

As part of the City's development approval process, the City shall require applicants for future development projects within the project sites to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM_{10} (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 the Air District CEQA Guidelines), outlined below.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.

AQ-2 Construction Health Risk Assessment

For individual projects (excluding ADUs, single-family residences, and duplexes) where construction activities would occur within 1,000 feet of sensitive receptors, would last longer than two months, and would not utilize Tier 4 and/or alternative fuel construction equipment, the project applicant shall prepare a construction health risk assessment (HRA). The HRA shall determine potential risk and compare the risk to the following the Air District thresholds:

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.3 $\mu g/m^3$ annual average

If risk exceeds the thresholds, measures such as requiring the use of Tier 4 and/or alternative fuel construction equipment shall be incorporated to reduce the risk to appropriate levels.

AQ-3 TAC Exposure Reduction Building Measures

The following design features shall be incorporated for residential development located within 1,000 feet of I-580/80 or on a lot that fronts on a section of roadway with 10,000 vehicles per day or more in order to reduce exposure of proposed residences to TACs from vehicles and stationary combustion engines (i.e., generators):

1. If the proposed buildings would use operable windows or other sources of infiltration of ambient air, the development shall install a central HVAC system that includes high efficiency particulate filters (HEPA). These types of filters are capable of removing approximately 99.97 percent of the DPM emissions from air introduced into the HVAC system (U.S. EPA 2022). The system may also include a carbon filter to remove other chemical matter. Filtration systems must operate to maintain positive pressure within the building interior to prevent entrainment of outdoor air indoors.
2. If the development limits infiltration through non-operable windows, a suitable ventilation system shall include a ventilation system with filtration specifications equivalent to or better than the following: (1) American Society of Heating, Refrigerating and Air- Conditioning Engineers MERV-13 supply air filters, (2) greater than or equal to one air exchanges per hour of fresh outside filtered air, (3) greater than or equal to four air exchanges per hour recirculation, and (4) less than or equal to 0.25 air exchanges per hour in unfiltered infiltration. These types of filtration methods are capable of removing approximately 90 percent of the DPM emissions from air introduced into the HVAC system.
3. Windows and doors shall be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years. Weatherproof should be maintained and replaced by the property owner, as necessary, to ensure functionality for the lifetime of the project.
4. Where appropriate, install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (*i.e.*, 1 mph).
5. Prepare an ongoing maintenance plan for the HVAC and filtration systems, consistent with manufacturers' recommendations.
6. The applicant shall inform occupants regarding the proper use of any installed air filtration system.

Conclusion

The proposed project would have less than significant impacts after mitigation with respect to air quality. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to air quality than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.3 Biological Resources

Impacts Identified in the 2023 EIR

As discussed in Section 4.3, *Biological Resources*, of the 2023 EIR, the HEU does not include development sites on the western boundary of Berkeley, where marine, estuarine, and lacustrine habitats may provide habitats for special-status species and native fish and wildlife, and includes mainly sites in the urbanized core of the City. Therefore, the HEU would have less than significant impacts related to riparian habitats and sensitive natural communities, state or federally protected wetlands, and movement of native resident or migratory fish or wildlife species. Nonetheless, trees, shrubs, man-made structures, and the ground surface throughout Berkeley provide suitable nesting substrates for birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), and construction activities under the HEU could potentially affect nesting birds if carried out during breeding season. However, with compliance with the City's Standard COA related to avoiding disturbance of nesting birds, impacts would be less than significant. As discussed in the 2023 EIR, development facilitated by the HEU would be required to comply with the City's Tree Ordinance (BMC No. 6,509-N.S.) and Creek Protection Ordinance (BMC Chapter 17.08), and because there are no adopted habitat conservation plans or natural community conservation plans within the city of Berkeley, the HEU would not conflict with provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Impacts of the Proposed Project

Although the proposed project's changes to the HEU would facilitate the development of up to 4,399 more units in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors compared to the adopted HEU, the proposed project would only increase residential density on sites that could be redeveloped in a highly-urbanized area of the city away from open space preserves and non-channelized creeks and would not directly or indirectly impact the habitat of special-status species. New development facilitated under the proposed project would not differ substantially from the urban development already allowed in the three corridors with respect to implications for biological resources. Although trees and other vegetation in the three corridors may support species of nesting migratory birds protected under the CFGC, development facilitated by the proposed project would be required to comply with the City's Standard COA regarding avoidance of disturbance of nesting birds, which would reduce impacts to a less than significant level, similar to the HEU.

> **Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

The Solano Avenue, North Shattuck Avenue, or College Avenue Areas do not contain natural communities considered sensitive by the California Department of Fish and Wildlife. There are also no mapped or designated federally protected wetlands in the three corridors (USFWS 2025). Some underground drainage culverts may intersect the three corridors; however, these are not federally protected and therefore are not subject to United States Army Corps of Engineers (USACE) jurisdiction. Additionally, pursuant to BMC Chapter 17.08, obstructing or interfering with watercourses is prohibited and construction within 30 feet of a culverted creek must receive a permit from the City Engineer and comply with the provisions in the chapter to ensure the watercourse is protected. Due to the developed nature of the three corridors, there would not be potential for impacts to protected wetlands. Additionally, the three corridors are not within, and do not function as, a significant regional or local wildlife movement corridor, since there are no waterways that could be utilized for movement of native residents or migratory fish. Furthermore, there are no habitat conservation plans or natural community conservation plans adopted in the Solano Avenue, North Shattuck Avenue, or College Avenue Areas, and the proposed project would not conflict with such plans. Therefore, impacts would be less than significant, similar to the HEU.

Similar to the HEU, the proposed project could result in the removal of mature trees during construction. General Plan Policy EM-29 requires the City to maintain and enhance street and park trees to improve the environment and provide habitat. On-going implementation of that policy through site-specific design review and use permits would reduce potential impacts to locally significant trees to a less than significant level. Development facilitated by the proposed project would also be required to adhere to the City of Berkeley's Tree Ordinance (BMC No. 6,509-N.S.), which prohibits the removal of coast live oak trees unless determined to be necessary for public safety by the City Manager. Therefore, with adherence to the City's Tree Ordinance and other policies and ordinances for protecting biological resources, impacts would be less than significant, similar to the HEU.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to biological resources, and no new mitigation measures are required. Berkeley's Standard COA requiring avoiding disturbance of nesting birds, as referenced in the 2023 EIR, would remain applicable.

Conclusion

The proposed project would have less than significant impacts with respect to biological resources. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to biological resources than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.4 Cultural Resources

Impacts Identified in the 2023 EIR

As discussed in Section 4.4, *Cultural Resources*, of the 2023 EIR, the City has adopted regulations related to cultural resources that would apply to development facilitated by the HEU. Pursuant to Chapter 3.24 of the BMC, the City's Landmarks Preservation Commission (LPC) ordinance provides procedures for the local designation of historical resources and includes a provision for a permit review which allows the LPC to review and approve construction, alteration, or demolition of a designated landmark, buildings in designated historic districts, and structures of merit. In addition, pursuant to BMC Section 23.326.070(C), the City requires any application for a Use Permit or Administrative Use Permit to demolish a non-residential building or structure which is 40 or more years old to be forwarded to the LPC for review before consideration of the permit. Further, the City's zoning project application requires a historical resources evaluation for zoning projects that include the proposed demolition or substantial change to

any building 40 or more years old subject to environmental review. For projects subject to discretionary review, potential impacts to historical resources would be addressed by following the existing procedures of the City's permit review process, and by adherence to the City's Standard COAs. The BMC requirements and zoning project application submittal requirements listed above are intended to reduce impacts to historical resources by ensuring that proposed changes to buildings do not negatively impact the resource by encouraging the preservation and maintenance of historical materials and ensuring work performed is consistent with the resource's historical character. Nonetheless, the 2023 EIR determined that there is potential for historic resources that have not yet been subject to evaluation or would not be subject to the City's permit review or zoning application requirements to be adversely impacted, and Mitigation Measure CUL-1 and Mitigation Measure CUL-2, which were adopted and incorporated into the HEU, would be required to reduce impacts to the maximum extent feasible. However, even with implementation of previously-adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2, existing and eligible historical resources could still be materially impaired by future development that would be facilitated by the HEU because specific actions intended for the reduction of impacts to historical resources could be deemed infeasible. In addition, future projects that are not subject to discretionary review and have not been previously evaluated for the presence of historical resources could result in the demolition of potential historic resources. Therefore, impacts to historical resources were found to be significant and unavoidable.

The 2023 EIR found that ground-disturbance on properties with native soils could contain previously unknown prehistoric or historic-period resources, and individual development projects facilitated by the HEU that would involve ground disturbance activities would have the potential to damage or destroy archaeological resources, especially if they occur below previously disturbed sediments. However, with adherence to the City's Standard COA related to archaeological resources, impacts would be less than significant.

The 2023 EIR also determined that ground-disturbing activities associated with development under the HEU could result in damage to or destruction of human burials. However, compliance with the California Health and Safety Code (Section 7050.5, 7051, and 7054), which has specific provisions for the protection of human burial remains, PRC Section 5097.98, which addresses the disposition of Native American burials, protects such remains, and establishes the Native American Heritage Commission (NAHC) to resolve related disputes, and the City's Standard COA related to human remains; would result in impacts that would be less than significant.

Impacts of the Proposed Project

Historical Resources

The historic landmarks, addresses, date of construction, and designation date and type are shown below in Table 5.

Table 5 Summary of Development Assumptions

Historic Landmark	Address	Date of Construction	Designation Date	Designation Type
Solano Avenue Corridor				
Oaks Theatre	1875 Solano Avenue	1925	2/22/2006	City Landmark
North Shattuck Avenue Corridor				
Whittemore Woodworth House	2043 Lincoln Street	1905	9/7/1993	City Landmark
Swink House, Cottage, and Garden	1527-1529 Shattuck Avenue	1903	5/1/2000	Structure of Merit
Squires Block	2100 Vine Street	1895	3/7/2005	Structure of Merit

Historic Landmark	Address	Date of Construction	Designation Date	Designation Type
Capitol Market Building	1500-1512 Shattuck Avenue and 2042-2046 Vine Street	1891	9/3/2009	City Landmark
EBMUD Vine Street Pumping Plant	2113 Vine Street	1930	10/4/1999	City Landmark
College Avenue Corridor				
Bolfing's Elmwood Hardware	2951 College Avenue	1923	4/6/2006	City Landmark
Mercantile Trust Co.	2959 College Avenue	1925	3/15/1982	City Landmark
Strand Theater Elmwood	2966 College Avenue	1914	5/24/1982	City Landmark

Source: City of Berkeley 2025, 2026

None of the three corridors include designated historic districts. The HEU analyzed in the 2023 EIR did not include specific physical development projects, but the 2023 EIR assumed that development was a reasonably foreseeable outcome that would be facilitated by adoption of the HEU. The proposed project also does not call for specific physical development projects but, similarly, this analysis assumes that implementation of the proposed project's zoning changes in the three corridors would facilitate development projects. Therefore, as was assumed in the 2023 EIR, reasonably foreseeable development facilitated by the proposed project could impact historical resources through demolition and construction activities.

The City currently has procedures in place for projects that would involve the demolition of non-residential buildings 40 or more years old that require use permits or administrative use permits to be forwarded to the LPC for review. The City's standard zoning application requires a historic resources evaluation for zoning projects subject to environmental review that involve the proposed demolition or substantial alteration of a building over 40 years old. For projects subject to discretionary review, potential impacts to historical resources would be addressed by following the existing procedures of the permit review process, and by adherence to the City's Standard COAs. These regulations are intended to reduce impacts to historical resources by ensuring that proposed changes to buildings do not adversely impact the resource through encouraging the preservation and maintenance of historical materials and ensuring work performed is consistent with the resource's historical character. Nonetheless, for future development projects that are not subject to discretionary review, the City would not have the authority to implement review procedures for evaluating buildings 40 or more years old. Further, there are designated, known, and potential historic resources in the three corridors. Although the continued implementation of previously adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would be required in order to reduce impacts to historical resources to the extent feasible, even with implementation of these mitigation measures, existing and eligible historical resources could still be materially impaired by future development that would be facilitated by the proposed project. Material impairment could occur because specific actions intended for the reduction of impacts to historical resources could be determined to be infeasible. Material impairment could also occur because future projects that are not subject to discretionary review on sites with structures that have not been previously evaluated to initiate a landmark or structure-of-merit designation could result in the demolition of potential but unknown historic resources. Although future development would be required to comply with mitigation measures CUL-1 and CUL-2 as adopted in the HEU, similar to the HEU, impacts due to the proposed project's changes to the HEU would remain significant and unavoidable. Nonetheless, because the HEU EIR examined citywide impacts to historical resources, impacts related to historical resources associated with the project would not be substantially more severe than what was analyzed in the HEU.

Archaeological Resources and Human Remains

Similar to what was analyzed in the 2023 EIR, although development under the proposed project would occur on redevelopment sites in previously disturbed areas, ground-disturbing activities such as earthmoving and excavation could still potentially damage and/or destroy unrecorded archaeological

resources in subsurface soils within the three corridors. Additionally, the proposed project would allow increased building heights and density, as described in Appendix A, which could require increased subgrade excavation due to deeper foundations and/or increase the likelihood of sub-grade parking, and thereby increase the likelihood of encountering archaeological resources or human remains. Nonetheless, although the proposed project could facilitate development of up to a projected 8 stories as outlined in Appendix A and would require incrementally greater depths of disturbance for taller buildings, the building footprint and area of ground disturbance would stay the same as analyzed under the 2023 EIR, and the geographic extent of subsurface disturbance would not expand into new areas that have not already been evaluated. Furthermore, such development would be required to comply with the City's Standard COA related to archaeological resources during demolition, grading, and construction, which would reduce impacts to a less than significant level, similar to the HEU.

Archaeological Resources *(Ongoing throughout demolition, grading, and/or construction).* Pursuant to *CEQA Guidelines* Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

Human Remains (*Ongoing throughout demolition, grading, and/or construction*). In the event that human skeletal remains are uncovered during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Additionally, construction activities could also potentially disturb human remains. However, implementation of the proposed project would involve disturbance in the same areas as analyzed in the 2023 EIR, and conditions in the three corridors have not substantially changed since certification of the 2023 EIR and adoption of the HEU. Future development would be subject to federal and State regulations, such as the California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e), which state the mandated procedures of conduct following the

discovery of human remains. Future development would also be required to comply with the City's Standard COA related to human remains resources during demolition, grading, and construction, which would reduce impacts to a less than significant level, similar to the adopted HEU.

Effects and Mitigation Measures

Historical Resources

No new or substantially more severe significant effects would occur to cultural resources, and no new mitigation measures are required. Previously adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would remain applicable and would continue to be implemented and monitored.

CUL-1 Historic Context Statement, Cultural Resources Survey and Designations

During the period of this Housing Element, the City should conduct a citywide historic context statement and a cultural resource survey to identify historic resources, with priority given to sites in the EIR Site Inventory, to determine if there are designed built environment features which are over 40 years of age proposed to be altered or demolished. Designation of historic or cultural resources should be conducted by the Landmarks Preservation Commission pursuant to 3.24.260 of the Berkeley Municipal Code.

CUL-2 Historical Resources Discretionary Review

For projects that are subject to discretionary review that occur during the Housing Element period where a historical-age building or structure that has not been previously evaluated is present, a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior Professional Qualification Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level survey in accordance with the California Office of Historic Preservation guidelines to determine if the property qualifies for federal, state, or local historical resources designation. All age eligible properties shall be evaluated within their historic context and documented in a technical memorandum with Department of Parks and Recreation Series 523 Forms.

Should a property be found to be a qualifying historical resource, the project shall be subject to the City's regulations for permit review, including by the Landmarks Preservation Commission pursuant to Chapter 3.24.260, and/or by the Zoning Adjustments Board pursuant to Chapter 23.326 of the City of Berkeley Municipal Code. Efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with a development application that may affect the historical resource, the historical resources built environment assessment shall also identify and specify the treatment of character-defining features and construction activities.

Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of permits.

If significant historical resources are identified on a development site and compliance with the Standards and/or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These may include documentation of the resource in a manner consistent with the standards

of the Historic American Building Survey (HABS). Documentation should include full descriptive and historical narrative, measured drawings, and medium format photographs, all in archivally stable format.

Archaeological Resources and Human Remains

No new or substantially more severe effects to archaeological resources or human remains were identified and no new mitigation measures are required. Berkeley's Standard COAs, as referenced in the 2023 EIR, would remain applicable and would reduce impacts to archaeological resources and human remains.

Conclusion

Historical Resources

Previously adopted Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would remain applicable to the proposed project. However, even with implementation of these mitigation measures, impacts to cultural resources would remain significant and unavoidable, similar to the adopted HEU. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to historical resources than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

Archaeological Resources and Human Remains

The proposed project would have less than significant impacts with respect to archaeological resources and human remains. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to archaeological resources or human remains than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.5 Energy

Impacts Identified in the 2023 EIR

As discussed in Section 4.5, *Energy*, of the 2023 EIR, construction facilitated by the HEU would involve temporary energy use. During construction, contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than 5 minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the United States Environmental Protection Agency's (USEPA) Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. The HEU would also be required to comply with requirements outlined under 2019 CALGreen (as codified in CCR Title 24, Part 11).

Development under the HEU would be required to comply with standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's CALGreen standards (California Code of Regulations, Title 24, Part 11) and the California Energy Code would require implementation of energy-efficient light fixtures and building materials into the design of new construction projects, limit the use of natural gas infrastructure in new development, and provide for electric-ready infrastructure for natural gas appliances in new buildings. The HEU would facilitate development along transit corridors, near BART stations, and in Priority Development Areas (PDA), which would place residents in proximity to public transit and encourage walking and bicycling. BMC Chapter 19.37 would require at least 20 percent of parking spaces

at new multi-family residential developments to be capable of supporting electric vehicle chargers and raceway at the remaining 80 percent of parking spaces to facilitate future electric vehicle supply equipment, which would support the use of electric vehicles by future residents.

In addition, the HEU would be consistent with state renewable energy and energy efficiency plans as well as the City's General Plan policies related to energy. Impacts of the HEU would be less than significant.

Impacts of the Proposed Project

Although the proposed project would increase potential buildout in the Solano Avenue, North Shattuck Avenue, and College Avenue corridors compared to what was analyzed in the 2023 EIR by up to 4,399 units, increasing construction activities, energy use during demolition and construction would be temporary. Construction contractors would also be required to comply with the same regulations outlined in the 2023 EIR such as CARB regulations, provisions of California Code of Regulations, Title 13, Sections 2449 and 2485, USEPA Construction Equipment Fuel Efficiency, and 40 Code of Federal Regulations Parts 1039, 1065, and 1068. Future development would also be expected to utilize fuel-efficient equipment consistent with State and federal regulations, as well as divert a minimum of 65 percent of construction and demolition debris and recycle and salvage 100 percent of excavated soil and land-clearing debris, concrete, and of asphalt during construction and demolition activities pursuant to the latest iteration of CALGreen and BMC Chapter 19.37. Therefore, construction-related energy impacts would be less than significant, similar to the adopted HEU.

Long-term operation of future development under the proposed project would require permanent grid connections for electricity to power internal and exterior building lighting, and heating and cooling systems. Electricity in Berkeley is supplied by Ava Community Energy (Ava). Although the proposed project would facilitate the development of up to 4,399 more units in the three corridors, future development would be required to comply with all standards set in the latest iteration of the California Building Standards Code (California Code of Regulations, Title 24) and locally adopted amendments codified in Titles 12 and 19 of the BMC, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources by the built environment during operation. California's CALGreen standards (California Code of Regulations, Title 24, Part 11) and the California Energy Code require implementation of energy-efficient light fixtures and building materials into the design of new construction projects. Additionally, Title 24 standards are updated on a regular cycle to reflect advancements in energy efficiency technologies and to support California's long-term greenhouse gas reduction and decarbonization goals. As a result, each increment of new development would be built to increasingly efficient performance standards that reduce overall per-capita and per-unit energy consumption. Furthermore, all future residential customers would be placed in Ava's Renewable 100 Plan, which utilizes 100 percent renewable and carbon-free energy. The proposed project would also facilitate increased development within a TPA, which would encourage the use of alternative modes of transportation such as bicycling and walking, thereby reducing fuel consumption and minimizing the potential of the proposed project to result in the wasteful or unnecessary consumption of vehicle fuels. Therefore, given the above-mentioned reasons, the proposed project would also be consistent with State renewable energy and energy efficiency plans, the City's General Plan, and the City's CAP. Operational-related energy impacts would be less than significant, similar to the HEU.

Effects and Mitigation Measures

No new or substantially more severe significant effects related to energy would occur, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to energy. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe

significant impacts with respect to energy than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.6 Geology and Soils

Impacts Identified in the 2023 EIR

As discussed in Section 4.6, *Geology and Soils*, of the 2023 EIR, the HEU would facilitate development in areas near the Hayward fault, which would increase the population and infrastructure that would be exposed to earthquake-related hazards. However, with compliance with applicable State and local laws such as the Alquist-Priolo Earthquake Fault Zone Act and Title 19, Chapter 28 of the BMC, impacts would be less than significant. The 2023 EIR determined that the HEU would be located in areas with "low" to "moderate" liquefaction potential and low landslide risk, and impacts were found to be less than significant. The 2023 EIR also determined that although unstable soils within Berkeley have the potential to damage infrastructure or introduce hazards to human health and safety, the City requires site-specific geotechnical evaluations for individual development on steep slopes and unstable soils in accordance with the California Building Code (CBC), and development under the HEU would be required to comply with the Policies S-13A and S-14B of the City's General Plan Disaster Preparedness and Safety Element. Impacts related to unstable soils were found to be less than significant.

The 2023 EIR found that Berkeley's soils are characterized by having "moderate" or a "high" potential for erosion-related hazards, and construction activities could result in erosion and the loss of topsoil. However, new development under the HEU would be required to comply with the State Water Regional Control Board's General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit [CGP] Order 2009-0009-DWQ). Construction activities that disturb one or more acres of land surface are subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB. Development would also be required to comply with BMC Chapter 21, Section 40, which requires compliance with the CGP, as well as BMC Section 21.40.270 requires subdivision projects to comply with grading, erosion and sediment control regulations on file with the Public Works Department. Therefore, impacts related to soil erosion or the loss of topsoil were found to be less than significant.

As discussed in Section 4.6 of the 2023 EIR, many of the soil types within Berkeley have "moderate" to "high" potential for shrink-swell behavior, or expansiveness Building on unsuitable soils would have the potential to create future subsidence or collapse issues that could result in the settlement of proposed project infrastructure, and/or the disruption of utility lines and other services. Development facilitated by the HEU would be required to comply with existing State and local regulations, such as the CBC and General Plan Action S-14B, which would require submittal to and review by the City of detailed soils and/or geologic reports prior to construction. Impacts were found to be less than significant.

The 2023 EIR found that construction activities related to the HEU would potentially result in significant impacts to paleontological resources. However, implementation of Mitigation Measure GEO-1, which was adopted and incorporated into the HEU, would reduce impacts to a less than significant level.

The 2023 EIR found no impacts related to requiring septic tanks or alternative wastewater disposal systems.

Impacts of the Proposed Project

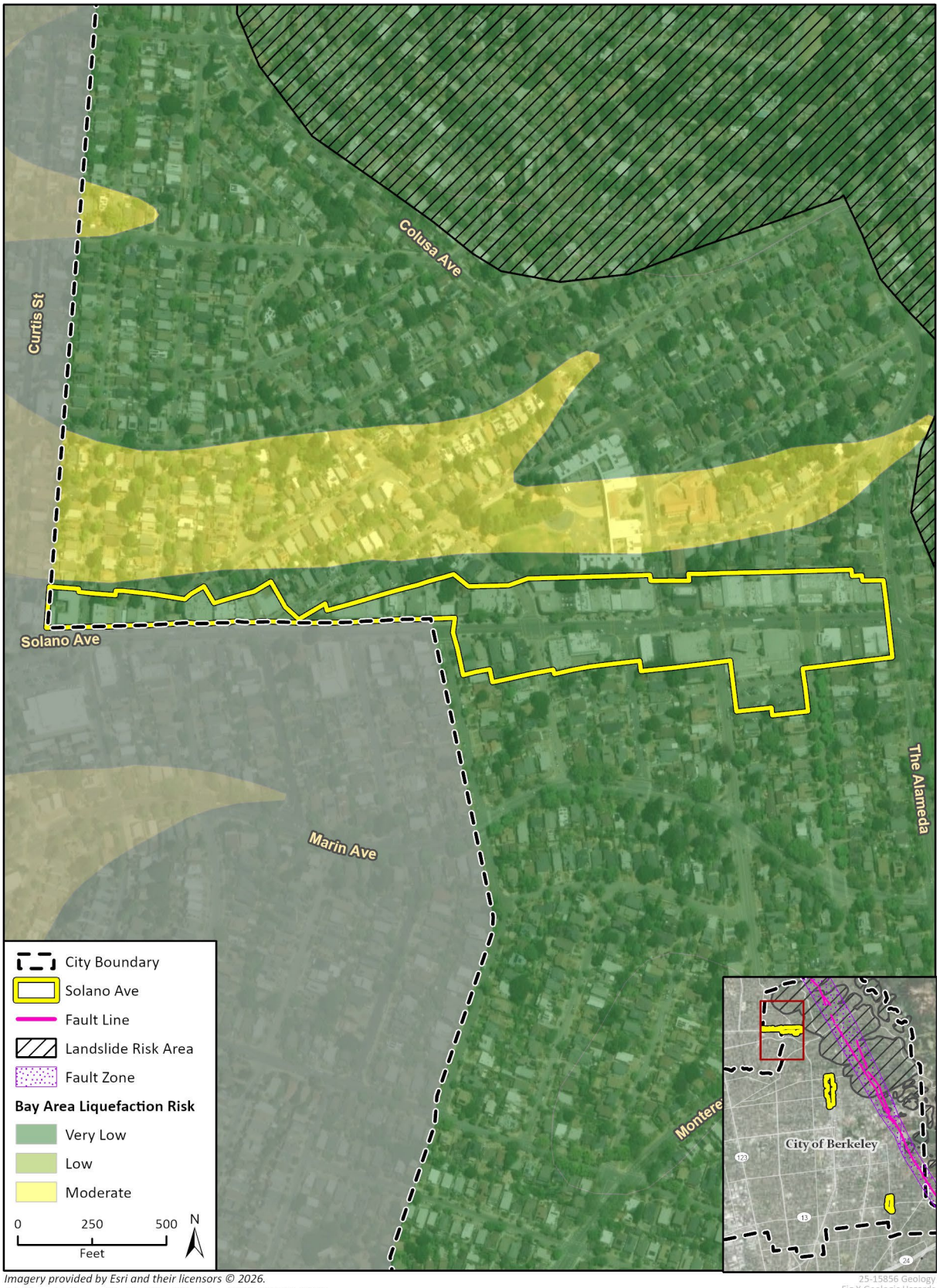
As with any site in the Bay Area region, development facilitated by the proposed project would be susceptible to strong seismic ground shaking in the event of a major earthquake. The three corridors are located in a seismically active region and are located proximate to the Hayward Fault, Chabot Fault, and Wildcat Fault, which run east of the three corridors. Although the proposed project would facilitate the development of up to 4,399 more units compared to what was analyzed in the 2023 EIR, the proposed project would not facilitate development on or adjacent to the faults; therefore, fault rupture risks would

not be increased by the proposed project. In addition, the proposed project would promote infill development which would replace older buildings subject to seismic damage with newer structures built to current seismic standards that could better withstand the adverse effects of strong ground shaking. Future development would be required to conform to the CBC adopted pursuant to Title 19, Chapter 28 of the BMC, which includes requirements for foundation and structural design to resist seismic hazards and requirements for geotechnical investigation based on soil conditions and proposed construction methods in specific instances. New projects would be reviewed by the Building and Safety Division during the normal plan review process to confirm that the necessary geotechnical investigations are completed and that the structural design of the project is consistent with design measures recommended in the Geological Report prior to issuance of required building permits. The City would therefore ensure that development occurring in the three corridors would be designed and constructed consistent with the current City of Berkeley Building Codes and with the findings and recommendations of the site-specific geotechnical reports to effectively minimize or avoid potential hazards associated with redevelopment and/or new building construction. Therefore, similar to the adopted HEU, earthquake-related impacts would be less than significant with adherence to State and local regulations.

As shown in Figure 9, the Solano Avenue Corridor is located within a very low risk liquefaction zone, and is not located within a landslide risk area. As shown in Figure 10, the North Shattuck Avenue Corridor is located within a very low risk liquefaction zone, and is not located within a landslide risk area. As shown in Figure 11, the College Avenue Corridor is located within a low risk liquefaction zone and is not located within a landslide risk area. Overall, none of the corridors are located in areas of high liquefaction or landslide risk and impacts associated with landslides or liquefaction would be less than significant.

As shown on the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Map, the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors all have moderate expansiveness (shrink-swell potential) (USDA 2025). Although the proposed project would increase potential buildout in the three corridors compared to what was analyzed in the 2023 EIR by up to 4,399 units, as required by the Public Resources Code (PRC) Section 2690-2699.6, *Seismic Hazards Mapping Act* and CBC requirements as adopted in the BMC, site-specific geotechnical investigations would be required for individual development projects within the portions of the three corridors susceptible to expansive or other unstable soils to identify the degree of potential hazards, design parameters for the project based on the hazard, and describe appropriate design measures to address hazards. These geotechnical studies customarily include recommendations for foundation design, as well as soil improvement techniques, both of which help mitigate these unstable soils. Additionally, as discussed in the 2023 EIR, future projects requiring discretionary approval would be reviewed for their compliance with General Plan policies, including *Policy S-13A: Hazards Identification and Policy S-14B: Land Use Regulation* of the City's General Plan Disaster Preparedness and Safety Element. Future development in the three corridors and located in areas with identified hazards would be required to appropriately address and be designed to withstand associated hazards to the maximum extent feasible. Therefore, impacts related to expansive and/or unstable soils would be less than significant with adherence to State and local regulations, similar to the adopted HEU.

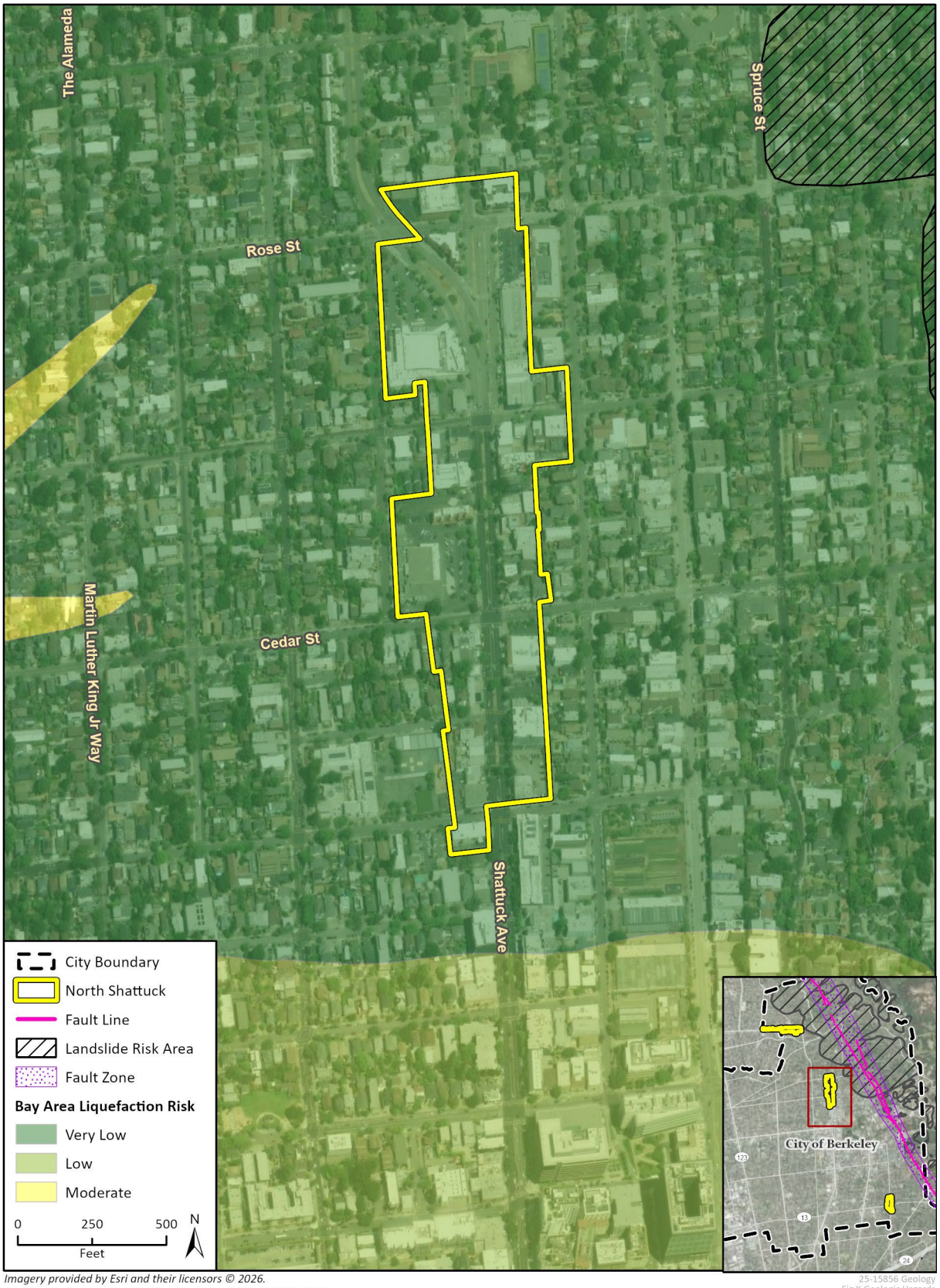
Figure 9 Solano Avenue Corridor Geologic Hazards



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Additional data provided by City of Berkeley, 2025; CADOC, 2025.

25-15856 Geology
Fig X Geologic Hazards

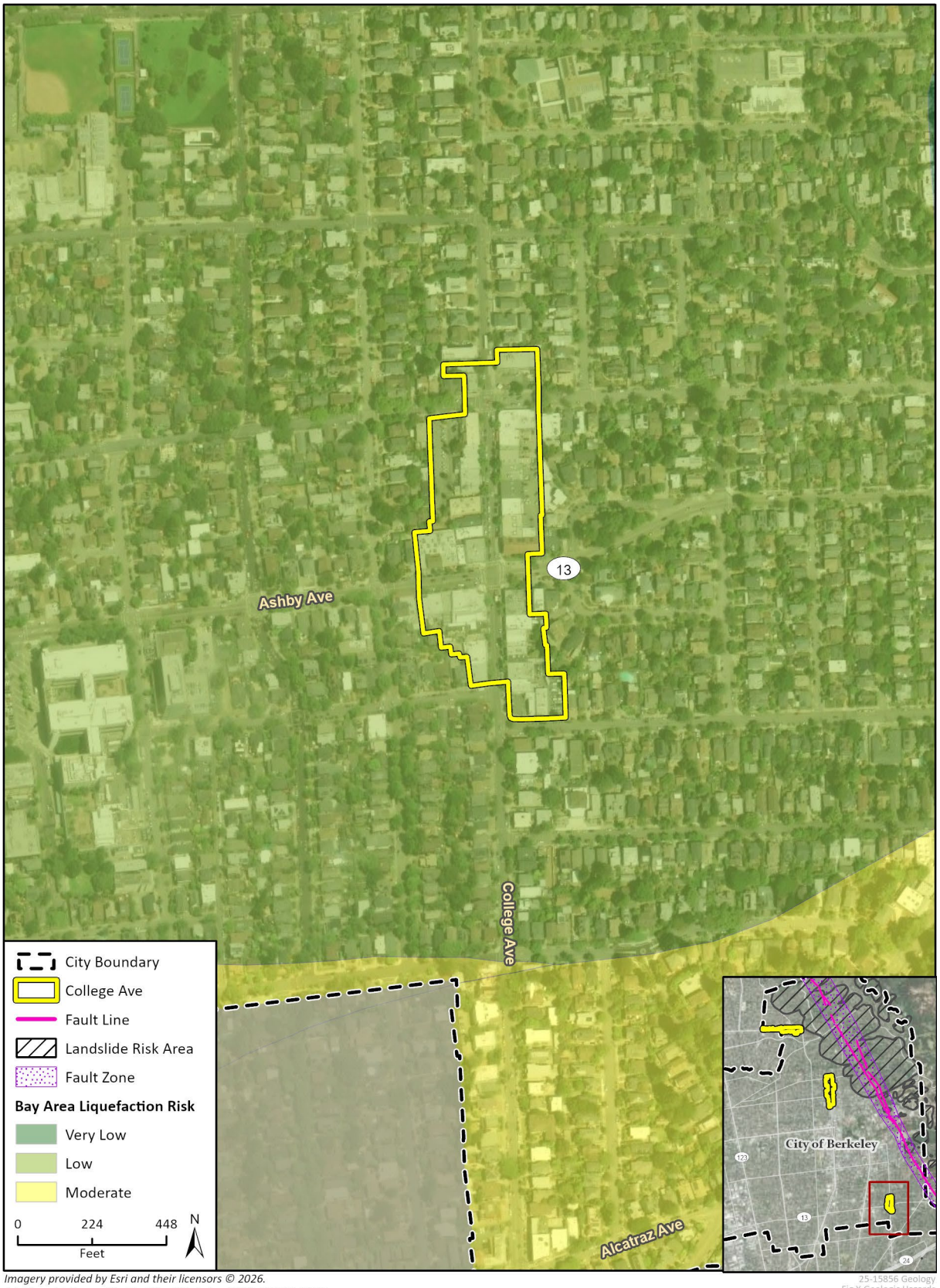
Figure 10 North Shattuck Avenue Corridor Geologic Hazards



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25-15856 Geology
Fig X Geologic Hazards

Figure 11 College Avenue Corridor Geologic Hazards



As mapped by the NRCS, the Solano Avenue Corridor is composed primarily of Los Osos-Millsholm complex, 9 to 30 percent slopes and Urban land-Tierra complex, 5 to 15 percent slopes, and the North Shattuck Avenue and College Avenue Corridors are composed primarily of Urban land-Tierra complex, 2 to 5 percent slopes (USDA 2025). All three corridors have low potential for erosion-related hazards, which limits the potential for substantial soil erosion. Construction activities of future development that disturb one or more acres of land surface are subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB. Compliance with the NPDES permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require the development of a stormwater pollution prevention plan, which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after storms is also required to identify stormwater discharge from the construction activity and to identify and implement erosion controls, where necessary. Compliance with the CGP is reinforced through the BMC Chapter 21.40 which requires applicants to comply with grading, erosion and sedimentation control plan regulations on file with the Public Works Department. Therefore, impacts related to soil erosion would be less than significant with compliance with State and local regulations, similar to the HEU.

Rincon assessed the paleontological sensitivity of geologic units in Berkeley in the 2023 EIR. Figure 12 through Figure 14 shows geologic units and their respective paleontological sensitivities mapped within the three corridors based on Society of Vertebrate Paleontology (SVP) guidelines and the 2023 EIR (SVP 2010). As shown in Figure 12, the Solano Avenue Corridor includes one geologic unit mapped at the surface: Holocene alluvial fan and fluvial deposits (Qhaf); as shown in Figure 13, the North Shattuck Avenue Corridor includes two geologic units mapped at the surface: Holocene alluvial fan and fluvial deposits (Qhaf) and Pleistocene alluvial fan and fluvial deposits (Qpaf); and as shown in Figure 14, the College Avenue Corridor includes one geologic unit mapped at the surface: Pleistocene alluvial fan and fluvial deposits (Qpaf) (Graymer 2000).

As discussed in the 2023 EIR, Holocene alluvial fan and fluvial deposits (Qhaf) have low paleontological sensitivity, while Pleistocene alluvial fan and fluvial deposits (Qpaf) have high sensitivity. Since a portion of the North Shattuck Avenue Corridor is underlain by geologic units assigned a high paleontological sensitivity, paleontological resources may be encountered during ground-disturbing activities associated with project construction (e.g., grading, excavation, or other ground disturbing construction activity), and damage to or destruction of fossils could occur. Additionally, the proposed project would allow increased building heights as described in Appendix A, which could require increased subgrade excavation due to deeper foundations and thereby increase the likelihood of encountering paleontological resources. Nonetheless, although the proposed project could facilitate development of up to a projected 8 stories as outlined in Appendix A and would require incrementally greater depths of disturbance for taller buildings, the building footprint and area of ground disturbance would stay the same as analyzed under the 2023 EIR, and the geographic extent of subsurface disturbance would not expand into new areas that have not already been evaluated. Furthermore, previously adopted Mitigation Measure GEO-1 would be required for future development facilitated by the proposed project, which would ensure the protection of paleontological resources and reduce impacts to a less than significant level.

Figure 12 Geologic Units and Paleontological Sensitivity Underlying the Solano Avenue Corridor

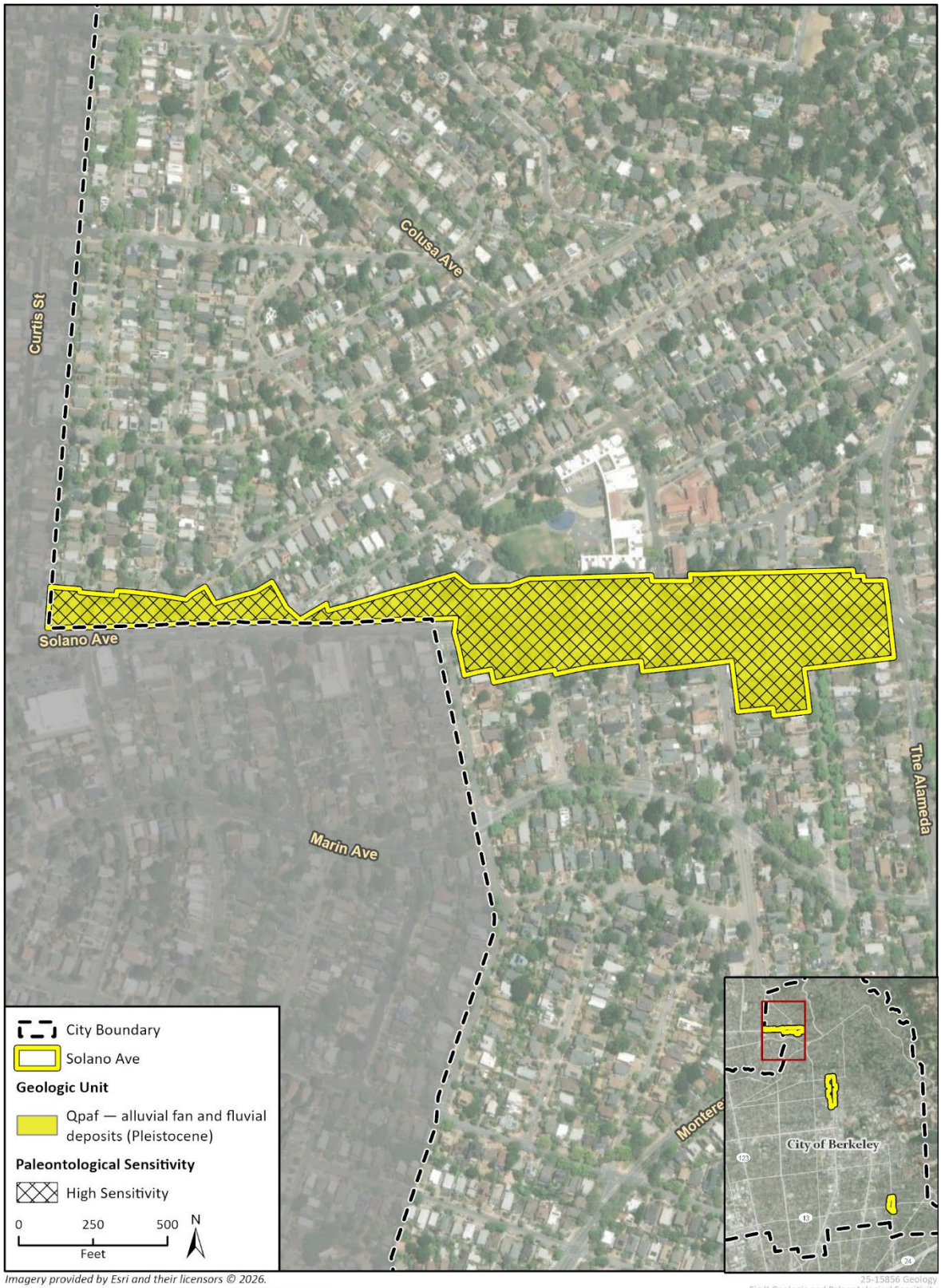


Figure 13 Geologic Units and Paleontological Sensitivity Underlying the North Shattuck Avenue Corridor

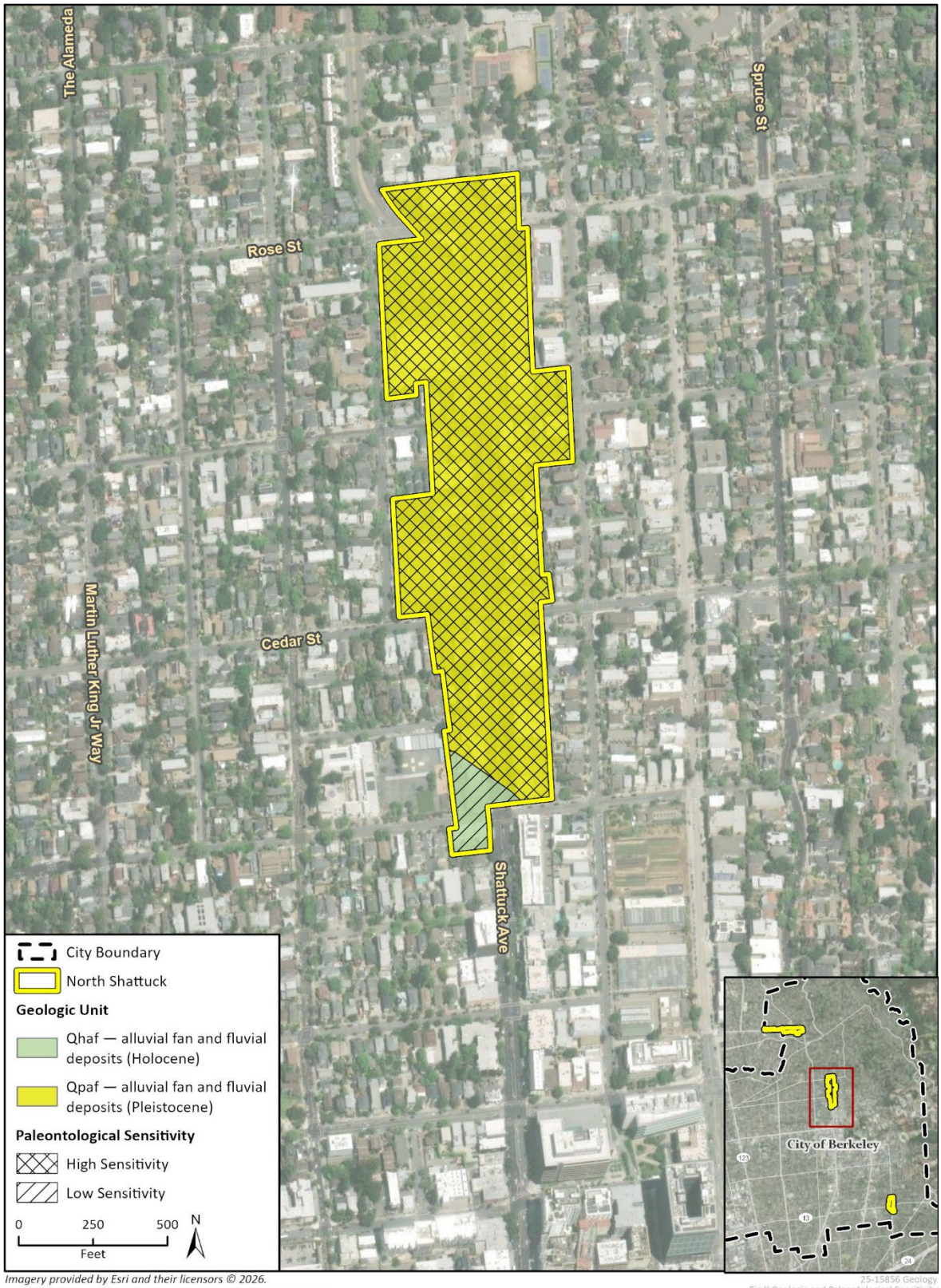
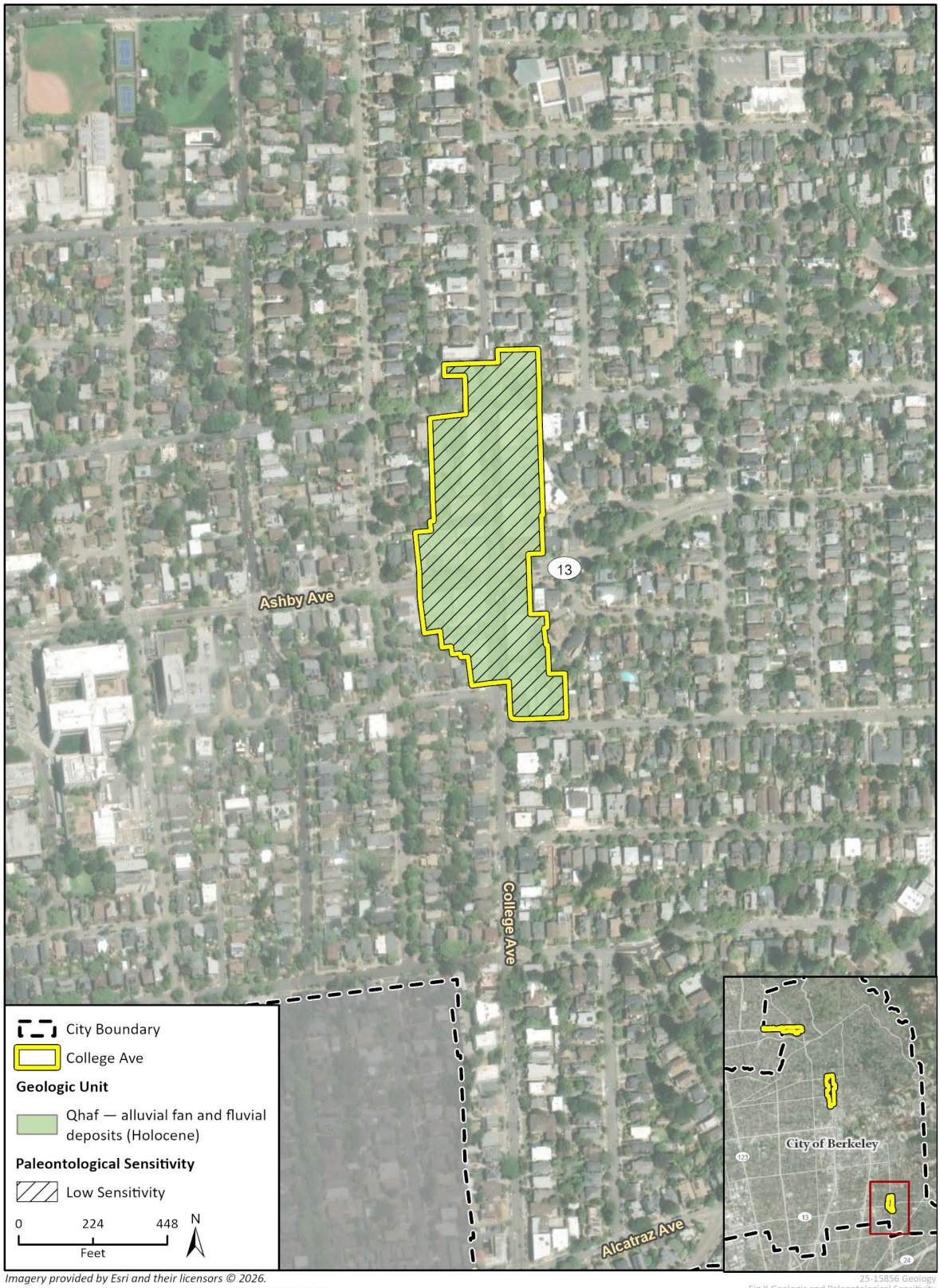


Figure 14 Geologic Units and Paleontological Sensitivity Underlying the College Avenue Corridor



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Additional data provided by City of Berkeley, 2025; CADOC, 2025.

25-15856 Geology
Fig X Geologic and Paleontological Sensitivity

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to geology and soils, and no new mitigation measures are required. Previously adopted 2023 EIR Mitigation Measure GEO-1 would remain applicable and would continue to be implemented and monitored.

GEO-1 Protection of Paleontological Resources

If ground disturbance below the level of prior disturbance and into native soils is proposed to occur in areas mapped as Pleistocene alluvial fan and fluvial deposits (Qpaf), Orinda Formation (Tor), or Knoxville Formation (Kjk), then the City shall require the following to be implemented:

- **Retention of Qualified Professional Paleontologist**. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by Society of Vertebrate Paleontology (SVP) (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards.

  If underlying formations are found to have a high potential for paleontological resources, the Qualified Professional Paleontologist shall create a Paleontological Mitigation and Monitoring Program, which will be approved by the City and contain the following elements:
- **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and procedures for notifying paleontological staff should fossils be discovered by construction staff.
- **Paleontological Monitoring.** Full-time paleontological monitoring shall be conducted during ground disturbing construction activities (i.e., grading, trenching, foundation work) in sediments assigned a high paleontological sensitivity. Paleontological monitoring shall be conducted by a qualified Paleontological Resources Monitor, as defined by the SVP (2010). The duration and timing of the monitoring will be determined by the Qualified Professional Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to the review and approval by the City. If the Qualified Professional Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions once the full depth of excavations has been reached, they may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Qualified Professional Paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Professional Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Professional Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.

  Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the City. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

Conclusion

The proposed project would have less than significant impacts with respect to geology and soils. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to geology and soils than were identified in the 2023 EIR.

None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.7 Greenhouse Gas Emissions

Impacts Identified in the 2023 EIR

As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the 2023 EIR, full buildout of the HEU would generate 81,985 MT of CO_2e per year, equating to an increase of 1.7 MT of CO_2e per service population per year. As analyzed in the 2023 EIR, the HEU's greenhouse gas (GHG) emissions of 1.7 MT of CO_2e per service population per year would not exceed the Air District's target of 3.7 MT CO_2e per service population at the plan-level.[4] Therefore, impacts related to GHG emissions were found to be less than significant.

The 2023 EIR found that the HEU would be consistent with GHG reduction goals and policies in the 2017 Scoping Plan, Plan Bay Area 2050, the City's General Plan, and the City's Climate Action Plan (CAP). Therefore, the 2023 EIR determined that the HEU would have less than significant impacts related to conflicting with an applicable GHG reduction plan.

Impacts of the Proposed Project

The City of Berkeley adopted a CAP in 2009 with the goal of reducing communitywide GHG emissions by 80 percent below 2000 levels by 2050. While the CAP is not considered a "qualified greenhouse gas reduction plan" for the purposes of streamlining GHG emissions analysis under CEQA, it is actively used by the City for guiding GHG emission reduction efforts. Since publication of the CAP, the City has revised the CAP to add the following climate commitments/goals in support of achieving the goals of the 2009 Plan:

- 100 percent renewable electricity by 2035
- Net-Zero Carbon Emissions by 2045, in alignment with Governor Brown's Executive Order B-55-18
- Declared a Climate Emergency and resolved to become a Fossil Fuel Free City

Since the certification of the 2023 EIR and approval of the HEU, the Air District has updated its GHG emissions thresholds of significance. The Air District thresholds now allow two options for plan-level projects to meet the significance thresholds (the Air District 2023):

1. Meet State's goals to reduce emissions to 40% below 1990 levels by 2030 and carbon neutrality by 2045; or
2. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

According to the *CEQA Guidelines*, projects can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. The City of Berkeley does not currently have a qualified GHG reduction plan, however, and this approach is not currently available.

As discussed in the 2023 EIR, the Air District's plan-level efficiency threshold of 6.6 MT CO_2e per service population per year was first reduced to the SB 32's 2030 target of 40 percent below 1990 emissions, which would result in a threshold of 4.0 MT CO_2e per service population per year. However, since that

[4] The Air District developed plan-level thresholds of significance to assist lead agencies with determining significance for long-range local and regional plans. Local long-range plans are discretionary, program-level planning activities, such as general plans and general plan elements, specific plans, area plans, community plans, congestion management plans, and annexations of lands and service areas. The proposed project involves Zoning Ordinance and General Plan amendments to facilitate housing in the three corridors. Plan-level thresholds are used instead of project-level thresholds because the proposed project constitutes as a programmatic document and applies to the three corridors.

time, the State has set additional emissions reductions targets of net-zero carbon emissions by 2045. To set a significance threshold that would achieve this 2045 target, the 4.0 MT CO_2e per service population per year threshold was reduced by 0.27 MT CO_2e per year to reach 2045's goal of zero MT CO_2e per population per year. Based on the trajectory to achieve this 2045 target, in the year 2031 this would equate to an interpolated threshold of 3.7 MT CO_2e per service population per year threshold. Therefore, if the proposed project would result in GHG emissions of less than 3.7 MT CO_2e per service population per year, the project would be consistent with the Air District's 2022 plan-level GHG threshold of meeting the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045.

Again, as noted above, the 2023 EIR concluded that the HEU's greenhouse gas (GHG) emissions of 1.7 MT of CO_2e per service population per year would not exceed the Air District's target of 3.7 MT CO_2e per service population at the plan-level. However, in reaching that conclusion, the 2023 EIR assumed that 90 percent of new development would be all-electric pursuant to Chapter 12.80 of the BMC. Since adoption of the 2023 EIR, Chapter 12.80 of the BMC, which prohibited the installation of natural gas infrastructure in newly constructed buildings, was repealed on June 4, 2024 by Ordinance 7909-NS. As discussed in the GHG Memorandum prepared by Rincon for the San Pablo Avenue Specific Plan Addendum, new building electrification data has suggested that 30 to 40 percent of new developments would include natural gas connections, resulting in approximately 60 to 70 percent electrification of development facilitated by the HEU (Appendix D). Based on this newly available data reflecting increased natural gas demand than previously analyzed, GHG emissions for all units modeled as part of the Housing Element EIR were recalculated by Rincon Consultants as part of the San Pablo Avenue Specific Plan project with the revised assumption that up to 60 percent of new development would be all-electric and the remainder of units would include natural gas connections. As discussed in the GHG Memorandum for the San Pablo Avenue Specific Plan Addendum, once adjusted to include the new 60% electrification assumption, the HEU would generate approximately 85,759 MT CO_2e per year. Therefore, the adjustment from the 2023 EIR's original 90% electrification assumption to this Addendum's 60% electrification assumption would result in an increase of 3,774 MT of CO_2e per year, or 4.6 percent, compared to the full buildout analyzed under the 2023 EIR (Appendix D).

This Addendum calculates the $MTCO_2e$ per service population for the proposed project, which, as explained below, is lower than for the HEU as a whole in part because all of the development anticipated with the proposed project would place residents near transit and within walking and biking distance of commercial uses and services. Proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) associated with the proposed project would generate GHG emissions. CalEEMod was used to calculate emissions resulting from construction and long-term operation, taking into account the revised natural gas usage scenario used in the San Pablo Avenue Specific Plan Addendum (see Appendix E for model output).

Construction Emissions

Emissions generated from construction of full buildout of development facilitated by the HEU are estimated to be 4,717 MT of CO_2e per year.[5] However, because the Air District does not have a recommended threshold for construction-related GHG emissions, the estimated emissions associated with construction are not included in Table 6.

Operational Indirect and Stationary Direct Emissions

Long-term emissions relate to area sources, energy use, solid waste, water use, transportation, and refrigerants. Each of the operational sources of emissions is discussed further below.

[5] Construction emissions were determined assuming the 4,399 units were built as one continuous project using CalEEMod defaults. Construction emissions for future projects would be based on the timing and size of individual projects. 4,717 MT of CO_2e is conservatively based on the highest year for construction emissions.

Mobile Emissions

As shown in Table 6 below, the additional 4,399 units facilitated by the proposed project would generate approximately 12,679 $MTCO_2e$ per year.

Area Source Emissions

CalEEMod was used to calculate direct sources of air emissions associated with the proposed project. These include consumer product use and landscape maintenance equipment. Area emissions are estimated at 55 $MTCO_2e$ per year.

Energy Use Emissions

Operation of the proposed project would consume both electricity and natural gas. The generation of electricity through combustion of fossil fuels emits CO_2, and to a smaller extent, N_2O and CH_4. Consistent with the approach used in the San Pablo Avenue Specific Plan Addendum, based on the newly available data reflecting a greater amount of natural gas demand than previously analyzed, GHG emissions for all units modeled as part of the project were calculated in CalEEMod with the assumption that up to 60 percent of new development would be all-electric and the remainder of units would include natural gas connections. GHG emissions from energy use are estimated at 2,227 $MTCO_2e$ per year.

Water Use Emissions

Based on the amount of electricity generated to supply and convey water for the project, the proposed project would generate an estimated 307 $MTCO_2e$ per year.

Solid Waste Emissions

Based on the estimate of GHG emissions from solid waste generated by the proposed project, as it decomposes solid waste associated with the proposed project would generate approximately 900 $MTCO_2e$ per year.

Refrigerant Emissions

Based on the estimate of GHG emissions from refrigerants used for the project, the proposed project would generate an estimated 1 $MTCO_2e$ per year.

Combined Emissions

As shown in Table 6, the annual emissions associated with the additional development under the proposed project would total approximately 16,169 $MTCO_2e$ per year. As discussed in *Population and Housing*, of this Addendum, below, using the 2023 Housing Element estimate of 2.5 person per household, the proposed project would result in 10,998 new residents and therefore the service population for the purposes of the analysis is 10,998 residents. As shown in Table 6, the $MTCO_2e$ per service population for the proposed project would be 1.5 MT CO_2e per service population. Therefore, these emissions would not exceed the 2023 EIR's the Air District 2031 efficiency target of 3.7 MT CO_2e per service population used in the 2023 EIR's analysis. Furthermore, the proposed project's annual emissions represent a conservative estimate since it does not take into account the reduction in 110,788 square feet of commercial uses. Commercial land uses typically generate higher levels of energy consumption, area source emissions, and vehicle trips per square foot compared to residential uses. Therefore, removing a substantial amount of commercial space would likely offset a portion of the projected emissions associated with the residential uses.

In addition, as shown in Table 6, when combined with the GHG emissions from the HEU as analyzed in the 2023 EIR and also taking into account 60 percent electrification, the $MTCO_2e$ per service population of 1.7 would not exceed the threshold of 3.7 $MTCO_2e$ per service population. The MT CO_2e per service population of 1.5 for the proposed project is lower than the MT CO_2e per service population of 1.8 for the

HEU plus proposed project because the proposed project would place residents within multiple bus routes and within walking and biking distance of commercial uses and services which would reduce usage of single-occupancy vehicles and VMT. Therefore, this impact would be less than significant, similar to what was analyzed for the HEU in the 2023 EIR.

Table 6 Operational GHG Emissions

Proposed Project Emissions Source	Annual Emissions (MT of CO2e/year)
Mobile	12,679
Area	55
Energy	2,227
Water	307
Waste	900
Refrigerants	1
Total Emissions	**16,169**
Proposed Project Service Population	10,998
Proposed Project Emissions Per Service Population ($MTCO_2e$/Service Population)[1]	**1.5**
Air District Interpolated Plan-level 2031 Target (MTCO2e/Service Population)	3.7
Proposed Project Exceeds Threshold?	**No**
Total Emissions (HEU plus Proposed Project)[2]	**101,928**
Total Service Population (HEU plus Proposed Project)[3]	58,441
Total Emissions Per Service Population (HEU plus Proposed Project) ($MTCO_2e$/Service Population)[4]	**1.7**
Air District Interpolated Plan-level 2031 Target (MTCO2e/Service Population)	3.7
Exceeds Threshold?	**No**

[1] 16,169 / 10,998 = 1.5 $MTCO_2e$/Service Population

[2] 85,759 MT CO_2e for HEU with 60 percent electrification + 16,169 MT CO_2e for proposed project = 101,928 MT CO_2e

[3] 47,443 population in 2023 EIR + 10,998 new residents under proposed project = 58,441 people

[4] 101,928 / 58,441 = 1.7 $MTCO_2e$/Service Population

See Table 2.5 "Operations Emissions by Sector, Unmitigated" emissions. CalEEMod worksheets in Appendix E.

Also similar to the HEU, development facilitated by the proposed project would comply with the latest Title 24 Green Building Code and Building Efficiency Energy Standards. As discussed above under *Air Quality*, the net percentage VMT increase associated with the proposed project (approximately 55.3 percent when compared to 2020 Without Project) would be less than the net percentage population increase (approximately 59.2 percent when compared to 2020 Without Project). Therefore, on a per population basis, the proposed project would have the effect of reducing VMT and therefore GHG emissions associated with fossil fuel use.

As discussed in the 2023 EIR, the HEU would be consistent with the 2017 Scoping Plan, which provides a framework towards reaching statewide per capita goals of 6 MT CO_2e by 2030 and 2 MT CO_2e by 2050; Plan Bay Area 2050, a State-mandated, integrated long-range transportation, land-use, and housing plan with 35 strategies to improve the transportation system, provide affordable housing, and reduce climate emissions; and the City's General Plan and Climate Action Plan, which includes policies, actions, and measures aimed at reducing GHG emissions. Although the proposed project would facilitate the development of up to 4,399 more units compared to the HEU, all the units would be concentrated in TPAs which would further reduce reliance on personal vehicles and encourage usage of alternative modes of transport. Additionally, the proposed project would result in the reduction in 110,788 square feet of

commercial uses which would further reduce GHG emissions from operations and VMT. Multiple bus routes such as the AC Transit bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 27, 51B, 604, 605, and 851 are located along the College Avenue Corridor. Development facilitated by the proposed project would also be required to comply with EV requirements pursuant to BMC Section 19.37.040, which currently requires 40 percent of parking spaces to be equipped with low power Level 2 EV charging receptacles at all new multi-family developments; and for new one- and two-family dwelling units to minimum 40-ampere 208/240-volt dedicated EV branch circuit in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code. Future development would also be subject to BMC Chapter 19.37, which requires diversion of 65 percent diversion of construction/demolition waste, and recycling and salvage of 100 percent of excavated soil and land-clearing debris, 100 percent of concrete, and 100 percent of asphalt during construction and demolition activities. Ava would be the electricity supplier for the proposed project and would enroll residential customers in their Renewable 100 service plan, which provides 100 percent of electricity from renewable energy sources. Therefore, similar to the HEU, the proposed project would be consistent with goals and policies of the 2017 Scoping Plan, Plan Bay Area 2050, the City's General Plan, and the City's CAP, and impacts would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects related to GHG emissions would occur and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to GHG emissions. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to GHG emissions than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.8 Hazards and Hazardous Materials

Impacts Identified in the 2023 EIR

As discussed in Section 4.8, *Hazards and Hazardous Materials*, of the 2023 EIR, construction of development facilitated by the HEU could result in an increase in the overall routine, transport, use, and disposal of hazardous materials in Berkeley. However, hazardous materials would be required to be transported under U.S. Department of Transportation (DOT) regulations (U.S. DOT Hazardous Materials Transport Act, 49 Code of Federal Regulations). The California Department of Toxic Substances Control (DTSC) also regulates hazardous wastes under the authority of Resource Conservation and Recovery Act (RCRA) and in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Divisions 4 and 4.5). The 2023 EIR found that portions of Berkeley are located in Environmental Management Areas (EMA) as identified by the City's Toxics Management Division (TMD).[6] As a Certified Unified Program Agency (CUPA) for the City of Berkeley, the TMD is responsible for identifying areas known or suspected to have groundwater contamination that could result in potential health and environmental impacts, and development in the EMA would require project review by the TMD prior to issuance of permits. Future development projects facilitated by the HEU would be subject to the

[6] EMAs can be located using the City's Environment GIS portal: https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Environment.

City's Standard COA related to Environmental Site Assessments, Soil and Groundwater Management Plans, Building Materials Surveys, and Hazardous Materials Business Plans, which would reduce impacts to a less than significant level.

The 2023 EIR determined that operation of the HEU would not risk exposing the public to hazardous materials because residential uses do not typically use hazardous materials other than small amounts for cleaning and landscaping. Although the HEU would increase the number of residents near transportation corridors where hazardous materials may be routinely transported, as discussed above the transportation of hazardous materials is regulated by the DOT. Additionally, since the HEU would facilitate residential development within areas of Berkeley where hazardous materials could be stored or used, such as near mixed-use or industrial areas, the potential of residents being exposed to hazardous materials may be increased. However, future development would be required to adhere to the California Accidental Release Prevention (CAL ARP) program as required by the California Environmental Protection Agency (Cal EPA) (Cal EPA 2023), develop a Hazardous Materials Business Plan enforced by Berkeley's TMD (City of Berkeley 2023b), and adhere to the Local Hazard Mitigation Plan (LHMP) established by Alameda County and the City of Berkeley (City of Berkeley 2019), which aim to minimize community exposure to hazardous and potentially hazardous materials by avoiding toxic cleaning and building materials and products in civic facilities and services; providing information, opportunities, and incentives to the community for proper disposal of toxic materials; encouraging non-toxic materials and products in homes and businesses as an alternative to products containing potentially hazardous materials; and providing procedures to follow in the event of a spill. Compliance with these policies would further prepare the City, reduce the risk of spills, and protect the public in the event of an accidental spill or exposure. Future development would also be required to comply with policies and programs in the Disaster Preparedness and Safety Element, Environmental Management Element, and the Housing Element of the City's General Plan such as Policies S-15, EM-12, EM-13, and EM-15, as well as Housing Element Programs 16, 21, 22, and 25, impacts would be less than significant.

The 2023 EIR determined that although 122 housing inventory sites listed in the HEU would be located within a 0.25-mile radius of Berkeley's existing schools and childcare facilities, impacts related to the accidental release of hazardous materials and exposure to these materials would be less than significant with adherence to the above-referenced State and local laws, regulations and plans. The 2023 EIR stated that Berkeley has 361 documented sites containing or potentially containing hazardous materials contamination in underlying soil and/or groundwater that have not received regulatory closure. Development facilitated by the HEU could involve ground disturbance on sites where soil, soil vapor, or groundwater contamination is present such that hazardous materials are released, exposing construction workforce and nearby occupants to hazardous materials. However, development near hazardous locations would be preceded by investigation, remediation (cleanup), and monitoring, as necessary, under the supervision of the City's TMD, RWQCB, or DTSC before construction activities begin. Furthermore, if an unidentified underground storage tank (UST) is uncovered or disturbed during construction, it would be removed under permit, and potential risks due to residual contamination would be minimized by managing the site according to existing standards contained in Division 20, Chapters 6.7 and 6.75 (Underground Storage Tank Program) of the California Health and Safety Code as enforced and monitored by the City's TMD. Similarly, if groundwater contamination is identified, characterization of the vertical and lateral extent of the contamination and remediation activities would be required by the RWQCB prior to the commencement of new construction activities that would disturb the subsurface. If contamination exceeds regulatory action levels, the developer would be required to undertake remediation prior to grading and development under the supervision of the RWQCB, depending upon the nature of identified contamination to levels that do not pose an unacceptable risk for the intended land use. Therefore, impacts related to hazardous materials sites would be less than significant.

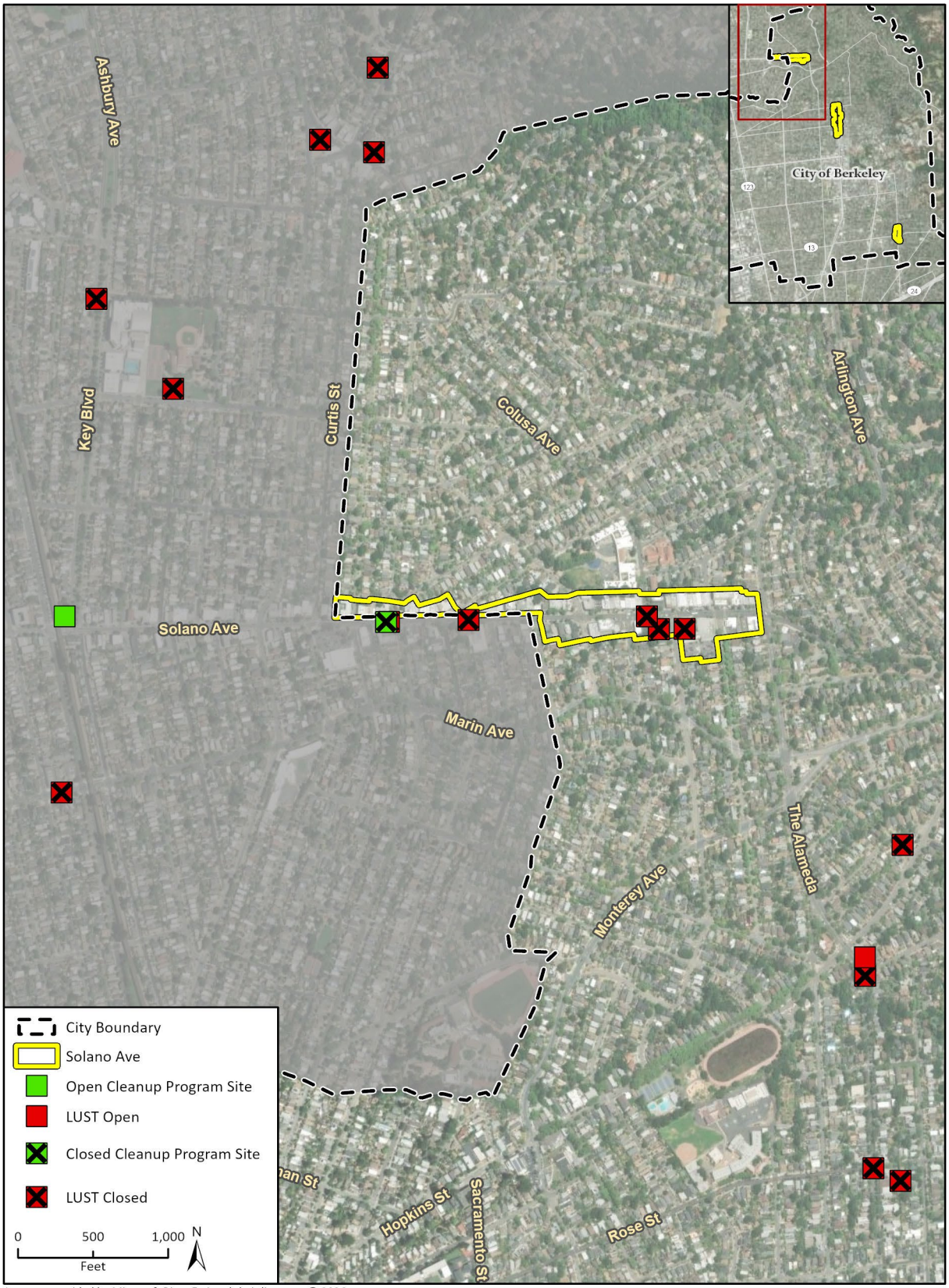
Development facilitated by the HEU also would be required to comply with Policy T-28 of the City's General Plan which identifies actions for emergency access. Development would also be required to conform to the latest Fire Code requirements, including provisions for emergency access. Because there are no public or private airports within Berkeley, the 2023 EIR determined that the HEU would not result in

impacts related to a safety hazard or excessive noise hazards within airport land use plan areas or in proximity to airports.

Impacts of the Proposed Project

Much of the three corridors are within the City's identified EMA, which includes areas known or suspected to have groundwater contamination issues. Within the Solano Avenue Corridor, the EMA includes parcels between The Alameda and Tacoma Avenue; within the North Shattuck Avenue Corridor, the EMA includes parcels between Cedar Street and Virginia Street; and within the College Avenue Corridor, the EMA includes parcels between Russell Street and Webster Street (City of Berkeley 2026). As shown in Figure 15 to Figure 17, a search of the DTSC's EnviroStor database and the SWRCB's GeoTracker database (conducted in July 2026), which contain information on properties in California where hazardous substances have been released or where the potential for a release exists, identified one closed cleanup program site and five closed LUST sites within the Solano Avenue Corridor; one open cleanup program site and one closed LUST sites within the North Shattuck Avenue Corridor; and one open cleanup program site and two closed LUST sites within the College Avenue Corridor. The former Norge Laundry and Dry Cleaning Village site located at 2089-2091 Rose Street in the North Shattuck Avenue Corridor was identified as a DTSC Cleanup Program Site in need of evaluation as of 2025. Dry cleaning solvent has been identified in soil and groundwater below the existing building and partially outside the building, and indoor air data confirm detections of tetrachloroethylene (PCE) above the applicable ESL (SWRCB 2026a). The former College Cleaners site located at 2942 College Avenue in the College Avenue Corridor was identified as a DTSC Cleanup Program Site in need of evaluation as of 2021. Four USTs were removed from the site in 1993 and 1995, which were used to store Stoddard solvent. PCE was also stored at the site (SWRCB 2026b). Future development of these two sites would be subject to DTSC oversight and regulation, City review, and other existing environmental laws related to cleanup of hazardous materials. Cleanup of the site would have to be certified as suitable for the intended land use by DTSC before new development could occur. Because development, including grading and excavation, would be contingent on cleanup of existing hazards on this site, no significant impacts related to hazardous materials would occur with implementation of the proposed project.

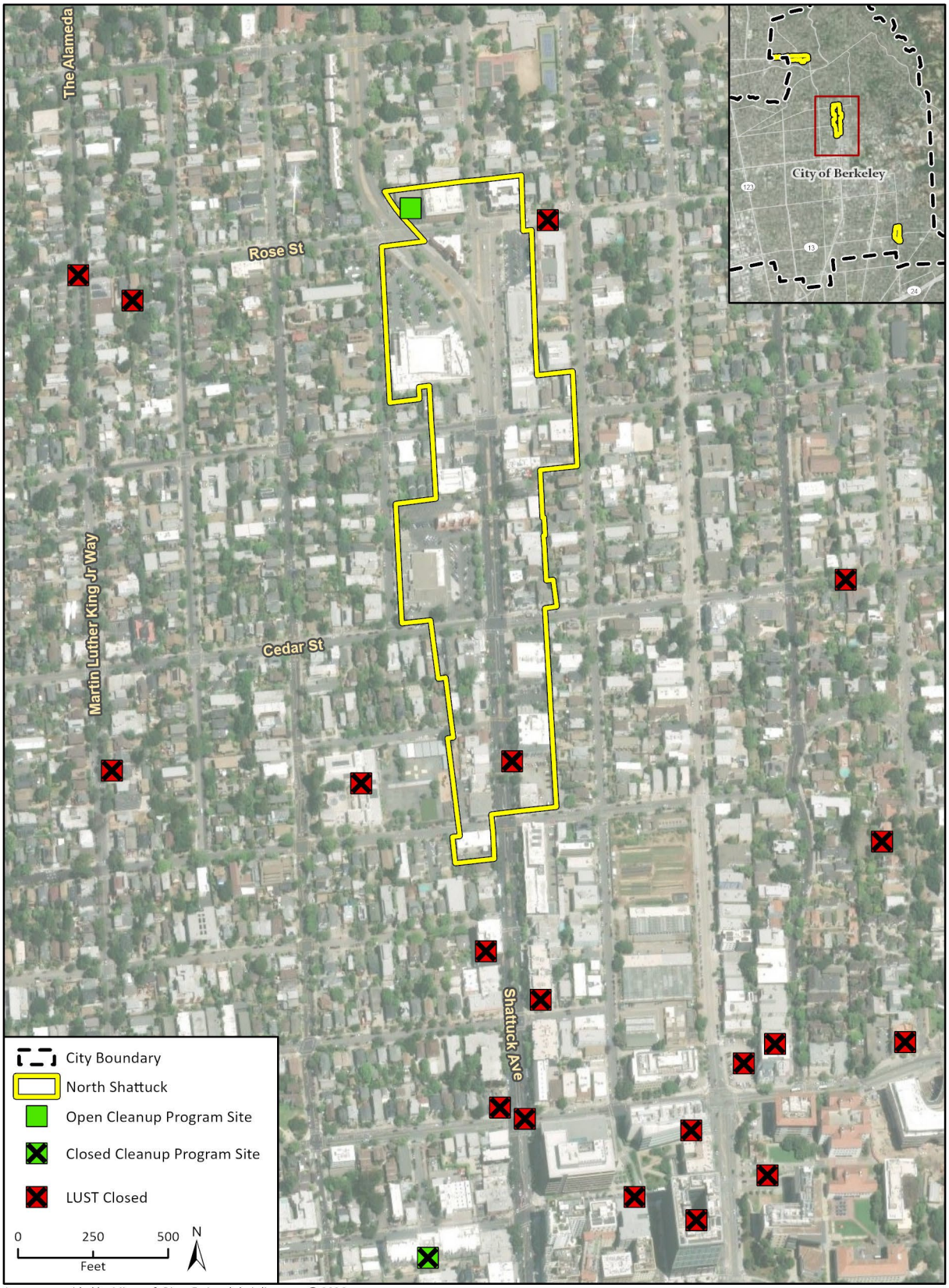
Figure 15 Solano Avenue Corridor Hazardous Sites



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Additional data provided by City of Berkeley, 2025; SWRCB, 2025.

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Fig X Cleanup Sites

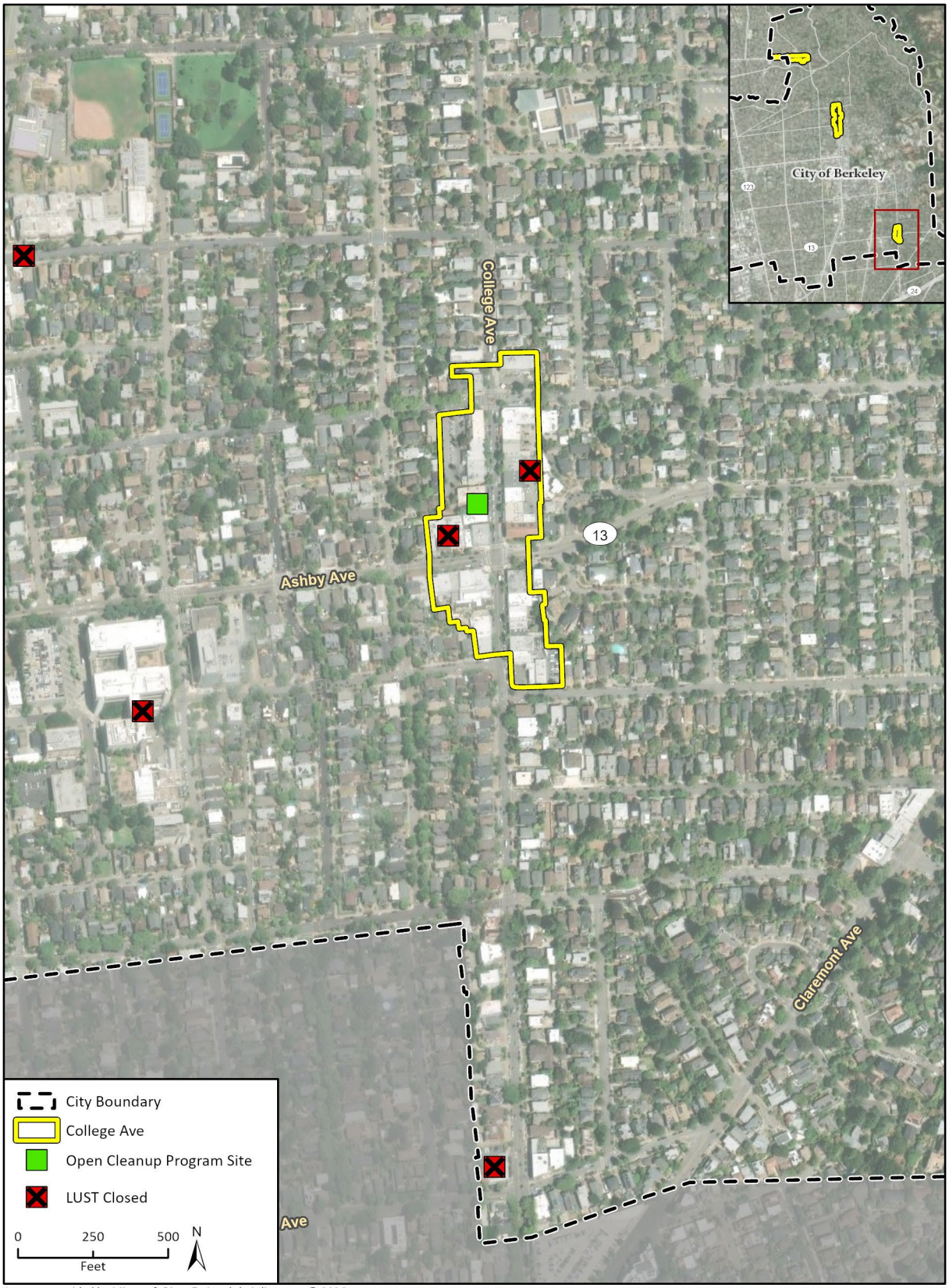
Figure 16 North Shattuck Avenue Corridor Hazardous Sites



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Additional data provided by City of Berkeley, 2025; SWRCB, 2025.

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Fig X Cleanup Sites

Figure 17 College Avenue Corridor Hazardous Sites



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Additional data provided by City of Berkeley, 2025; SWRCB, 2025.

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Fig X Cleanup Sites

Similar to the HEU, development facilitated by the proposed project would be subject to the City's Standard COA. With adherence to the City's Standard COA, the City's TMD would evaluate projects to determine if Phase I/Phase II Environmental Site Assessments are required to characterize potential contamination. If contamination is present, applicants would be required to develop a soil and groundwater management plan, a type of construction management plan that would identify procedures for soil and groundwater management and disposal to address hazards during construction.

The proposed project would allow for development of up to 4,399 more units and up to a projected 8 stories in the three corridors compared to the buildout analyzed in the 2023 EIR (Appendix A), and therefore would potentially involve transport, use, or dispose of more hazardous materials than what was analyzed in the 2023 EIR during construction, and would facilitate increased development on sites that are possibly contaminated and inactive, undergoing evaluation, and/or undergoing corrective action, where grading or excavation may result in the transport, disposal, and release of hazardous materials if they are discovered and removed from the site. Nonetheless, although the proposed project would require incrementally greater depths of disturbance for taller buildings, the building footprint and area of ground disturbance would stay the same as analyzed under the 2023 EIR, and the geographic extent of subsurface disturbance would not expand into new areas that have not already been evaluated. Furthermore, future development would be required to comply with the same federal, State, and local laws and regulations as discussed in the 2023 EIR, such as DOT regulations (U.S. DOT Hazardous Materials Transport Act, 49 Code of Federal Regulations), California Hazardous Waste Control Law (California H&SC Division 20, Chapter 6.5), and Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Divisions 4 and 4.5). Although most of the three corridors are within the City's EMA, development within the EMA would be subject to project review by the TMD prior to issuance of permits. Future projects also would be subject to the City's Standard COA regarding Environmental Sites Assessments, Soil and Groundwater Management Plans, Building Materials Surveys, and Hazardous Materials Business Plans, which would reduce impacts to a less than significant level.

> **Toxics.** The applicant shall contact the Toxics Management Division (TMD) to determine which of the following documents are required and timing for their submittal:
>
> **A. Environmental Site Assessments**
>
> 1. Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
>   - All new commercial, industrial and mixed-use developments and all large improvement projects.
>   - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
>   - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
> 2. Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
> 3. If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
>
> **B. Soil and Groundwater Management Plan**
>
> 1. A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal

methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.

2. The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
3. TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed Standard COAs of this Use Permit.

C. Building Materials Survey

1. Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply with state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan

1. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at http://cers.calepa.ca.gov/ within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at http://ci.berkeley.ca.us/hmr/

Similar to the HEU, the proposed project's changes to the adopted HEU would facilitate the development of residential uses, which may involve use and storage of some materials considered hazardous, though these materials would be primarily limited to solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. The proposed project would also result in a decrease of 110,788 square feet of commercial uses, further reducing the amount of hazardous materials used.

These materials would not be different from chemicals and solvents already in wide use throughout the three corridors, and the use of such products would be required to comply with all applicable laws and regulations regarding the disposal of household waste. New housing units would be located in areas near major transportation corridors and existing residential and commercial development. Hazardous materials may be transported into and throughout the three corridors on Solano Avenue, North Shattuck Avenue, College Avenue, and collector and local streets. The proposed project would increase the number of residents near transportation corridors where hazardous materials may be routinely transported compared to the HEU. However, as discussed in the 2023 EIR, compliance with existing federal, State, and local laws and regulations would reduce risks related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these materials. Therefore, impacts from a hazard to the public or the environment due to routine transport, use or disposal of hazardous materials, or from accidental release or exposure to hazardous materials would be less than significant, similar to the HEU.

In the Solano Avenue Corridor, the West Wind School, the Thousand Oaks Elementary School, the Happy Day Montessori Preschool, the Rising Sun Montessori Preschool, and the Marin Elementary School are located within 0.25 miles of the corridor. In the North Shattuck Avenue Corridor, the New School of Berkeley, Berkeley Arts Magnet School, Bayhill High School, The Berkeley School Early Childhood Center, the School of the Madeline, and Martin Luther King Jr. Middle School are located within 0.25 miles of the corridor. In the College Avenue Corridor, the Monteverde School, the Hearts Leap Preschool, Maybeck High School, Emerson Elementary School, Emerge Berkeley Christian Academy, The Academy, Willard Middle School, Escuela Bilingue International, and Rockridge Little School are located within 0.25 miles of the corridor. Although the proposed project would increase potential buildout in the three corridors compared to what was analyzed in the 2023 EIR by up to 4,399 units, as described above, adherence to applicable requirements, including DOT and DTSC regulations as well as the City's Standard COA regarding emissions and transport of hazardous materials would ensure that impacts would be reduced to a less than significant level, similar to the HEU.

Several streets in the Solano Avenue, North Shattuck Avenue, and College Avenue Areas, including College Avenue, Cedar Street, Dwight Way, Shattuck Avenue, Rose Street, and Ashby Avenue are designated as emergency access routes to move people and emergency response equipment in a disaster (City of Berkeley 2011). General Plan Policy T-28 identifies actions for emergency access. These include not installing diverters or speed humps on streets identified as Emergency Access and Evacuation Routes. While the proposed project would increase the number of units in the three corridors by up to 4,399 units, and therefore would result in increased traffic compared to the HEU, the designated access routes would continue to serve as evacuation routes in the case of emergency because the proposed project does not propose street configuration changes. Moreover, because the three corridors can be accessed by several designated access routes, and new development in the three corridors are anticipated to be distributed throughout the area, the traffic increase that would result from new development would not substantially impact one route and would be distributed among existing routes. Future development would be required to conform to the latest Fire Code requirements, including provisions for emergency access, and would not obstruct existing roadways or require the construction of new roadways or access points. Therefore, impacts would be less than significant, similar to the HEU.

None of the three corridors are located within two miles of an airport. The College Avenue Corridor is closest to the Oakland San Francisco Bay Airport, which is still approximately 12.4 miles north of the airport. None of the three corridors are in the land use plan for the airport (Alameda County Community Development Agency 2010). There would be no impacts related to airport safety hazards for people residing or working in the three corridors.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to hazards and hazardous materials, and no new mitigation measures are required. Berkeley's Standard COA requiring contacting the TMD and determining if Environmental Site Assessments, Soil and Groundwater Management Plans, Building Materials Surveys, and Hazardous Materials Business Plans, as referenced in the 2023 EIR, would remain applicable.

Conclusion

The proposed project would have less than significant impacts with respect to hazards and hazardous materials. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to hazards and hazardous materials than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.9 Hydrology and Water Quality

Impacts Identified in the 2023 EIR

As discussed in Section 4.9, *Hydrology and Water Quality*, of the 2023 EIR, construction activities could cause soil erosion from exposed soil, and accidental release of hazardous materials used for equipment such as vehicle fuels and lubricant, or temporary siltation from storm water runoff. However, future development facilitated by the HEU would be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction, such as requirements of the SWRCB CGP, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and BMPs for projects that disturb one acre or more of land. Should dewatering be necessary during construction, development projects would be subject to the San Francisco Bay Regional Water Quality Control Board Order No. R2-2012-0060, General Waste Discharge Requirements for Discharge or Reuse of Extracted Brackish Groundwater, Reverse Osmosis Concentrate Resulting from Treated Brackish Groundwater, and Extracted Groundwater from Structural Dewatering Requiring Treatment (Groundwater General Permit). Development would also be required to comply with BMC Chapters 17.20 and 21.40, which would reduce construction-related water quality impacts to a less than significant level.

Development under the HEU would also be required to comply with the BMC and the Municipal Regional Stormwater NPDES Permit (No. CAS612008). Development design would include BMPs to avoid adverse effects associated with stormwater runoff quality. The 2023 EIR stated that development would also be required to implement LID Measures and on-site infiltration, as required under the C.3 provisions of the Municipal Regional Stormwater Permit (MRP). In addition to Provision C.3, development would also be required to comply with Provisions C.6, C.10, and C.15 of the MRP, which would reduce operational water quality impacts to a less than significant level.

Similarly, with adherence to the NPDES CGP, NPDES MS4 General Permit, MRP, the Alameda County Clean Water Program, and the BMC, the 2023 EIR found that the HEU would not substantially alter the existing drainage pattern of the site or area or alter the course of a stream or river, not result in erosion or siltation, and not substantially increase the rate of surface runoff in a manner which would result in flooding on- or off-site or exceed capacity of a stormwater system. Impacts were found to be less than significant.

The 2023 EIR determined that the HEU would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. Compliance with the above-mentioned regulations would increase the potential for groundwater recharge, resulting in less than significant impacts to groundwater.

As discussed in Section 4.9 of the 2023 EIR, there are a few Federal Emergency Management Agency (FEMA)-designated 100-year Flood Hazard Areas throughout the city, particularly in the western portion of the city. However, development in Flood Hazard Areas would be required to comply with Chapter 17.12 of the BMC, which contains standards for construction in flood zones, as well as Policies S-26, S-27, and S-28 of the Berkeley General Plan, which would reduce impacts to a less than significant level.

Impacts of the Proposed Project

Similar to what was assumed in the 2023 EIR, although development facilitated by the proposed project would occur on redevelopment sites in previously disturbed areas, ground-disturbing activities would still have the potential to cause soil erosion from exposed soil, an accidental release of hazardous materials used for equipment such as vehicle fuels and lubricant, or temporary siltation from storm water runoff. If uncontrolled during construction, soil erosion and water pollutants could have adverse offsite effects on water quality. Although most future development projects in the three corridors would likely be on sites under one acre in size, future development projects that disturb more than one acre of land – for example, where lots are consolidated – would be required to comply with the requirements of the SWRCB

CGP, which requires preparation and implementation of a SWPPP. The SWPPP must include erosion and sediment control BMPs that would meet or exceed measures required by the CGP, as well as those that control hydrocarbons, trash, debris, and other potential construction-related pollutants. Post-construction stormwater performance standards are also required to specifically address water quality and channel protection events.

In addition, future subdivisions would be required to comply with BMC Section 21.40.270, which contains regulations that govern the grading, erosion, and sediment control, and future development would be required to comply with BMC Chapter 17.20, which requires BMPs to be implemented to minimize non-stormwater discharges during construction. As discussed above under Section 5.8, *Hazards and Hazardous Materials*, all future non-residential projects as well as residential or mixed-use projects with more than four dwelling units that are in the EMA and include excavations deeper than 5 feet would also be required to prepare a site-specific SGMP. Therefore, as with the HEU, construction-related water quality impacts would be less than significant.

The Solano Avenue, North Shattuck Avenue, and College Avenue Corridors are urbanized, largely consisting of impervious surfaces, including structures, parking lots, and roadways, with the exception of designated landscaped areas. Therefore, future development would likely replace existing impervious surfaces and would not substantially increase the existing amount of impervious surfaces. Nonetheless, the proposed project would increase development potential and building height in the three corridors by up to 4,399 units and 8 stories as outlined in Appendix A, which could require increased subgrade excavation due to deeper foundations and increase the likelihood of including underground parking. These features could, in turn, result in greater operational and dewatering-related water quality impacts compared to the HEU. Nonetheless, although the proposed project could facilitate development of up to a projected 8 stories as outlined in Appendix A and would require incrementally greater depths of disturbance for taller buildings, the building footprint and area of ground disturbance would stay the same as analyzed under the 2023 EIR, and the geographic extent of subsurface disturbance would not expand into new areas that have not already been evaluated. Furthermore, as discussed in the 2023 EIR with regard to the HEU, the proposed project would be required to comply with the same State and local regulations, such as the NPDES Permit; MRP, specifically Provision C.3, C.6, and C.15; and BMC regulations, which would reduce impacts to a less than significant level, similar to the HEU.

The Solano Avenue, North Shattuck Avenue, and College Avenue Corridors are urbanized, largely consisting of impervious surfaces, including structures, parking lots, and roadways. Stormwater runoff generated by new development or redevelopment under the proposed project would be collected by drainage inlets and conduits and conveyed to the San Francisco Bay, as under current conditions. There are no surface waters within the three corridors, and the corridors are not located within a FEMA designated Flood Hazard Area (City of Berkeley 2026). Site-specific drainage pattern alterations could be required for development facilitated by the proposed project, but such alterations would not result in substantial adverse effects. Because the three corridors are already largely covered with impervious surfaces, development under the proposed project would not introduce substantial new impervious areas to the extent that the rate or amount of surface runoff would substantially increase, would not introduce substantial new surface water discharges, and would not result in flooding on- or off-site. Regulated projects[7] within the three corridors must treat 80 percent or more of the volume of annual runoff for volume-based treatment measures or 0.2-inch per hour for flow-based treatment measures. Furthermore, projects that create or replace 2,500 square feet or more of impervious surface must implement site design measures to reduce stormwater runoff. All regulated projects within the three corridors would also be required to prepare a Stormwater Management Plan (SWMP) that includes the post-construction BMPs that control pollutant levels pursuant to BMC Chapter 17.20. SWMPs would be reviewed by the City of Berkeley prior to the issuance of building permits. In areas of the city that have soils with low

[7] Pursuant to the Alameda County Clean Water Program, new development or redevelopment projects that create or replace 10,000 square feet of impervious surfaces or 5,000 square feet or more of impervious surface for special land use categories (i.e., uncovered parking lots, restaurants, auto service facilities, and gasoline stations) are "regulated projects" and are required to implement site design measures, source control measures, and stormwater treatment measures to reduce stormwater pollution during operation of the project.

permeability and/or areas with high water tables, which may include portions of the three corridors, BMPs that do not rely on infiltration are most appropriate. Therefore, similar to the HEU, this impact would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to hydrology and water quality, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to hydrology and water quality. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to hydrology and water quality than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.10 Land Use and Planning

Impacts Identified in the 2023 EIR

As discussed in Section 4.10, *Land Use and Planning*, of the 2023 EIR, the HEU would have no impact regarding division of an established community because the HEU includes policies and programs to encourage housing development on underutilized and vacant sites and along established commercial corridors and neighborhoods. The HEU was determined to be consistent with the goals and strategies of Plan Bay Area 2050, as well as policies in the City's General Plan and the BMC. As stated in Government Code Section 65589.5(a), the Legislature has concluded that "the lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California." The HEU establishes policies and programs to further the goal of meeting the existing and projected housing needs of all household income levels of the community. In addition, the sites inventory provides evidence of the City's ability to accommodate the RHNA through the year 2031, as established by the Association of Bay Area Governments (ABAG), as well as efficiently utilize vacant, underutilized, and underdeveloped lots within the City to increase the supply of housing. Impacts were found to be less than significant.

Impacts of the Proposed Project

Although the proposed project would allow for up to an additional 4,399 units in the three corridors, no new roads, linear infrastructure, or other development features are proposed that would divide an established community or limit movement, travel, or social interaction between established land uses. Therefore, similar to the HEU, this impact would be less than significant.

The proposed project would include Zoning Ordinance amendments and zoning map changes and associated General Plan text and map amendments to create or modify objective design standards in the three corridors, specifically in the C-SO, C-NS, and C-E zoning districts, to increase density, height, and massing to allow for mixed-use and residential development. As shown in Table 2, maximum building height in all three corridors would be increased to up to 8 stories, and maximum density would be increased to up to 165 dwelling units per acre. Future development facilitated by the proposed project would be required to comply with zoning requirements for residential uses as described in Title 23, *Zoning*, of the BMC. Therefore, similar to the HEU, the proposed project would be consistent with the BMC with adoption of the proposed project.

As shown below under Table 7 and Table 8, the proposed project would be consistent with the applicable goals and policies from Plan Bay Area 2050 and the City's General Plan as analyzed in the 2023 EIR, and impacts would be less than significant.

Table 7 Project Consistency with Plan Bay Area 2050

Measure	Proposed Project Consistency
Housing. Spur Housing Production for Residents of all Income Levels	
H3. Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas, select Transit-Rich Areas and Select High-Resource Areas.	**Consistent.** The proposed project would facilitate up to 4,399 more units compared to the HEU in the three corridors, which are TPAs. Specifically, AC Transit bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 27, 51B, 604, 605, and 851 are located along the College Avenue Corridor. The project would place future residents within walking and biking distance of transit and commercial uses and services, which would further reduce reliance on personal vehicles and encourage usage of alternative modes of transport.
H5. Integrate affordable housing into all major housing projects. Require a baseline of 10-20% of new market-rate housing developments of five units or more to be affordable to low-income households.	**Consistent**. Pursuant to Ordinance Number 936, *Inclusionary Housing*, and Chapter 23.328 of the BMC, the City requires that new rental housing with five or more units must provide 20 percent of the units as below market rate units or pay the Affordable Housing Mitigation Fee or provide some below market rate units and pay a prorated fee. Of the 20 percent below market rate units, half must be provided to low-income households, and half must be provided to very-low income households.
EN4. Maintain urban growth boundaries. Using urban growth boundaries and other existing environmental protections, focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions.	**Consistent.** The project would facilitate increased development of housing on redevelopment sites in the three corridors, all within the incorporated City of Berkeley, which would reduce pressure to develop open space areas. By placing residents close to jobs, services, and alternative methods of transportation, the project would reduce greenhouse gas emissions and other criteria pollutants associated with vehicle use to help communities stay healthy and safe.

Source: ABAG 2021

Table 8 Project Consistency with Relevant General Plan Goals and Policies

General Plan Policy	Proposed HEU Project Consistency
Land Use Element	
Maintain and Preserve the Character of Berkeley	
Policy LU-3 Infill Development. Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.	**Consistent.** The proposed project would facilitate increased infill development on underutilized sites in order to increase density to accommodate a higher number of residents. Individual future projects would be subject to the City's existing general development standards (BMC Chapter 23.304) to ensure that buildings are compatible with neighboring land uses and architectural design and scale.
Policy LU-4 Discretionary Review. Preserve and enhance the aesthetic, environmental, economic, and social character of Berkeley through careful land use and design review decisions.	**Consistent**. Future development would be required to comply with General Plan land use and design review policies and processes, and discretionary review would be required for applicable projects.

General Plan Policy	Proposed HEU Project Consistency
Maintain and Enhance Berkeley's Residential Areas	
Policy LU-9 Non-Residential Traffic. Minimize or eliminate traffic impacts on residential areas from institutional and commercial uses through careful land use decisions.	**Consistent**. The proposed project would facilitate up to 4,399 more units compared to the HEU along three transportation corridors, which are also TPAs. AC Transit bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 27, 51B, 604, 605, and 851 are located along the College Avenue Corridor. The project would place future residents within walking and biking distance of transit and commercial uses and services, which would further reduce reliance on personal vehicles and encourage usage of alternative modes of transport.
Policy LU-11 Pedestrian- and Bicycle-Friendly Neighborhoods. Ensure that neighborhoods are pedestrian- and bicycle-friendly with well-maintained streets, street trees, sidewalks, and pathways.	**Consistent**. Future development would be required to comply with residential bicycle parking standards pursuant to BMC Section 23.322.090. Future residents and workers would be able to utilize existing bicycle routes along The Alameda, Colusa Avenue, Rose Street, Walnut Street, Center Street, Piedmont Avenue, and bicycle boulevards along Milvia Street, Virginia Street, Channing Way, Russell Street, and Hillegass Avenue. Implementation of the proposed project would not interfere or conflict with the City's pedestrian or bicycle network.
Maintain and Enhance Berkeley's Commercial Areas and the Downtown	
Policy LU-23 Transit-Oriented Development. Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.	**Consistent**. The proposed project would facilitate up to 4,399 more units compared to the HEU in the three corridors, which are TPAs. Specifically, AC Transit bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 27, 51B, 604, 605, and 851 are located along the College Avenue Corridor. The project would place future residents within walking and biking distance of transit and commercial uses and services, which would further reduce reliance on personal vehicles and encourage usage of alternative modes of transport. Pursuant to Chapter 23.334 of the BMC, developments that provide more affordable housing than required and/or a robust Transportation Demand Management Plan would be able to reduce their parking supply.
Policy LU-27 Avenue Commercial Areas. Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.	**Consistent**. The proposed project would facilitate the development of up to 4,399 more units in the Solano Avenue, North Shattuck Avenue, and College Avenue corridors compared to the HEU. The proposed project would streamline housing development by providing an objective set of development standards, such as building height, setbacks, and minimum density. This would ensure that future development is compatible with the character and scale of Berkeley according to the City's standards. The increase in residential density and mixed-use development within the three corridors would enhance the pedestrian environment by supporting a larger, more consistent customer base for local businesses. Added activity would create a more vibrant, walkable streetscape with improved visibility and overall street-level vitality.

General Plan Policy	Proposed HEU Project Consistency
Transportation Element	
Automobile Use Reduction	
Policy T-10 Trip Reduction. To reduce automobile traffic and congestion and increase transit use and alternative modes in Berkeley, support, and when appropriate require, programs to encourage Berkeley citizens and commuters to reduce automobile trips, such as: 1. Participation in a citywide Eco-Pass Program (also see Transportation Policy T-3). 2. Participation in the Commuter Check Program. 3. Carpooling and provision of carpool parking and other necessary facilities. 4. Telecommuting programs. 5. "Free bicycle" programs and electric bicycle programs. 6. "Car-sharing" programs. 7. Use of pedal-cab, bicycle delivery services, and other delivery services. 8. Programs to encourage neighborhood-level initiatives to reduce traffic by encouraging residents to combine trips, carpool, telecommute, reduce the number of cars owned, shop locally, and use alternative modes. 9. Programs to reward Berkeley citizens and neighborhoods that can document reduced car use. 10. Limitations on the supply of long-term commuter parking and elimination of subsidies for commuter parking. 11. No-fare shopper shuttles connecting all shopping districts throughout the city.	**Consistent**. The proposed project would facilitate up to 4,399 more units compared to the HEU in the three corridors, which are TPAs. Specifically, AC Transit bus routes 18, 27, G, 72, 72L, 72M, and 800 are located along the Solano Avenue Corridor; bus routes 7, 18, and FS are located along the North Shattuck Avenue Corridor; and bus routes 22, 27, 51B, 604, 605, and 851 are located along the College Avenue Corridor. The project would place future residents within walking and biking distance of transit and commercial uses and services, which would further reduce reliance on personal vehicles and encourage usage of alternative modes of transport. As shown in Table 10, under Section 5.14, *Transportation,* the proposed project would result in a VMT per capita of 10.95, which is slightly higher than the VMT per capita for the HEU of 10.86, but still below the 15 percent below regional VMT threshold of 16.72. In addition, future development would be required to comply with Chapter 23.334 of the BMC, which requires development and implementation of a Transportation Demand Management program.
Urban Design & Preservation	
Policy UD-33 Sustainable Design. Promote environmentally sensitive and sustainable design in new buildings.	**Consistent.** As discussed in Section 5.5, *Energy*, and Section 5.7, *Greenhouse Gas Emissions,* future development projects would be required to be constructed in accordance with the latest iteration of CALGreen and the California Energy Code, which include requirements for environmentally sensitive and sustainable design practices. In addition, all future residential customers would be placed in Ava's Renewable 100 Plan which utilizes 100 percent renewable and carbon free energy.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to land use and planning, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to land use and planning. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to land use and planning than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.11 Noise

Impacts Identified in the 2023 EIR

According to the Berkeley General Plan Environmental Management Element, noise-sensitive uses include but are not limited to residences, child-care centers, hospitals, and nursing homes (City of Berkeley 2001). As discussed in Section 4.11, *Noise*, of the 2023 EIR, the HEU could expose noise-sensitive receptors to combined noise levels from construction equipment of 84 dBA L_{eq} at 50 feet without a pile driver, and 95 dBA L_{eq} at 50 feet with a pile driver. Development facilitated by the HEU would be required to comply with the City's Standard COAs related to construction hours, construction noise reduction, construction noise management, and noise reduction plans. Nonetheless, construction noise levels could still exceed the City's standards for stationary equipment in both multi-family residential and commercial zones and could still exceed the City's standards at multiple sites. Therefore, construction noise impacts were found to be significant and unavoidable.

Operation of projects facilitated by the HEU would include mechanical equipment such as heating, ventilation, and air conditioning (HVAC) equipment, delivery and trash trucks, and other noise-generating activities. However, such activities would be similar to the existing noise environment, and development would be required to comply with Section 13.40.070 of the BMC, which states that stationary machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which the machine or other device is located must be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 60 dBA on weekdays and 50 dBA on weekends for single family residential beyond property perimeters; Section 23130 of the California Motor Vehicle Code which establishes maximum sound levels of 86 dBA L_{eq} at 50 feet for trucks operating at speeds less than 35 miles per hour; Section 13.40.070 of the BMC which prohibits operating or permitting the operation of a mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates BMC Section 13.40.050 or 13.40.060; and Section 19.29 of the BMC which includes the 2019 California Residential Code, as adopted in Title 24 Part 2.5 of the California Code of Regulations, which would reduce operational noise impacts to a less than significant level. As discussed in the 2023 EIR, daily VMT from the HEU would increase by approximately 6 percent over existing 2020 conditions by the year 2031. A 6 percent increase in traffic on a roadway would equate to an increase in noise of 0.2 dBA, which would not double the existing mobile noise source and would not increase noise levels by even the most conservative threshold of 3 dBA, which is considered a barely perceptible noise increase. Off-site traffic noise impacts were therefore found to be less than significant.

The 2023 EIR found that construction activities related to development facilitated by the HEU would not result in significant vibration impacts with adherence to the City's Standard COA related to construction vibration. The 2023 EIR also found that groundborne vibration in the vicinity of development facilitated by the HEU would be primarily generated by vehicular travel on the local roadways. However, the HEU would not increase traffic trips such that it would be perceptible to nearby noise-sensitive receptors, and impacts would be less than significant.

As discussed in 2023 EIR Section 4.11, development facilitated by the HEU would not be exposed to intermittent noise levels from overhead flight patterns from airports in the city, because there are none located within Berkeley. In addition, residential development would be required to incorporate noise insulation features consistent with achieving State and local standards to reduce interior noise levels to below 45 dBA. Therefore, impacts would be less than significant.

Impacts of the Proposed Project

Construction Noise

The proposed project would increase the potential number of units in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors by up to 4,399 units compared to the adopted HEU, and would allow increased building heights of up to a projected 8 stories (Appendix A), which could require increased subgrade excavation due to deeper foundations and/or increase the likelihood of sub-grade parking, and thereby result in additional demolition and construction activity that would generate temporary increases in ambient noise levels. It is also possible that concurrent construction activity on nearby development sites could result in a higher combined temporary increase in ambient noise at sensitive receptors in the vicinity, and result in an adverse impact on nearby noise-sensitive receptors. As discussed in the 2023 EIR, construction noise levels would vary depending on the type of equipment, the duration of use, the distance to receivers, and the potential for pile driving. Noise associated with construction of most development facilitated by the proposed project would be typical of residential construction in urban areas, but could exceed the eight-hour 80 dBA L_{eq} daytime significance threshold at residences. Similar to the HEU, the proposed project could facilitate larger projects that may include relatively lengthy construction durations (i.e., longer than 18 months), two or more subterranean levels, use of multiple pieces of heavier equipment (i.e., cranes, excavators, dozers), simultaneous use of multiple pieces of equipment, and generally noisier activities, such as the potential for pile driving. This could potentially result in significant noise impacts, in particular to adjacent residential zones or other nearby noise-sensitive receivers, and would temporarily increase ambient noise levels above Federal Transit Administration (FTA) noise limits. Development facilitated by the proposed project would be required to comply with the City's Standard COA related to construction hours, construction noise reduction programs, construction noise management, and noise reduction plans, which would reduce construction noise to the extent feasible.

Construction Hours (Residential Zoning Districts). Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

Construction Hours (Non-Residential Zoning Districts). Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, and measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
E. Prohibit unnecessary idling of internal combustion engines.
F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

Construction Noise Management – Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

Noise Reduction Plan. Applicants are required to develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible. The noise reduction program would include several elements that would reduce the exposure of sensitive receptors to construction noise, such as the following:

- Equipping all internal combustion engine-driven equipment with mufflers in good condition
- Pre-drilling foundation pile holes to minimize the use of pile drivers
- Installing solid plywood fences around construction sites adjacent to sensitive receptors
- Erecting temporary noise control blanket barriers along building façades facing construction sites.

However, as discussed in the 2023 EIR, the Standard COAs would include the installation of temporary sound barriers where warranted, which are the most effective advanced measure to reduce noise from construction sites adjacent to noise-sensitive receptors, and no further measures are available to provide additional reductions in construction noise. Therefore, construction noise levels could still exceed the City's standards for stationary equipment in both multi-family residential and commercial zones. Furthermore, construction noise levels could exceed the City's standards at multiple sites where the proposed project would facilitate development in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors. This impact would be significant and unavoidable, consistent with the findings of the 2023 EIR.

Operational Noise

The additional 4,399 units facilitated under the proposed project would generate noise associated with the operation of residences. Typical noise sources associated with residential uses include stationary HVAC equipment, vehicle movement (e.g., delivery and trash hauling), outdoor activities, and traffic on area roadways. These impacts are discussed below.

HVAC Equipment

Because of the proposed increased density of development in the three corridors, this analysis includes the conservative assumption that new HVAC equipment could be installed as close as 20 feet from noise-sensitive receptors on adjacent properties. Typical residential HVAC units are anticipated to generate noise levels ranging from 50 to 60 dBA L_{eq} at a distance of 50 feet from the source, if unshielded by equipment enclosures (Illingworth & Rodkin 2019). Based on a standard attenuation rate of 6 dBA per doubling of distance from stationary noise sources, it is estimated that new HVAC equipment in the three corridors would generate noise levels reaching 68 dBA at 20 feet from the source. This estimate does not account for the shielding effect of equipment enclosures or rooftop parapets, which could block line of sight between the source and noise-sensitive receptors, reducing noise levels by at least 10 dBA. However, as discussed in the 2023 EIR, the design and placement of new HVAC equipment would be required to comply with Section 13.40.070 of the BMC, which states that stationary machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which the machine or other device is located must be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 60 dBA on weekdays and 50 dBA on weekends for single family residential beyond property perimeters. Stationary equipment shall not exceed 65 dBA on weekdays and 55 dBA on weekends for multi-family residential areas.[8] Furthermore, a motor, machinery, pump, such as swimming pool equipment, etc., must be sufficiently enclosed or muffled and maintained so as not to create a Noise Disturbance in accordance with Section 13.40.050 or 13.40.060. Therefore, impacts related to HVAC equipment would be less than significant, similar to the HEU.

Vehicle Activity (Delivery and Trash Hauling)

Maximum noise levels generated by movement of medium duty delivery trucks generally range from 61 to 70 dBA Leq at a distance of 25 feet, depending on the speed at which the truck is driving (Olson 1972). The average noise level for a single idling truck generally ranges from 72 to 77 dBA Leq at a distance of 25 feet. It is assumed that delivery and trash hauling trucks serving additional development in the three corridors could stop as close as 25 feet to adjacent residences. An increase of up to 4,399 units in the three corridors could result in a slightly higher volume of truck trips for delivery and trash hauling. However, truck activity would not substantially exceed existing activity in the already urbanized corridors. For example, trash and recycling trucks already visit most existing properties that could be redeveloped under the proposed project. Additionally, as discussed in the 2023 EIR, Section 23130 of the California Motor Vehicle Code establishes maximum sound levels of 86 dBA L_{eq} at 50 feet for trucks operating at speeds less than 35 miles per hour, and solid waste pick-up operations are typically scheduled during daytime hours when people tend to be less sensitive to noise. Furthermore, these noise events from trucks are typically transient and intermittent, and do not occur for a sustained period of time. Therefore, similar to the HEU, impacts related to delivery and trash hauling would be less than significant.

Outdoor Activity Areas

Addition of up to 4,399 units in the three corridors would increase the number of residents and thereby increase noise generated by conversations, music, television, or other outdoor sound-generating equipment (e.g., leaf blowers), particularly in the event future residents open their windows or such activities take place on balconies or in common outdoor amenity areas. However, these noise-generating

[8] Maximum sound levels for repetitively scheduled and relatively long term operation (period of 10 days or more) of stationary equipment.

activities would be similar to those of the existing urban environment. Further, violations of the noise ordinance would be subject to BMC Chapter 13.40. This chapter prohibits noise disturbances such as loud equipment, amplified sound not associated with a permitted event, or yelling and sets forth procedures if violations occur. Section 13.40.070 of the BMC prohibits operating or permitting the operation of a mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section 13.40.050 or 13.40.060. Furthermore, Chapter 19.29 of the BMC includes the 2019 California Residential Code, as adopted in Title 24 Part 2.5 of the California Code of Regulations. Therefore, similar to the HEU, impacts related to outdoor activities would be less than significant.

Roadway Vehicle Noise

The proposed project would allow for up to 4,399 more units in the three corridors compared to what was anticipated under the HEU. The proposed project could affect ambient traffic noise if the proposed project facilitated development in a way that would increase vehicle trips to and from the three corridors. As stated above in the "Impacts Identified in the 2023 EIR," a doubling of mobile noise sources would increase traffic noise levels by an estimated 3 dBA, which is considered a barely perceptible noise increase. Due to the nature of the project which would facilitate development in three corridors areas in different parts of Berkeley and along various roadways in these areas, it is not anticipated that the project would double the existing mobile noise sources along any one roadway and therefore would not increase noise levels by the most conservative threshold of 3 dBA, which is considered a barely perceptible noise increase. As shown in Table 9, based on the VMT Memorandum prepared by Kittelson & Associates (Appendix C), the proposed project would increase Citywide VMT by 6.8 percent compared to buildout under the HEU without the proposed project. Therefore, overall, the project would not double the existing mobile noise source and would not increase noise levels by even the most conservative threshold of 3 dBA, which is considered a barely perceptible noise increase. Similar to the HEU, impacts related to off-site operational noise would be less than significant.

Table 9 Vehicle Miles Traveled Summary

	Total Daily VMT
2040 No Project Citywide VMT	2,088,198
2040 With Proposed Project Citywide VMT	2,230,694
Change in VMT	**142,496 (6.8% increase)**

Source: Kittelson & Associates 2026 (Appendix C)

Operational Vibration

Similar to the HEU, it is not anticipated that operation of residential development would involve activities that would result in substantial vibration levels, such as use of heavy equipment or machinery. Based on the FTA *Transit Noise and Vibration Impact Assessment* (2018) guidance document, rubber tires and suspension systems dampen vibration levels from vehicles on local roadways to a level that is rarely perceptible. Therefore, similar to the HEU, the proposed project would have a less than significant impact related to operational vibration.

Construction Vibration

The proposed project would allow for additional development in the three corridors, the construction of which could intermittently generate strong vibration. As discussed in the 2023 EIR, general construction equipment such as a vibratory roller would generate vibration levels up to 0.21 in./sec. peak particle velocity (PPV) at 25 feet, while more intensive equipment such as pile driving could generate a vibration level of approximately 0.64 in./sec. PPV at 25 feet. According to Caltrans impact criteria, the damage

threshold for historic sites (which are most sensitive to impacts from groundborne vibration) is 0.12 in./sec. PPV. Groundborne vibration from hoe rams, bulldozers, caisson drilling, loaded trucks, and jackhammers would not exceed the 0.1 in./sec. PPV threshold for sensitive historic sites. While groundborne vibration from vibratory rollers would only exceed the threshold for building damage for historic sites at 25 feet from the source, vibration levels from pile driving would exceed one or more of building damage thresholds for historic sites, general old buildings, and older and newer residential structures. Furthermore, vibration levels associated with pile driving would also exceed the threshold of 0.25 in./sec. PPV for human annoyance at various distances up to 75 feet. Future development facilitated by the proposed project would be required to comply with the City's Standard COA related to construction vibration, which would ensure groundborne vibration from vibratory rollers and vibration levels from pile driving would not occur in a manner that would damage buildings.

> **Damage Due to Construction Vibration.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

Therefore, similar to the HEU, construction vibration impacts would be less than significant.

Airport Noise

As discussed in the 2023 EIR, the closest airport to Berkeley is the Oakland San Francisco Bay Airport. The College Avenue Corridor is closest to the Oakland San Francisco Bay Airport, which is still approximately 12.4 miles north of the airport. According to the *Oakland International Airport Land Use Compatibility Plan*, Berkeley is located outside of the airport's noise contours and the airport influence area illustrated in Figure 3-1 of the Airport Land Use Compatibility Plan (Alameda County Community Development Agency 2010). Therefore, similar to the HEU, the proposed project would not expose people residing or working in the plan area to excessive noise levels, and impacts would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to noise and vibration, and no new mitigation measures are required. Berkeley's Standard COAs related to construction hours, construction noise reduction, construction noise management, noise reduction plans, and construction vibration, as referenced in the 2023 EIR, would remain applicable.

Conclusion

The City's Standard COA for construction noise reduction and management and BMC requirements would still be applicable to development under the proposed project. However, even with implementation of these conditions, impacts related to construction noise would remain significant and unavoidable, similar to the HEU. Nonetheless, no substantial changes have occurred that require major revisions to the 2023

EIR. As discussed under "Impacts of the Proposed Project" above, there is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to noise than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.12 Population and Housing

Impacts Identified in the 2023 EIR

As discussed in Section 4.12, *Population and Housing*, of the 2023 EIR, the HEU would add housing sites with a potential for up to 19,098 additional residential units and 47,443 additional residents by the year 2031. The 2023 EIR found that the HEU would be consistent with State requirements for the RHNA and would be within the growth forecasts for Northwest Alameda County in Plan Bay Area 2050, which projected a 57 percent increase in population for Northwest Alameda County. The 2023 EIR found that the HEU would not directly or indirectly result in substantial unplanned population growth, and would not result in the displacement of substantial numbers of people or housing. Therefore, impacts were found to be less than significant.

Impacts of the Proposed Project

The proposed project would facilitate the development of up to 4,399 additional units in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors compared to the adopted HEU. Using the 2023 EIR estimate of 2.5 persons per household, the proposed project would increase the number of residents in the three corridors and in Berkeley by 10,998 people. In the unlikely event that all buildout under the 2023 EIR (47,443 residents) and the proposed project occurs, the total population of the city in 2031 (buildout year of the 2023 HEU) would be 183,004, or a population increase of approximately 47 percent[9]. Similar to the HEU, the proposed project would facilitate sufficient housing development to meet the City's RHNA and would be within the growth forecasts for Northwest Alameda County in Plan Bay Area 2050, which projects a 57 percent increase in population for Northwest Alameda County. Given that the State is currently in an ongoing housing crisis due to an insufficient housing supply, the additional units under the proposed project would also assist in addressing the existing crisis and meeting Berkeley's housing needs.

Similar to what was analyzed in the 2023 EIR, this analysis is conservative because it assumes a maximum buildout scenario. The proposed project's actual contribution to population growth may be less than estimated. In addition, the proposed project would not involve the extension of roads or other infrastructure that could indirectly lead to population growth. As discussed in Sections 4.13, *Public Services and Recreation*, and Section 4.16, *Utilities and Service Systems*, of the 2023 EIR, the city is mostly developed and is supported by existing public services and infrastructure which are sufficient to serve the additional housing units. Therefore, the proposed project would not result in substantial unplanned population growth, either directly or indirectly, and impacts would be less than significant, same as the impact analyzed in the 2023 EIR.

While the proposed project would have no direct physical effects, subsequent development allowed by the proposed project could involve the demolition of existing housing units in the three corridors. Because the addition of up to 4,399 more housing units than analyzed in the 2023 EIR would more than offset the potential loss of housing units, the proposed project would not require the construction of additional housing elsewhere. Future applicants would be required to comply with the City's Inclusionary Housing Ordinance, which would require developers of market-rate ownership housing to include affordable ownership units or pay a fee, as well as the Affordable Housing Mitigation Fee Ordinance, which would require developers of market-rate rental housing to pay a fee to the Housing Trust Fund (which is used as funding for affordable housing production) or include affordable units in developments.

[9] (47,443 (buildout of HEU) + 10,99810,998 (buildout of proposed project)) / 124,563 (current population in the 2023 EIR) x 100 = 47 percent

In addition, SB 330 would require that replacement housing be either rent-controlled or below market rate. Moreover, deed restrictions may run with individual properties to maintain long-term affordability. The BMC also places conditions on the loss of housing units and includes tenant protections for displaced residents. Projects that involve demolition or elimination of dwelling units would be subject to BMC Chapter 23.326, which includes tenant protections for displaced residents. When demolition of an occupied unit is approved, the project applicant is required to provide assistance with moving expenses and subsidize the rent differential for a comparable replacement unit. If a tenant is displaced due to the owner withdrawing the building from rent or lease or for repairs to bring the unit into compliance, BMC Section 13.77.055 and Chapter 13.84 entitle the tenant to relocation compensation and certain protections. In addition, BMC Section 13.76.130 requires landlords to have good cause for evictions and provide relocation assistance to households as specified in Section 13.76.130A(9). Therefore, similar to the HEU, the proposed project would not result in the net loss or displacement of housing, necessitating the construction of replacement housing elsewhere, and impacts would be less than significant.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to population and housing, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to population and housing. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to population and housing than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.13 Public Services and Recreation

Impacts Identified in the 2023 EIR

As discussed in Section 4.13, *Public Services and Recreation*, of the 2023 EIR, the HEU would increase demand for fire and police protection services, school facilities, and parks and recreational facilities. However, compliance with Government Code 65995 (b) as well as policies in the City's General Plan and BMC would reduce impacts to a less than significant level.

Impacts of the Proposed Project

Fire Protection

Fire protection in the city is provided by the Berkeley Fire Department (BFD). The proposed project would facilitate development that would increase population in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors and in Berkeley by adding the potential for up to 4,399 new units. Using the 2023 EIR estimate of 2.5 persons per household, the proposed project's changes to the HEU would result in 10,998 new residents in addition to the 47,443 new residents estimated to be added in the HEU as analyzed in the 2023 EIR. The additional increase in residents associated with the proposed project could increase demand for fire protection and emergency medical services such that additional staff, equipment or facilities would be needed to meet response time goals. However, future development would be facilitated on redevelopment sites in urbanized areas in the three corridors which are already served by existing fire stations. BFD Fire Station 4 is located approximately 840 feet southeast of the Solano Avenue Corridor; BFD Fire Station 2 is located approximately 0.3 mile south of the North Shattuck Avenue Corridor; and BFD Fire Station 3 is located immediately adjacent to the College Avenue Corridor to the east. The continued implementation of policies and actions in the Berkeley General Plan would

improve the ability of fire protection facilities to serve this additional future development and allow fire protection services to maintain response time goals. As discussed in the 2023 EIR, the BFD has an average response time of five minutes and fifteen seconds (5:15) from when the station receives the call to the first unit arriving on the scene. The median response time is 4:46. Policy S-22 in the City's Disaster Preparedness and Safety Element of the General Plan calls for the City to provide adequately staffed and equipped Fire Stations and to pursue a response time goal of four minutes from the nearest station to all parts of Berkeley. Although the City's response time goal of four minutes has not been met, new residential projects would be reviewed for compliance with these requirements and compliance with other building and safety regulations several times during different phases of project development, such as the entitlement and pre-application phase, during the building permit process, and during the construction process. Future development would be required to comply with basic building designs and standards for residential buildings as mandated by the Berkeley Fire Code under BMC Chapter 19.48. In some cases, older buildings not constructed to today's more stringent levels of fire-safety regulation would be replaced by new buildings compliant with existing regulations, improving fire safety on those sites. Compliance with designs and standards and other fire safety requirements would reduce the demand for fire protection services and thereby reduce the need for new fire stations. Future development would also be required to comply with abatement of fire-related hazards and pre-fire management prescriptions as contained in the California Health and Safety Code and the California Fire Plan. The City's Measure FF, passed in November 2020, is estimated to generate $8.5 million annually, and would be used to implement a state-of-the-art 911 dispatch system to ensure rapid assistance to emergency medical calls, increase ambulance and paramedic capacity, to better meet the needs of all residents, and strengthen wildfire, earthquake and other disaster prevention and preparedness with new, expanded emergency warning systems, fire fuel reduction and evacuation planning. These funds will allow the Fire Department to address increased call volumes and emergency medical service needs that result from city-wide increases in residential density, including the anticipated increase allowed under the proposed project. Future remodeling or expansion of BFD facilities to accommodate new equipment would not be needed to specifically serve the additional residential units, which would be added incrementally in various locations in the city and served by more than one fire station. Should a new fire station be required, the environmental impacts of constructing a fire station would be consistent with the construction-related impacts discussed in other sections of this Addendum and the 2023 EIR. Should the Fire Department and the City determine that additional facilities are needed to provide fire protection services to the three corridors, it is not known whether such facilities would be located within the three corridors or elsewhere in the city. If and when the BFD proposes a new station and identifies an appropriate site and funding, the City will conduct a site-specific evaluation of the station's environmental impacts under CEQA. Therefore, impacts to fire services would be less than significant, similar to the HEU.

Police Protection

Police protection in the city is provided by the Berkeley Police Department (BPD). Although the proposed project would increase potential buildout in the three corridors compared to what was analyzed in the 2023 EIR by up to 4,399 units, future development would be facilitated on redevelopment sites in urbanized areas which are already served by the BPD. Nonetheless, the additional population growth facilitated by the proposed project could result in an increase in reported incidents, leading to longer response times unless the BPD increases staffing. The Disaster Preparedness and Safety Element, the Transportation Element and the Economic Development & Employment Element of the City's General Plan include policies that would ensure police services are adequate to accommodate an increase in population. Specifically, Policy S-1 and Action G would ensure that the City's emergency response plans are current and incorporate the latest information on hazards, vulnerability and resources; Policy T-28 and Action A would ensure emergency access be provided to all parts of the city which would not significantly increase emergency response times or hinder effective evacuation; and Policy ED-4 and Action A would ensure there are adequate levels of police presence in neighborhood and avenue commercial zones. Should the BPD and the City determine that additional facilities are needed to provide police protection services to the three corridors, it is not known whether such facilities would be located within the three

corridors or elsewhere in the city. If and when the BPD proposes a new station and identifies an appropriate site and funding, the City will conduct a complete a site-specific evaluation of the station's environmental impacts under CEQA. Therefore, similar to the HEU, impacts to police services would be less than significant.

Schools

As discussed in the 2023 EIR, in a study prepared for Berkeley Unified School District's (BUSD) adopted School Facilities Fee on new residential and commercial/industrial development, the District used a blended student generation rate of 0.191 for all housing types (BUSD 2016). Based on this generation rate, development under the proposed project would add an estimated total of 840 new students over time. However, this number is highly conservative, and it is assumed that many of the new housing units would be occupied by University students and would not house school-aged children, since one of the primary goals of the proposed project is to create additional housing at appropriate locations to help meet the housing demand for students, thus taking advantage of proximity to the University, specifically in the North Shattuck Avenue Corridor. Nonetheless, the proposed project could encourage housing that would add more school-aged children to BUSD schools. These students would be distributed throughout the schools that serve Berkeley depending on their grade level, their location, and their school preferences. Although the proposed project would increase the number of students by 840, similar to what was discussed in the 2023 EIR, future development facilitated by the proposed project would be required to pay school impact fees pursuant to Section 65995(3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), which BUSD would use to maintain the desired school capacity and the maintenance and/or development of new school facilities. Should BUSD determine that additional schools are needed, it is not known whether the schools would be located within the three corridors or elsewhere in the city. If and when BUSD proposes a new school and identifies an appropriate site and funding, the District would conduct a site-specific evaluation of the school's environmental impacts under CEQA. Therefore, impacts related to school capacity would be less than significant, similar to the HEU.

Parks and Recreation

Similar to the HEU, the proposed project would not include the provision of new parks or the physical alteration of existing parks or recreation centers. Full buildout of the proposed project would further increase the number of residents in the three corridors compared to the HEU by 10,998 people, which would increase the use of parks and recreational facilities. As discussed in the 2023 EIR, the ratio of parkland per resident is approximately 25.5 acres per 1,000 residents. Although the proposed project would decrease the ratio of parkland per resident from 25.5 acres per 1,000 residents to 24.0 acres per 1,000 residents[10], this is still substantially higher than the City's 1977 Master Plan goal of two acres per 1,000 residents (City of Berkeley 2001). Furthermore, in accordance with General Plan policies, the City continually evaluates and plans for expansion or renovations of parks and recreation facilities as needed to accommodate demand. Compliance with General Plan policies, particularly Policies OS-1, OS-2, OS-6, would ensure park facilities are kept up to date and park acreage to population ratio is maintained within Berkeley. Compliance with General Plan policies and actions would potentially result in development of new recreational opportunities including parks. Should future park or recreational facilities be identified for construction, it is not known where such facilities would be located. If and when the Parks Department proposes new facilities and identifies an appropriate site and funding, the City will conduct an evaluation of the site-specific environmental impacts of the new park or recreation facility under CEQA. In addition, it is assumed that the majority of future housing in the North Shattuck Avenue Corridor would serve University students and staff who would have access to recreational opportunities such as pools, gyms, open space, and other recreational programs associated with the University campus. Future residents in the three corridors would also be able to access existing City parks and regional recreational facilities; including the Bay Trail and Eastshore State Park and Tilden Regional Park and Claremont Canyon Regional Preserve. Therefore, the proposed project would not result in substantial overuse of existing City

[10] (4,391 acres of parkland x 1,000) / 183,004people = 24.0 acres per 1,000 residents.

parks which may cause physical deterioration of these facilities or require the construction or expansion of facilities which may have an adverse physical effect on the environment. Therefore, impacts related to parks and recreational facilities would be less than significant, similar to the HEU.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur related to public services and recreation, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to public services and recreation. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to public services and recreation than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.14 Transportation

Impacts Identified in the 2023 EIR

As discussed in Section 4.14, *Transportation*, of the 2023 EIR, the HEU would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Although the HEU would increase ridership for AC Transit and BART, AC Transit and BART monitor and plan for anticipated changes in local and regional ridership levels and increased demand through their ongoing evaluation of routes, schedules, ridership, and capacity availability. The HEU would also be consistent with the City's 2017 Bicycle Plan and development would be required to provide long-term and short-term bicycle parking in accordance with BMC Section 23.322.090 as well as meet applicable requirements for pedestrian access under BMC Section 23.304.100.

The 2023 EIR found that the HEU would decrease VMT per capita by 3 percent, from 11.22 to 10.86, which would be below the City of Berkeley VMT threshold of 19.38 (15 percent below regional average household VMT per capita of 22.80). Therefore, VMT impacts were found to be less than significant.

As found in the 2023 EIR, the HEU would not include hazardous geometric design features or incompatible uses, and circulation components and geometric design features for individual projects would be reviewed by the City Engineering division and would be in accordance with all applicable City standards and the building plan check process to minimize design hazards. Therefore, this impact was determined to be less than significant.

The HEU also would not result in inadequate emergency access. The 2023 EIR determined that development under the HEU would be required to comply with basic building designs and standards for residential buildings as mandated by the Berkeley Fire Code, under BMC Chapter 19.48. As a part of development review, representatives from several City departments and representatives, including the Building and Safety Division, the Transportation Division, and the Fire Department, would review the entitlement plan set to ensure compliance with egress requirements and other fire safety features. Individual projects would be required to incorporate all applicable design and safety requirements as set forth in the most current adopted building codes and fire and life safety standards. Compliance with these standards is ensured through the City review and building plan check process. Based on the preceding, impacts related to emergency access were found to be less than significant.

Impacts of the Proposed Project

The proposed project would allow for up to 4,399 more units in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors, which are areas served by AC Transit, and therefore would increase the transit ridership for AC Transit and BART. However, AC Transit and BART monitor and plan for anticipated changes in local and regional ridership levels and increased demand through their ongoing evaluation of routes, schedules, ridership, and capacity availability. Therefore, similar to the HEU, the proposed project would not conflict with AC Transit's or BART's ongoing efforts for facility improvement or capital improvement project planning.

The proposed project would concentrate development in the three corridors which are TPAs, and would place residents in proximity to jobs, services, and transit, which would encourage walking, bicycling, and the use of alternative modes of transportation. Future development would be reviewed in accordance with the City's Public Works Department Transportation Program standards, which would provide oversight engineering review to ensure that the project is constructed according to City standards. Thus, the proposed project would also be consistent with the City's 2017 *Bicycle Plan*. The proposed project does not include modifications to the public right-of-way and, therefore, would not preclude the installation of the planned or proposed bicycle facilities on the streets in the city. Development facilitated by the proposed project would provide long-term and short-term bicycle parking in accordance with BMC Section 23.322.090 requirements to accommodate the bicycle parking demand generated by the project residents and would also be required to meet applicable requirements for pedestrian access under BMC Section 23.304.100 or other requirements as applicable. Therefore, the proposed project would not conflict with the City's Bicycle Master Plan or the City's Pedestrian Plan, and impacts would be less than significant, similar to the adopted HEU.

As discussed in the 2023 EIR, the City of Berkeley has adopted thresholds to evaluate significant impacts for VMT. For residential uses, the City of Berkeley adopted a threshold of significance for VMT analysis based on the guidance from OPR that a residential project's VMT impact is considered less than significant if its household VMT per capita is at least 15 percent below the regional average household VMT per capita. Therefore, an increase in VMT per capita above 16.72 VMT (15 percent below the regional average of 19.67) would be considered a significant impact. As discussed in the VMT Memo prepared by Kittelson & Associates (see Appendix C), all three corridors would satisfy the City's VMT screening criteria since all three are located within a TPA and are proximate to high-quality transit. Therefore, VMT calculations were provided for informational purposes only. Table 10 summarizes the VMT for the applicable threshold, 2020 baseline, the adopted HEU, and the proposed project. As shown in Table 10, the proposed project would result in a decreased VMT per capita in comparison to the baseline 2020 condition and a slightly increased VMT per capita in comparison to the adopted HEU. Residential VMT per capita would decrease by 2.4 percent, from 11.22 to 10.95, compared to the baseline 2020 condition, and increase slightly by 1 percent, from 10.84 to 10.95, compared to the HEU. This indicates that the future residential development would provide more opportunities for residents and employees to access jobs and services within the City within shorter distances and by modes other than vehicle. Although the VMT per capita increases slightly compared to the adopted HEU, the overall VMT per capita for the proposed project is still below the 15 percent below regionwide baseline average threshold of 16.72. Therefore, the proposed project would result in VMT per capita below applicable thresholds and impacts would be less than significant, similar to the HEU.

Furthermore, as shown in Table 10, the proposed project would reduce VMT per employee by 5.9 percent, from 12.41 to 11.68, compared to the 2020 baseline, and by 0.2 percent from 11.70 to 11.68, compared to the adopted HEU. The resulting VMT per employee from the proposed project would remain below the regional significance threshold of 15.06 (15 percent below the regional average of 17.72). Therefore, VMT per employee impacts would be less than significant.

Table 10 VMT Results Summary

Units	Bay Area Region 2020	Berkeley 2020	Adopted HEU (2040)	Proposed Project (2040)
VMT per Capita				
Population	7,915,267	128,004	192,641	203,785
Residential VMT	155,707,636	1,436,244	2,088,198	2,230,694
Household VMT Per Capita	19.67	11.22	10.84	10.95
VMT per Employee				
Employment	4,193,411	115,388	121,710	121,488
Employment VMT	73,353,557	1,432,159	1,423,654	1,418,564
VMT per Employee	17.72	12.41	11.70	11.68

Source: Kittelson & Associates, Inc. 2026 (Appendix C)

Similar to the HEU, the proposed project's changes would only include residential development, and would not include hazardous geometric design features or incompatible uses. Each housing application would be evaluated at the project-specific level. Circulation components and geometric design features would be reviewed by the City Engineering division and would be in accordance with all applicable City standards and the building plan check process to minimize design hazards. Design review standards include standards for project access points, location, design, sight lines, roadway modifications, provisions for bicycle and pedestrian transportation connections, and emergency access. Future development facilitated by the proposed project would be required to comply with basic building designs and standards for residential buildings as mandated by the Berkeley Fire Code, pursuant to BMC Chapter 19.48. As part of the development review process, representatives from several City departments and representatives, including the Building and Safety Division, the Transportation Division, and the Fire Department, would review the proposed development plan set to ensure compliance with emergency access requirements and other fire safety features. Future projects would be required to incorporate all applicable design and safety requirements as set forth in the most current building codes and fire and life safety standards, which would reduce impacts related to emergency access. Therefore, as was found in the 2023 EIR, the proposed project would have less than significant impacts related to safety hazards and emergency access.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to transportation and circulation, and no new or revised mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to transportation. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to transportation than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.15 Tribal Cultural Resources

Impacts Identified in the 2023 EIR

As discussed in Section 4.15, *Tribal Cultural Resources*, of the 2023 EIR, ground-disturbing activities associated with the HEU could expose and adversely affect previously unidentified subsurface

archaeological resources that may qualify as tribal cultural resources. However, impacts would be less than significant with adherence to the City's Standard COAs related to archaeological resources and human remains set forth above under Section 4.4, *Cultural Resources*, as well as Mitigation Measure TCR-1, which was adopted and incorporated into the HEU and would require tribal cultural monitoring.

Impacts of the Proposed Project

Based on the results of AB 52 and SB 18 consultation conducted as part of preparation of the 2023 EIR, tribal cultural resources were found to be potentially present in areas near the waterfront and near Indian Rock. Although the proposed project would increase potential buildout in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors compared to what was analyzed in the 2023 EIR by up to 4,399 units, development facilitated by the proposed project would be concentrated on redevelopment sites and would not be within the areas determined by consulting tribes to be sensitive for tribal cultural resources. The project includes amendments to the General Plan, and therefore required Tribal Consultation, pursuant to AB 52. The California Native American Heritage Commission provided contact information for tribes potentially affected by the project, and the City sent letters to these tribes. No tribes requested consultation within the deadline. Similar to what was concluded in the 2023 EIR, it can be assumed that no tribal cultural resources have been identified. Nonetheless, similar to the HEU, ground-disturbing activities associated with individual development projects under the proposed project could expose previously unidentified subsurface archaeological resources that may qualify as tribal cultural resources and could be adversely affected by construction. Additionally, the proposed project would allow increased building heights as described in Appendix A, which could require increased subgrade excavation due to deeper foundations and thereby increase the likelihood of encountering tribal cultural resources. Nonetheless, although the proposed project could facilitate development of up to a projected 8 stories as outlined in Appendix A, the building footprint and area of ground disturbance would stay the same as analyzed under the 2023 EIR, and the geographic extent of subsurface disturbance would not expand into new areas that have not already been evaluated. Furthermore, future projects subject to CEQA and SB 35 would require project-specific tribal cultural resource identification and consultation and incorporation of the appropriate avoidance, minimization, or mitigation identified through the consultation process. In addition, the City's Standard COA related to the protection of archaeological resources and human remains (including remains that are determined to be of Native American origin) would apply to future development. In addition to the City's Standard COAs related to the protection of archaeological resources and human remains set forth in full in Addendum Section 5.4, *Cultural Resources*, previously adopted Mitigation Measure TCR-1 would be required to be implemented and would reduce impacts to tribal cultural resources to a less than significant level.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to tribal cultural resources, and no new mitigation measures are required. Berkeley's Standard COAs related to archaeological resources and human remains, set forth above in Section 5.4, *Cultural Resources*, which apply to the HEU as a whole, would remain applicable. Previously adopted 2023 EIR Mitigation Measure TCR-1 also would remain applicable and would continue to be implemented and monitored.

TCR-1 Tribal Cultural Monitoring

For future projects that are determined through tribal consultation to potentially affect tribal cultural resources, in order to mitigate potential adverse impacts to Native American cultural objects and human remains discovered during construction, tribal cultural monitors will be retained to monitor work done in areas of Tribal concern, as determined through tribal consultation. If Native American cultural objects and/or human remains are discovered during construction, work shall be halted within 100 feet of the discovery until the objects have been inspected and evaluated by tribal cultural monitors and a qualified archaeologist meeting the Professional Qualifications Standards of the Secretary of the Interior (36 CFR Part 61). The archaeologist shall, in accordance with the appropriate Guidelines, identify and evaluate the

significance of the discovery and develop recommendations for treatment in consultation with the affected Tribe to ensure any impacts to the cultural resource are less than significant. The preferred mitigation is avoidance. If avoidance is not feasible, project impacts shall be mitigated in consultation with the affected Tribe consistent with the *CEQA Guidelines for Determining the Significance of and Impacts to Cultural Resource, Archaeological Historic and Tribal Cultural Resources*. Such mitigation may include, but is not limited to, additional archaeological testing, archaeological monitoring and/or an archaeological data recovery program. A Native American monitor shall be retained to monitor the ground disturbance when it is suspected that a TCR might be encountered.

Conclusion

The proposed project would have less than significant impacts with mitigation with respect to tribal cultural resources. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to tribal cultural resources than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.16 Utilities and Service Systems

Impacts Identified in the 2023 EIR

As discussed in Section 4.16, *Utilities and Service Systems*, of the 2023 EIR, development under the HEU would increase water demand in the City by an estimated 0.96 million gallons per day (mgd), or approximately 0.5 percent, above the 2030 East Bay Municipal Utility District (EBMUD) water service area demand estimate of 190 mgd. The increase of 0.5 percent from the projected 2030 water demand in EBMUD's Urban Water Management Plan (UWMP) would also increase the gallons per capita per day (GPCD) from 121 GPCD to 127 GPCD. However, this would still be well below the EBMUD service area water reduction goal of 153 GPCD by 2020. Therefore, EBMUD infrastructure and facilities would have adequate capacity to service the HEU, and construction and operation of development facilitated by the HEU would not require new or expanded water supply facilities. With demand management during multi-year droughts, as required by EBMUD, impacts of HEU related to water supply would be less than significant.

As discussed in Section 4.16, *Utilities and Service Systems*, of the 2023 EIR, the HEU existing stormwater infrastructure, electricity and natural gas facilities, and telecommunications infrastructure would be able to accommodate the increased demand under the HEU, and the construction or relocation of facilities would not be required.

Lastly, the 2023 EIR found that the HEU would generate 23.7 cubic yards of solid waste per day or 8,651 cubic yards of solid waste per year, which would be 0.013 percent of the total remaining capacity of 65.4 million cubic yards of the Altamont Landfill. Therefore, impacts to solid waste were found to be less than significant.

Impacts of the Proposed Project

Similar to the HEU, the proposed project would facilitate development on redevelopment sites within the city that are already served by existing utility infrastructure. New water service connections would be consistent with utility connections in urbanized areas, such that minimal areas of new disturbance would occur. Although virtually all parcels in Berkeley have access to public utility infrastructure, in some cases the infrastructure is older and in need of replacement or insufficient to meet the needs of a particular project. Future developers would be responsible for funding infrastructure improvements that are required to serve future projects and have not been previously identified as part of a capital improvement program covered by development impact fees. Consistent with applicable State law, the City's development fees ensure that the developers pay the cost attributable to the increased demand for the

affected public facilities reasonably related to the development project in order to ensure that existing facilities are able to maintain the existing level of service and achieve an adopted level of service that is consistent with the City's General Plan (California Government Code Section 66001(g)). The proposed project could increase the number of units in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors by up to 4,399 units compared to the HEU, which could result in increased demands on water supply. As discussed in the 2023 EIR, the adopted HEU has a projected 2031 water demand of 0.96 mgd. Based on the water generation factor of 50 gpd per unit for multi-family residential uses used in the 2023 EIR, the proposed project would result in an increase in projected water demand by 219,950 gpd, or 0.2 mgd, resulting in a total projected 2031 water demand of 1.16 mgd.[11] The 0.2 mgd increase in water demand would result in a 0.6 percent increase from the 2030 EBMUD service area demand estimate of 190 mgd, which would be a small increase above the 0.5 percent increase from the HEU. As discussed in the 2023 EIR, the EBMUD service area has a water reduction goal of 153 gallons per capita per day (GPCD) by 2020. Based on the increase of approximately 0.5 percent from the projected 2030 water demand in EBMUD's UWMP, estimated GPCD with implementation of the proposed project would be 127 GPCD, which would still be well below the targeted 153 GPCD. Future development facilitated by the project would be required to comply with water conservation regulations and policies which would help maintain sufficient supplies, such as California Code of Regulations (CCR) Title 24, Part 11 (CALGreen), the State's Water Efficient Landscaping Ordinance (WELO) and EBMUD's Section 31. Therefore, similar to the HEU, there would be sufficient water supplies available to serve development facilitated by the proposed project, and impacts would be less than significant.

EBMUD's Main Wastewater Treatment Plant (MWWTP) provides wastewater collection and treatment to Berkeley, currently treating an average daily flow of approximately 63 mgd. As discussed in the 2023 EIR, EBMUD projects that 61 mgd of wastewater will be collected and treated in the EBMUD Special District No.1 by 2040. Applying the same wastewater generation factor for multi-family residential development of 40 gpd per unit as the 2023 EIR, the proposed project would generate an additional 175,960 gpd of wastewater, for a total of 941,678 gpd of wastewater when combined with the adopted HEU.[12] This would be approximately 0.3 percent of the wastewater collected and treated in the district by 2040, which would be a negligible increase from the 1.3 percent increase projected in the 2023 EIR for the adopted HEU as a whole. New development would be required to comply with the City's Private Sewer Lateral Ordinance, by eliminating wet-weather infiltration and inflow to private sewer laterals, which would regulate wet-weather contribution from the proposed project. Although construction of new or expanded sewer mains may be necessary to accommodate additional wastewater flow, the precise sizing of new wastewater conveyance pipes would be determined at the time of installation and would be subject to the approval of the City to ensure that the system would be adequate. The impacts of sewer main construction projects would be less than significant due to their temporary nature, adherence to existing requirements, and the already developed nature of wastewater conveyance corridors. Impacts of construction of projects facilitated by the proposed project are analyzed comprehensively throughout this Addendum and the 2023 EIR (within Section 5.2, *Air Quality*; 5.3, *Biological Resources*; 5.4, *Cultural Resources*; 5.6, *Geology and Soils;* 5.8, *Hazards and Hazardous Materials*; 5.9, *Hydrology and Water Quality*; 5.11, *Noise*; and 5.14, *Transportation*, 5.15, *Tribal Cultural Resources*). Future development facilitated by the proposed project would also be required to comply with BMC Title 17 which establishes City standards related to wastewater discharge, peak flow, and sewer capacity, and future applicants desiring to construct a new connection to the City's sanitary sewer system would be required to pay a connection fee in the amount as established by City Council resolution. Therefore, similar to the HEU, impacts related to wastewater would be less than significant.

Impacts regarding stormwater drainage facilities are discussed in Section 5.9, *Hydrology and Water Quality*, of this Addendum. As discussed in that section, the proposed project would be required to comply with existing State and local laws and regulations, which would not result in the relocation or construction of new or expanded storm water drainage facilities, and impacts would be less than significant, similar to the HEU. Although the proposed project would allow for up to 4,399 more units in

[11] 0.96 mgd (adopted HEU) + 0.2 mgd (proposed project) = 1.16 mgd (total water demand)
[12] 765,688 gpd (adopted HEU) + 175,960 gpd (proposed project) = 941,648 gpd

the three corridors compared to the adopted HEU, new development would be served by existing electrical, natural gas, and telecommunications infrastructure, and impacts would be less than significant.

As discussed in the 2023 EIR, the Altamont Landfill is an active landfill that can accommodate solid waste from Berkeley. This landfill has a combined remaining capacity of approximately 65.4 million cubic yards. Using the same waste generation rate of 4 pounds per unit per day as the 2023 EIR, the proposed project would generate an estimated 17,596 pounds per day of waste (4,399 units * 4 pounds per day = 17,596 pounds), or 17.6 cubic yards per day of waste. Assuming a 69 percent diversion rate, which the City of Berkeley has achieved and that exceeds the State requirement of 50 percent diversion, the proposed project would generate an estimated 5,455 pounds per day of waste, or 5.5 cubic yards per day of waste. This would equate to a total of 29,137 pounds per day of waste,[13] or 29.2 cubic yards per day of waste[14] when combined with the adopted HEU. The increase in waste generated by the proposed project per year would account for approximately 0.00003 percent of the current total remaining landfill capacity, which is an insignificant increase compared to the 0.013 percent as analyzed in the 2023 EIR for the adopted HEU. Therefore, impacts related to solid waste would be less than significant, similar to the HEU.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to utilities and service systems, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to utilities and service systems. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to utilities and service systems than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

5.17 Wildfire

Impacts Identified in the 2023 EIR

As discussed in Section 4.17, *Wildfire*, of the 2023 EIR, 82 units of the HEU would be located in Fire Zones 2 and 3, which are considered Very High Fire Hazard Severity Zones (VHFHSZ). The HEU would also facilitate increased residential development in the R-1, R-2, and R-2A districts, which include portions within the VHFHSZ. Development facilitated by the HEU would be subject to the City's Standard COA to prepare a Transportation Construction Plan, which would limit the extent to which development would impair or physically interfere with adopted emergency response or evacuation procedures. Development also would be required to comply with existing City regulations and prepare a Fire Protection Plan for housing projects in the Wildland-Urban Interface Fire Area, which would reduce the potential to exacerbate wildfire risk during construction and after projects are constructed. This would also reduce the severity of potential impacts related to exposure to pollutant concentrations from a wildfire or the likelihood of wildfire ignition. Furthermore, as required by the Public Resources Code (PRC) Section 2690-2699.6, *Seismic Hazards Mapping Act* and CBC requirements as adopted in Chapter 19.28 of the BMC, site-specific geotechnical investigations would be required which would reduce potential impacts related to landslides, post-fire slope instability, or drainage changes following a potential wildfire for individual future development projects. Nonetheless, for some development projects, impacts may result from the

[13] 23,682 pounds per day (HEU) + 5,455 pounds per day (proposed project) = 29,137 pounds per day
[14] 23.7 cubic yards per day (HEU) + 5.5 cubic yards per day (proposed project) = 29.2 cubic yards per day

potential for unusual site-specific or road conditions, project characteristics, and the general ongoing fire risk in the Berkeley Hills; therefore, impacts were found to be significant and unavoidable.

The 2023 EIR found that new development could require the installation and maintenance of new or improved roads, emergency water sources, power lines or other utilities, the construction and operation of which could introduce potential sources of wildfire ignition, such as the sparking of an overhead power line or construction equipment or the operation of resident vehicles. Although Mitigation Measure W-1, which was adopted and incorporated into the HEU and would reduce potential risks by requiring power lines to be placed underground in areas subject to wildfire risk, it may not be feasible to impose the requirement on all projects. Potentially unusual site-specific conditions or aspects of a specific infrastructure project, including power line installation, may result in wildfire impacts from the installation or maintenance of infrastructure required by buildout of the HEU. Therefore, this impact was also found to be significant and unavoidable.

Impacts of the Proposed Project

As outlined under Ordinance 7958 N.S., none of the three corridors are located within a VHFHSZ. The North Shattuck Corridor is located approximately 0.1 mile west of a HFHSZ (City of Berkeley 2026).

Compared to the HEU, the proposed project would allow up to 4,399 additional units in the three corridors and could facilitate building heights of up to an estimated 8 stories, which could increase the number of residents exposed to wildfire risk and the number of evacuees on City streets during a citywide wildfire event. However, there are several streets in the three corridors that are designated as emergency access routes such as College Avenue, Cedar Street, Shattuck Avenue, Rose Street, and Ashby Avenue to move people and emergency response equipment in a disaster, and the traffic increase that would result from new development in the three corridors would not substantially impact one route and would be distributed among existing routes (City of Berkeley 2011). General Plan Policy T-28 identifies required actions to preserve emergency access, including not installing diverters or speed humps on streets identified as Emergency Access and Evacuation Routes. BMC Chapter 19.49 prohibits storage of materials or structures, including construction equipment, at public access roads within the VHFHSZ. Similar to the HEU, the proposed project would also be subject to the City's Standard COA related to preparation of a Transportation Construction Plan which would limit the extent to which development would impair or physically interfere with adopted emergency response or evacuation procedures.

> Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
>
> - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
> - Storage of building materials, dumpsters, debris anywhere in the public ROW;
> - Provision of exclusive contractor parking on-street; or
> - Significant truck activity.
>
> The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.
>
> Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding

neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

Therefore, while traffic increases associated with buildout facilitated by the proposed project would affect streets within the three corridors, designated access routes would still serve as evacuation routes in case of emergency. Future development would also be required to conform to the latest fire code requirements, including provisions for emergency access. Since none of the three corridors are located within a VHFHSZ, impacts would be less than significant and reduced compared to the HEU.

The three corridors are urbanized, largely consisting of concrete roads, driveways, parking lots, and structures. Existing vegetation within the three corridors that could provide fuel for a wildfire is minimal. However, wildfires may potentially occur in wildland and open space areas east of the three corridors and spread to the three corridors. In addition, the new housing allowed under the proposed project would replace existing ignition sources in the form of new building materials (e.g., wood, stucco), vegetation for landscaping, vehicles, and small machinery (e.g., for typical residential and landscape maintenance). The proposed project could therefore expose greater numbers of occupants to pollutant concentrations or the uncontrolled spread of wildfire. However, new development facilitated by the proposed project would be required to comply with the California Fire Code, as well as BMC Chapter 19.49, which requires that all new utilities serving new construction, including electrical, telephone, and cable television, be installed underground. Moreover, development facilitated by the proposed project would be subject to review by the BFD prior to approval of building permits. The BFD's review would ensure that new construction would comply with applicable fire codes and regulations and would not exacerbate wildfire risk within the three corridors. Therefore, with adherence to State and local regulations, impacts would be less than significant and reduced compared to the HEU.

Because the three corridors are highly urbanized, development facilitated by the proposed project would not introduce new impervious areas to the extent that the rate or amount of surface runoff would substantially increase. In addition, the three corridors are relatively flat and are not located within a VHFHSZ. Therefore, the proposed project would not expose people and structures to significant risks, including landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant and reduced compared to the HEU.

Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to wildfire, and no new mitigation measures are required.

Conclusion

The proposed project would have less than significant impacts with respect to wildfire. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to wildfire than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

6 Cumulative Impacts

In addition to the specific impacts of individual projects, CEQA requires consideration of potential cumulative impacts of the proposed project. CEQA defines "cumulative impacts" as two or more individual impacts that, when considered together, are substantial or will compound other environmental impacts. Cumulative impacts are the combined changes in the environment that result from the incremental impact of development of the proposed project and other past, present, and probable future projects producing related or cumulative impacts. For example, noise impacts of two nearby projects may be less than significant when analyzed separately, but could have a significant impact when analyzed together. The cumulative impact analysis provides a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

CEQA Guidelines Section 15130 requires cumulative impact analysis in EIRs to consider either a list of planned and pending projects that may contribute to cumulative effects or a summary of projections contained in an adopted planning document such as a general plan.

6.1 Impacts Identified in the 2023 EIR

The cumulative setting for the analysis in the 2023 EIR is explained in Section 3, *Environmental Setting,* of the 2023 EIR. As stated in that section, some analyses including air quality, energy, greenhouse gas emissions, transportation, and population and housing rely on larger geographic areas, such as the Bay Area region. For issues that may have regional cumulative effects, the cumulative impact analysis in the 2023 EIR was based on Plan Bay Area 2040, the Bay Area's most recent Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Based on the forecasts in Plan Bay Area 2040, in 2040 Berkeley is estimated to have a population of 140,900, 55,400 housing units, and 121,700 jobs. Development under the HEU in conjunction with development forecasted in Plan Bay Area 2040 is accounted for in the cumulative impacts analysis.

For analyses that may have more localized or neighborhood implications (biological resources, cultural resources, noise, public services, utilities, wildfire), the cumulative impact analysis includes development proposed under UC Berkeley's LRDP and Housing Projects #1 and #2 as described in the University's Draft EIR dated March 8, 2021 (University of California, Berkeley 2021). The 2021 LRDP planning assumption for the campus population is 48,200 students and 19,000 faculty and staff in the 2036-37 academic year compared to 39,300 students and 15,400 faculty and staff in the 2018-19 academic year. The LRDP also assumes 9,325,88 square feet of development on non-campus University properties throughout Berkeley (including Housing Projects #1 and #2) compared to 4,640,769 square feet of development in 2018-2019.

Cumulative impacts associated with the HEU in combination with cumulative development were analyzed in Sections 4.1 through 4.17 of the 2023 EIR. The 2023 EIR found that cumulative development pursuant to the HEU and the LRDP would have the potential to impact historical resources. Historic-period resources could be vulnerable to development activities that could result in damage to or demolition of cultural resources. The HEU would result in significant and unavoidable impacts to historical resources. Implementation of previously-adopted Mitigation Measures CUL-1 and CUL-2, which were adopted and incorporated into the HEU, would reduce or avoid some but not all potential impacts to historical resources in Berkeley. Therefore, cumulative impacts to historical resources would be significant, and the HEU's contribution would be cumulatively considerable.

According to the Berkeley General Plan Environmental Management Element, noise-sensitive uses include but are not limited to residences, child-care centers, hospitals, and nursing homes (City of Berkeley 2001). The 2023 EIR found that construction of future development projects in Berkeley would produce temporary noise impacts that would be localized to a project site and could affect noise-sensitive receptors within the immediate vicinity. Therefore, only sensitive receptors located in proximity to each

construction site would be potentially affected by each activity. However, construction activities associated with individual housing development projects accommodated under the HEU may overlap for some time with construction activities for other development projects. Based on the locations of the potential housing sites included in the HEU and shown in Figure 2-4 of Section 2, *Project Description*, of the 2023 EIR this could substantially increase noise levels at specific neighboring noise-sensitive receivers since many sites are located in proximity to each other. Therefore, concurrent construction of development projects facilitated by the HEU could result in cumulatively considerable impacts. This impact would be cumulatively considerable and cumulative impacts would be significant and unavoidable.

The 2023 EIR also found that in and near Berkeley, the VHFHSZs are located largely along the WUI borders within the hilly northwestern areas. Within the geographic scope for this cumulative analysis wildfire-related impacts could be significant if development is in or near Berkeley's VHFHSZ. The University's proposed LRDP update would involve improvements and development in Campus Park, the Hill Campus West, the Hill Campus East, the Clark Kerr Campus, and the City Environs Properties, areas of which fall within the VHFHSZ. Development within this area could exacerbate wildfire risks. Like development under the HEU, new development under the LRDP would be subject to statewide standards for fire safety in the California Fire Code. Nonetheless, because the proposed HEU could exacerbate wildfire risk in a VHFHSZ and development under the proposed LRDP update could also exacerbate such risks, a cumulative impact would occur and the proposed projects' contribution would be cumulatively considerable.

For all other impact areas, the 2023 EIR found that the HEU would not result in cumulatively considerable impacts.

6.2 Impacts of the Proposed Project

Because the conditions in the 2023 EIR are substantially the same as the current conditions in the city and region, the cumulative setting in the 2023 EIR has not changed and remains the same for the purposes of this analysis. Projects proposed, pending, and completed since adoption of the 2023 EIR generally fall within the cumulative setting evaluated in the 2023 EIR. The proposed project would not result in new impacts compared to the HEU as analyzed in the 2023 EIR. Like the HEU, the proposed project would result in impacts related to historical resources and construction noise. As discussed in Section 5.4, *Cultural Resources*, existing and eligible historical resources could be materially impaired by future development that would be facilitated by the proposed project, which could occur when specific actions intended for the reduction of impacts to historical resources are determined to be infeasible, or when future projects that are not subject to discretionary review on sites with structures that have not been previously evaluated to initiate a landmark or structure-of-merit designation result in the demolition of potential but unknown historic resources. As discussed in Section 5.11, *Noise*, construction noise levels could still exceed the City's standards for stationary equipment in both multi-family residential and commercial zones, and could exceed the City's standards at multiple sites where the proposed project would facilitate development in the Solano Avenue, North Shattuck Avenue, and College Avenue Corridors. Therefore, the proposed project would result in cumulatively considerable impacts related to historical resources and construction noise, even with implementation of previously adopted Mitigation Measures CUL-1 and CUL-2, as well as the City's Standard COAs related to historical resources and construction noise.

As discussed above under Section 5.17, *Wildfire*, since none of the three corridors are located within a VHFHSZ, impacts related to wildfire would be less than significant and reduced compared to the HEU. Similar to the HEU, the proposed project would result in less than significant cumulative impacts related to all other impact areas with adherence to State and local regulations as well as the City's Standard COAs; therefore, the proposed project would not result in a cumulatively considerable contribution to a cumulative impact.

6.3 Effects and Mitigation Measures

No new or substantially more severe significant effects would occur to cumulative impacts, and no new mitigation measures are required.

6.4 Conclusion

The proposed project would have cumulatively considerable impacts related to historical resources and construction noise, and less than significant cumulative impacts with respect to all other impact areas. No substantial changes have occurred that require major revisions to the 2023 EIR. There is no new information indicating that the proposed project would have new significant impacts or substantially more severe significant impacts with respect to cumulative impacts than were identified in the 2023 EIR. None of the conditions listed in *CEQA Guidelines* Section 15162 requiring preparation of a subsequent EIR have been met.

7 Conclusion

As discussed in detail in the preceding sections, potential impacts associated with the proposed project are consistent with potential impacts disclosed in the 2023 EIR. Major revisions to the 2023 EIR are not required, because no new significant impacts or significant impacts of substantially greater severity than previously described would occur because of the proposed project. Therefore, the conditions outlined in *CEQA Guidelines* Section 15162(3)(A) and (D) for preparation of a subsequent EIR would not be met.

Based on the analysis contained in this Addendum, the following determinations are applicable:

- No further evaluation of environmental impacts is required for the proposed project.
- No subsequent EIR is required pursuant to *CEQA Guidelines* Section 15162.
- This Addendum is the appropriate level of environmental analysis and documentation for the proposed project pursuant to *CEQA Guidelines* Section 15164.

Pursuant to *CEQA Guidelines* Section 15164(c), the decisionmaking body of the City will consider this Addendum along with the 2023 EIR prior to making a decision on the proposed project. Documents related to this Addendum will be available at the City of Berkeley Planning & Development Department, located at 1947 Center Street in Berkeley, California 94704.

8 References and Preparers

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8.2 List of Preparers

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Appendix A

Buildout Assumptions

Memo: Appendix A

May 29, 2026

To: Uttara Ramakrishnan, City of Berkeley
Karly Kaufman, Rincon Consultants
Damian Stefanakis, Kittelson & Associates

From: Chris Sensenig, Raimi + Associates, an Alta Company

Subject: **Berkeley Corridors Zoning Update: CEQA Build-Out Housing Element EIR Addendum Appendix A**

I. Purpose of this Memo

The Berkeley Corridors Zoning Update project will adopt new zoning for three priority corridors designated in the City's 6th Cycle Housing Element: Solano Avenue, North Shattuck, and College Avenue. The purpose of this memo is to describe the estimated buildout scenario across the three project areas and outline the methodology for calculating the estimated buildout numbers for the purposes of CEQA. In response to public comments, the CEQA estimated buildout numbers have been updated and increased to analyze a 100% build-out of sites seen as having high and modest redevelopment potential.

II. Purpose of the Project

The purpose of the Berkeley Corridors Zoning Update is to explore zoning changes to increase housing development in the city's highest-resource areas, specifically along Solano Avenue, North Shattuck, and College Avenue. These areas have been identified as priority corridors by Berkeley City Council and Program 27 of the City's Housing Element 2023-2031 to address housing scarcity, promote fair housing, and overcome barriers to development.

The Berkeley Corridors Zoning Update will change zoning standards to encourage mixed-use and residential development along the three corridors. The Berkeley Corridors Zoning Update does not include redesigning streets, sidewalks, or the public right-of-way along the three corridors nor propose new parks and public open spaces in those areas.

III. CEQA Buildout Methodology

The CEQA analysis assumes new zoning development standards would allow a maximum height of 7stories and a maximum density of 165 dwelling units per acre (du/a) for all parcels within the Solano Avenue (C-SO), North Shattuck (C-NS), and College Avenue (C-E) zoning districts.

The team reviewed the redevelopment potential of parcels within the C-SO, C-NS, and C-E districts based on a number of factors, described below in Section IV, and assumed 100% of parcels analyzed as High and Modest Redevelopment Potential would be redeveloped.

The CEQA buildout scenario looks at projects using the State Density Bonus program to increase density and height. For most of the parcels, the analysis assumes projects will utilize a 50% bonus to maximize mid-rise construction building type up to 8 stories. The density at 8 stories assumes 1,000 gross square feet per unit and 1.5 times the maximum allowable density of 165 du/a for a density of 247 du/a. With a 100% density bonus, projects would be allowed up to 14-17 stories depending on site conditions. At this height, some high-rise projects may be feasible, particularly for larger sites that allow for more efficient buildings. The analysis assumes that sites greater than 12,000 square feet would utilize the 100% bonus up to 330 du/a.

For ground floor commercial, the analysis assumed the Modest Redevelopment Potential sites would be replaced at a 0.2 commercial floor area ratio (FAR). For larger sites, the High Redevelopment Potential sites and the Grocery Stores, ground floor commercial would be replaced at a 0.3 commercial FAR.

Table 1 below summarizes base zoning, height and density assumptions for the purposes of calculating the CEQA buildout. Table 2 outlines the resulting residential and commercial buildout studied in CEQA.

Table 1: Base Zoning, Height and Density Assumptions for CEQA

Assumption	Base Zoning	CEQA Buildout Scenario with Density Bonus		
		Parcels less than 12,000 sf with High and Modest Redevelopment Potential (50% Density Bonus)	Parcels greater than 12,000 sf with High and Modest Redevelopment Potential (100% Density Bonus)	Grocery Stores (100% Density Bonus)
Height Maximum	7 stories	8 stories	14-17 stories	14-17 stories
Density Maximum	165 du/a	247 du/a	330 du/a	330 du/a

Table 2: CEQA Buildout with State Density Bonus

Corridor	Residential			Commercial		
	Existing Residential (units)	Estimated Net New Residential with Proposed Project (units)	Total Residential with Project (units)	Existing Commercial (sf)	Estimated Net Reduction in Commercial with Proposed Project (sf)	Total Commercial with Project (sf)
Solano Avenue	91	1,667	1,758	188,278	(63,582)	124,696
North Shattuck	174	2,638	2,812	343,458	(35,737)	307,721
College Avenue	17	372	389	125,166	(11,468)	113,698
Total	**282**	**4,677**	**4,959**	**656,902**	**(110,788)**	**546,114**
sf = square feet, ( ) denotes subtraction						

Update in Methodology

This memo is an update to an earlier version where an estimate of 1,814 net new units was projected within the project area using a methodology of projecting a likely build-out scenario that assumed a percentage of parcels will redevelop at or below the maximum density for a mid-rise building type. This scenario was considered conservative or overestimate of the expected build-out. After consultation with the City, the new analysis uses a methodology that estimates a 100% build-out of parcels with redevelopment potential at densities that maximize density for mid-rise building types and considers the potential for high-rise building types for certain parcels. This scenario is unlikely to materialize in the near or even long-term future of the corridors but is being used to study the highest density scenario that may be possible under the proposed zoning.

IV. Redevelopment Potential Methodology

To calculate the estimated buildout, parcels in the three project areas were sorted into five categories based on their potential for redevelopment. Category 1 includes parcels with high redevelopment potential and category 5 includes parcels with no redevelopment potential. Below are descriptions of the five categories. The new estimated buildout calculation assumes all of the high and modest redevelopment potential parcels and three grocery store parcels in the project areas will redevelop.

1. High Redevelopment Potential

***1A** Vacant or Corporate Ownership*

This classification includes vacant lots or lots that are owned by corporate owners, such as the bank sites and the CVS pharmacy. These lots have the highest potential to redevelop, as they either don't have an existing use on them, or they are owned by corporations that have the financial capacity to invest in their redevelopment. The sites are favorable for redevelopment, generally about 10,000 square feet or greater parcel size.

***1B** Real Estate Asset*

This classification includes lots that are considered a real estate asset. These include retail centers with established businesses such as the 7-Eleven and Post Office on College and the Virginia Bakery site on Shattuck. The retail centers are on large sites, generally about 10,000 square feet or greater. These lots have a high potential to redevelop as they have a large lot size and capacity for financially feasible building types and don't currently have the highest and best use on them.

2. Modest Redevelopment Potential with Challenges

***2A** Corner and Large Infill Sites*

This classification includes corner lots and large infill sites with 1 to 2 story older buildings on them. Corner lots are more likely to redevelop than infill mid-block parcels due to their ability to provide on-site parking with access from side streets. Infill lots in this classification have the possibility to allow curb cuts for parking access from the corridor. Parcels may have a greater

redevelopment potential if adjoining lots are assembled into larger parcels, particularly with corner lots.

***2B** Small Infill Sites*

This classification includes small infill lots with older buildings on them. These lots have potential to redevelop but are less likely than corner lots due to their inability to provide on-site parking because of a lack of access from side streets. Large and corner lots with rent-controlled units on them have been included in this classification because of complications and costs of relocation of existing residents.

3. Special Conditions for Redevelopment

***3A** Grocery Store*

This classification includes lots with big box grocery stores with surface parking on them. The large sites are ideal for redevelopment, if the grocery store companies decide one or more store locations are no longer viable as grocery stores.

***3B** City-Owned*

This classification includes city-owned lots, including a surface parking lot and a Fire Station. These lots have redevelopment potential, if the City of Berkeley decides to leverage City-owned property for additional housing. These parcels were not considered likely to redevelop because of City need for services and the small size and access issues for the surface parking lot in Elmwood.

4. Very Low Potential, Unlikely to Redevelop

***4A** Sites with Thriving Businesses, Construction Staging Challenges, or Potential Historic Significance*

This classification includes infill or corner lots with older buildings and thriving businesses, construction staging challenges, or potential historic significance. These lots are seen as unlikely to redevelop due to existing successful commercial uses, challenges posed for construction due to street width, and/or potential need for historic mitigation.

***4B** Challenging Site Conditions*

This classification includes infill or corner lots with older buildings on them that have challenging site conditions, such as narrow or shallow lots and may have construction staging challenges. These lots are seen as unlikely to redevelop due to their dimensions. Infill lots with rent-controlled units on them have been included in this classification because of complications and the costs of relocation of existing residents.

5. No Redevelopment Potential

***5** Recent Development, Pipeline Development, Historic Resource, or High-Utilization Sites*

This classification includes lots that have pipeline developments, recent developments, existing historic resources, or lots with high-density and high utilization.

Appendix B

State Density Bonus Analysis

Planning and Development Department

From: Justin Horner, Principal Planner

Date: April 14, 2026

Subject: Analysis of State Density Bonus Projects in Berkeley

INTRODUCTION

The *Berkeley Corridors Zoning Update Project Addendum to the 2023-2031 Housing Element Update Final Environmental Impact Report* (Addendum) incorporates development projections associated with the proposed rezoning of the College Avenue, North Shattuck, and Solano Avenue corridors. These projections account for additional residential capacity that could be realized with the use of the State Density Bonus Law (SDBL).

The assumptions underlying this analysis anticipate that most projects would utilize the SDBL to construct buildings in the 6-8 story range. This memorandum reviews recent SDBL projects in Berkeley to evaluate this assumption, suggests key construction cost factors associated with mid-rise and taller buildings, and summarizes a recent study on the marginal costs of increased building height.

DENSITY BONUS PROJECTS IN BERKELEY

Pursuant to State law, the City prepares an Annual Progress Report (APR) each year on implementation of its General Plan, which is submitted to the State Department of Housing and Community Development. Each APR includes a list of all SDBL projects that received an entitlement, building permit, or Certificate of Occupancy during the prior year.

Attachment 1 compiles all SDBL projects reported in the City's APRs from 2020 to 2025. For each project, it identifies the address, total number of units, building height, zoning district, and the applicable maximum height limit for that district. Attachment 1 shows:

- Of the 82 SDB projects captured in the 2020-2025 APRs, **91%** of them (75 of 82) were 8 stories or fewer.

- Because the Addendum assumes a proposed maximum base height standard of 7 stories for the Corridors, Attachment 1 indicates in bold those SDB projects that are located on sites that allow 7 stories in their zoning district.

  Of the 29 SDB projects on sites that allow 7 stories for the base project, **80%** (or 22 out of 26) were 8 stories or fewer.

- Of the 29 SDB projects on sites that allow 7 stories for the base project, three of them are located in the downtown core and were approved under special Zoning Ordinance provisions that permit an increased height allowance that applies only to a total of five buildings in the downtown core.

  The proposed rezoning does not apply to the downtown and does not include provisions that would include an increased height allowance. Excluding those three special downtown projects leaves a total of 23 SDB projects on sites that allow 7 stories for the base project, 22 of which, or **96**%, of which are 8 stories or fewer.

FACTORS IN CONSTRUCTION

Several factors help explain why many projects tend to top out at approximately 8 stories, most of which relate to construction requirements and associated costs.

- Beyond roughly 6-8 stories, projects typically can no longer rely on wood-frame construction (like Type V construction) and instead must transition to steel or reinforced concrete systems (Type I construction) which increase per square foot material costs. On average, Type 1 constructions costs approximately $65 more per square foot than Type V construction.[1]
- Under the California Health and Safety Code and the California Building Code (CBC), a high-rise structure is defined as a building with an occupied floor located more than 75 feet above the lowest level of fire department vehicle access (Health & Safety Code §13210; CBC §202). Buildings meeting this definition are subject to the additional provisions of CBC §403 (High-Rise Buildings), which includes additional life-safety requirements that are not required for non-high-rise construction.

Together, these factors create meaningful cost and design constraints that can limit the feasibility of construction above the mid-rise range.

The chart on the following page, excerpted from Hannah Hoyt's 2020 paper *More for Less? An Inquiry into Design and Construction Strategies for Addressing Multifamily Housing Costs*,[2] summarizes findings from interviews with more than 30 building industry professionals and illustrates the increase in per square foot construction costs for projects exceeding approximately 6 to 7 stories

[1] Terner Center for Housing Innovation, *The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California,* March 2020. https://ternercenter.berkeley.edu/wp-content/uploads/2020/08/Hard_Construction_Costs_March_2020.pdf

[2] Hannah Hoyt, *More for Less? An Inquiry into Design and Construction Strategies for Addressing Multifamily Housing Costs*, Harvard Joint Center for Housing Studies, 2020. https://www.jchs.harvard.edu/sites/default/files/media/imp/harvard_jchs_gramlich_design_and_construction_strategies_multifamily_hoyt_2020_3.pdf



	Infill	Low-rise	Mid-rise	High-rise
Names	Duplex, two, three or four-family, garden, walk-up	3-over-1	5-over-1, 5-over-2, 4-over-2	Tower
Construction type	Typically wood	Typically wood	Wood on concrete or steel podium	Concrete or steel
# of Floors	3 stories, up to 6 in older buildings	1-3 stories	4-7 stories	Unlimited by IBC, dictated by zoning, usually 12 + stories
# of Units	~1-4 units	~5-50 units	~50-200 units	~4-20+ units/floor
Circulation	Typically single stair, no corridor	Typically double-loaded corridor, multiple stair, sometimes elevator	Typically double-loaded corridor, multiple stairs and egress, elevator	Typically smaller floor plate, double-loaded corridor, elevator, egress stairs
Location	Rural, suburban, urban	Rural, suburban, urban	Suburban, urban	Urban
Cost PSF	Varied	$150-225	$175-250	$225-400+

EMPIRICAL ANALYSIS

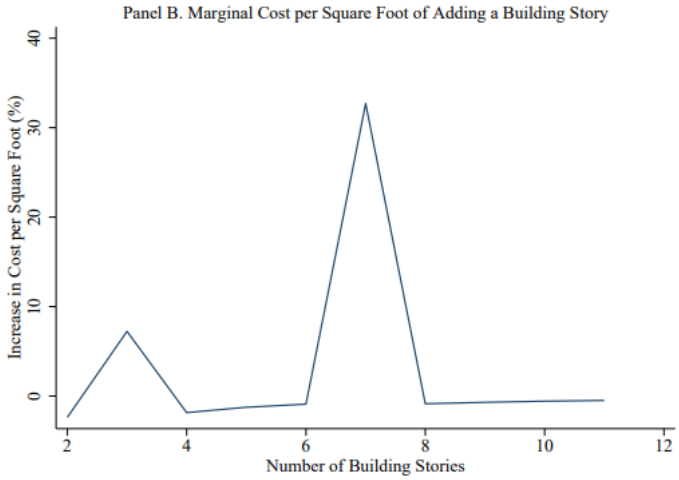
These observations are consistent with findings by Michael Eriksen and Anthony Orlando in their 2021 paper *Returns to Scale in Residential Construction: The Marginal Impact of Building Height*.[3] Based on a survey of construction costs across the 50 largest U.S. cities, the authors estimate the marginal costs of developing multifamily housing at increasing heights.

Panel A of their study illustrates the non-linear relationship between building height and per-square-foot construction costs, while Panel B presents the marginal cost of adding each additional story. The analysis identifies a notable increase in marginal costs beginning at seven stories, with continued cost escalation for additional height.

[3] Michael Eriksen and Anthony Orlando in their 2021 paper *Returns to Scale in Residential Construction: The Marginal Impact of Building Height.* Real Estate Economics v. 50(2), March 2021.

These findings align with the projects summarized in Attachment 1 and reinforce the construction-related constraints described above.





CONCLUSION

The Addendum's assumption that projects developed under the proposed Corridors Zoning Update would generally top out at eight stories—even when utilizing the State Density Bonus Law —is supported by both recent development patterns in Berkeley and broader empirical research. The City's record of SDBL projects over the past five years demonstrates a consistent tendency toward mid-rise construction, while cost analyses indicate that buildings exceeding eight stories are often not economically feasible in districts with a seven-story base height limit. Together, this evidence supports the reasonableness of the Addendum's development assumptions.

ATTACHMENT 1

State Density Bonus Law Projects in the City of Berkeley

	Units	Height	Zoning District	Zoning Height Max
2025 APR (17 projects)				
1701 San Pablo	110	6 stories	C-W	40 ft
1740 San Pablo	54	6 stories	C-W	40 ft
1752 Shattuck	68	7 stories	C-C	40 ft
2300 Ellsworth	**69**	**7 stories**	**R-SMU**	**85 ft**
2902 Adeline Street	**50**	**6 stories**	**C-AC**	**6-8 stories**
2650 Telegraph	72	7 stories	C-C	40 ft
2000 Dwight	45	5 stories	R-4	35 ft
2001 Ashby Ave	**86**	**8 stories**	**C-AC**	**6-8 stories**
2440 Shattuck	40	8 stories	C-DMU Corridor	60 ft max (75 ft with UP)
2480 Bancroft	**28**	**8 stories**	**C-T**	**85 ft**
2555 College	11	4 stories	R-3	35 ft
2680 Bancroft	**79**	**8 stories**	**R-SMU**	**85 ft**
1975 Shattuck	**599**	**28 stories***	**C-DMU Outer Core**	**60 ft max (75 ft with UP)**
2274 Shattuck	**227**	**17 stories**	**C-DMU Corridor**	**60 ft max (75 ft with UP)**
2442 Haste	**38**	**8 stories**	**C-T**	**85 ft**
2138 Kittredge St	66	8 stories	C-DMU Outer Core	60 ft max (75 ft with UP)
2100 Milvia	201	8 stories	C-DMU Buffer	50 ft max (60 ft with UP)

Base zoning that allows 7 stories

Increased Height Allowance Proj.

2024 APR (21 projects)				
1598 University	207	8 stories	C-U	30 ft
1750 Sacramento	**739**	**8 stories**	**R-BMU**	**8 stories**
1752 Shattuck Ave	74	7 stories	C-C	40 ft
2000 University	**81**	**8 stories**	**C-DMU Core**	**60 ft max (75 ft with UP)**
2037 Durant Ave	74	8 stories	C-DMU Buffer	50 ft max (60 ft with UP)
2099 Martin Luther King Jr Way	72	7 stories	C-DMU Buffer	50 ft max (60 ft with UP)
2115 Kittredge St	**214**	**15 stories**	**C-DMU Core**	**60 ft max (75 ft with UP)**
2128 Oxford St	**485**	**26 stories***	**C-DMU Core**	**60 ft max (75 ft with UP)**
2136 San Pablo Ave	126	6 stories	C-W	40 ft
2137 Dwight Way	58	6 stories	C-SA	36 ft
2300 Ellsworth St	69	7 stories	R-SMU	85 ft
2427 San Pablo Ave	78	5 stories	C-W	40 ft
2462 Bancroft Way	**66**	**8 stories**	**C-T**	**85 ft max**
2527 San Pablo Ave	63	6 stories	C-W	40 ft
2530 Bancroft Ave	**110**	**12 stories**	**C-T**	**85 ft max**
2538 Durant Ave	**83**	**8 stories**	**C-T**	**85 ft max**
2555 College Ave	11	4 stories	R-3	35 ft
2587 Telegraph Avenue	**52**	**8 stories**	**C-T**	**85 ft max**
2701 Shattuck Ave	**57**	**5 stories**	**C-AC**	**6-8 stories**
3030 Telegraph Ave	144	5 stories	C-C	40 ft
805 Jones St	6	2 stories	MU-R	35 ft
			Base zoning that allows 7 stories	
			Increased Height Allowance Proj.	

2023 APR (21 projects)				
1598 University Ave	207	8 stories	C-U	30 ft
1717 University Ave	28	5 stories	C-U	30 ft
1752 Shattuck Ave	68	7 stories	C-C	40 ft
1773 Oxford St	24	5 stories	R-4	35 ft
1820 San Pablo Ave	44	5 stories	C-W	40 ft
2023 Shattuck Ave	**48**	**7 stories**	**C-DMU Core**	**60 ft max (75 ft with UP)**
2028 Bancroft Way	37	7 stories	C-DMU Buffer	50 ft max (60 ft with UP)
2065 Kittredge St	**187**	**8 stories**	**C-DMU Core**	**60 ft max (75 ft with UP)**
2067 University Ave	**50**	**7 stories**	**C-DMU Outer Core**	**60 ft max (75 ft with UP)**
2147 San Pablo Ave	128	6 stories	C-W	40 ft
2190 Shattuck Ave	**326**	**25 stories***	**C-DMU Core**	**60 ft max (75 ft with UP)**
2650 Telegraph Ave	45	5 stories	C-C	40 ft
2712 Telegraph Ave	40	6 stories	C-C	40 ft
2800 Telegraph Ave	16	6 stories	C-C	40 ft
3000 San Pablo Ave	16	6 stories	C-W	40 ft
3030 Telegraph Ave	144	5 stories	C-C	40 ft
3031 Telegraph Ave	127	6 stories	C-C	40 ft
3000 Shattuck Ave	166	10 stories	C-SA	36 ft
2590 Bancroft Way	**87**	**8 stories**	**C-T**	**85 ft**
2532 Shattuck Ave	**204**	**8 stories**	**C-AC**	**6-8 stories**
2440 Shattuck Ave	40	8 stories	C-DMU Corridor	60 ft max (75 ft with UP)
			Base zoning that allows 7 stories	
			Increased Height Allowance Proj.	

2022 APR (10 projects)				
1201 San Pablo Ave	66	6 stories	C-W	40 ft
1601 Oxford	34	5 stories	R-3	35 ft
1950 Addison	107	7 stories	C-DMU Buffer	50 ft max (60 ft with UP)
2000 Dwight St	113	6 stories	R-4	35 ft
2000 University Ave	82	8 stories	C-DMU Buffer	50 ft max (60 ft with UP)
2012 Berkeley Way	142	5 stories	C-DMU Buffer	50 ft max (60 ft with UP)
2018 Blake	12	6 stories	R-4	35 ft
2435 Haste St	**37**	**8 stories**	**R-SMU**	**85 ft**
2590 Bancroft	**87**	**8 stories**	**C-T**	**85 ft**
2352 Shattuck Ave	204	8 stories	C-DMU Buffer	50 ft max (60 ft with UP)
			Base zoning that allows 7 stories	

2021 APR(6 projects)				
2597 Telegraph Ave	**10**	**4 stories**	**C-T**	**85 ft**
3020 San Pablo Ave	29	5 stories	C-W	40 ft
2023 Shattuck Ave	**48**	**8 stories**	**C-DMU Core**	**60 ft max (75 ft with UP)**
3000 San Pablo Ave	78	6 stories	C-W	40 ft
3031 Telegraph Ave	110	6 stories	C-C	40 ft
2015 Blake St	155	7 stories	R-4	35 ft
			Base zoning that allows 7 stories	

2020 APR (7 projects)				
1367 University	39	4 stories	C-U	30 ft
1200 San Pablo Ave	104	6 stories	C-W	40 ft
2720 San Pablo Ave	25	6 stories	C-W	40 ft
2000 Dwight	113	6 stories	R-4	35 ft
1500 San Pablo Ave	170	5 stories	C-W	40 ft
2352 Shattuck Ave	**204**	**8 stories**	**C-AC**	**6-8 stories**
2590 Bancroft	**87**	**8 stories**	**C-T**	**85 ft**
			Base zoning that allows 7 stories	

Appendix C

Vehicle Miles Traveled Impact Assessment Memorandum

KITTELSON & ASSOCIATES
155 Grand Avenue, Suite 505
Oakland, CA 94612
P 510.839.1742

Technical Memorandum

June 26, 2026

Project# 30213

To: Karly Kaufman
Rincon Consultants
449 25th Street, Suite 303
Oakland, CA 94612

From: Damian Stefanakis, Kittelson & Associates, Inc.

CC: Chris Sensenig, Raimi + Associates

RE: **City of Berkeley – Corridors Buildout Zone Project Addendum - Vehicle Miles Traveled (VMT) Memorandum**

INTRODUCTION

Kittelson and Associates (Kittelson) has prepared this vehicle-miles traveled (VMT) assessment for the City of Berkeley Corridors Buildout Zoning Project (proposed project). The proposed project involves zoning text and map amendments to build out the three corridors: Solano Avenue, North Shattuck, and College Avenue, beyond the housing element estimates in the City's 2023-2031 Housing Element Program 27. This zoning involves increased density, height, and bulk to allow for mixed-use and residential development. Similar to the 2023-2031 Housing Element Update Environmental Impact Report (EIR), Kittelson conducted the travel demand modeling of the three Zoning Corridors using the Alameda County Transportation Commission (CTC) Countywide Model as adapted for the Berkeley Housing Element.

The total parcel area across the three project areas is 34 acres within 11 traffic analysis zones (TAZs), as shown in **Figure 1**. There is a total of 282 existing residential units and 659,902 square feet of existing commercial area across the three project areas. The estimated redevelopment area covers 10.6 acres, which comprises about one third of the total parcel area. Estimated redevelopment is anticipated to yield 4,677 net new units and a reduction of 110,788 square feet of commercial area. Detailed land use estimates for existing and proposed by TAZ are shown in **Table 1**.

The VMT assessment is based on the SB 743 requirements as applied through the City of Berkeley VMT Guidelines.

The buildout estimates were converted into model inputs with residential converted into housing units and population, and commercial into jobs. Travel forecasts were prepared by Kittelson for future 2040 cumulative buildout model year conditions. The 2040 cumulative buildout model assumes the full buildout of the City Housing Element and Southside development. These were previously evaluated under separate studies as an EIR in 2022, and an Addendum to the EIR in 2023.

VMT results were extracted at the project TAZ and citywide level based on the efficiency metrics, VMT per Capita, VMT per Employee, and total VMT. Per SB 743 and City VMT guidelines, the results were compared to the Bay Area regionwide average to determine if the new Zoning would contribute to any more VMT impacts beyond those disclosed under the Housing Element Update Addendum EIR.

Table 1: Zoning Corridors Existing Development And Buildout Redevelopment by TAZ

TAZ	Corridor	Residential			Commercial		
		Existing Residential (units)	Estimated Net New Residential with Proposed Project (units)	Total Residential with Project (units)	Existing Commercial (sf)	Estimated Net Reduction in Commercial with Proposed Project (sf)	Total Commercial with Project (sf)
14	Solano Avenue	2	846	848	63,981	(12,890)	51,091
17	Solano Avenue	89	460	549	72,576	(25,895)	46,681
18	Solano Avenue	-	360	360	51,721	(24,797)	26,924
26	North Shattuck	11	1,619	1,630	91,190	10,600	101,790
27	North Shattuck	44	498	542	169,758	(29,581)	40,177
45	North Shattuck	110	259	369	36,737	(3,335)	33,402
46	North Shattuck	9	263	272	45,773	(13,421)	32,352
94	College Avenue	17	34	51	43,249	(1,220)	42,029
105	College Avenue	-	94	194	37,033	(8,715)	28,319
109	College Avenue	-	144	144	18,443	(1,534)	16,908
110	College Avenue	-	-	-	26,441	-	26,441
	Total	**282**	**4,677**	**4,959**	**656,902**	**(110,788)**	**546,114**
sf = square feet, ( ) denotes subtraction							

SOURCE: RAIMI + ASSOCIATES, 2026

City of Berkley and the former California Office of Planning and Research – OPR (now the Office of Land Use and Climate Innovation - LCI) recommend that projects may screen out from a detailed VMT assessment based on a number of criteria, including small project size, or proximity to high quality transit. While the three Zoning corridors do not screen out as a small project, they are within 0.5 miles of high-quality transit stops (less than 20 minute frequency) and therefore allow the project to screen out for VMT. Given the Corridors screen out for VMT, the VMT metrics are provided mostly for information only.

The results indicate that the project would help shorten average trip lengths, reduce auto trips by promoting mode choice to transit and non-auto modes, and contribute to reductions in both VMT per capita and VMT per Employment.

VMT THRESHOLDS

VMT thresholds are defined using recommendations from the California Office of Planning and Research (OPR) based on their final report, dated December 2018. Cities and counties could opt to develop their own methods, but the California Environmental Quality Act (CEQA) impact criteria are generally consistent with OPR recommendations. The City of Berkeley's VMT Criteria and Thresholds were developed and published on June 29, 2020.[1] This CEQA analysis is based on the City policy and supplemented with OPR recommendations (where applicable and necessary).

The City of Berkeley has opted to compare VMT to the Bay Area regionwide average. Based on City guidelines, any development that does not immediately screen out for a VMT per capita assessment should produce a VMT per capita of 15% less than the baseline Bay Area regionwide average.

In the City of Berkeley, the screening criteria used to evaluate whether a housing project could qualify for an Exemption under CEQA related to VMT impacts include the following:

1. Within ½ mile of BART and Amtrak stations,
2. Within ¼ mile of high-quality transit corridor, which has 20-minute frequency fixed-route bus service,
3. Contains 100% affordable housing,
4. All projects (housing related) expected to generate less than 836 daily VMT (usually around 20 residential units), and
5. All projects located in TAZs with household VMT per capita of 15% below the baseline regional average.

The Open data maps from MTC for the San Francisco Bay Area shown in **Figures 2 to 5** in **Appendix A** display the high-quality transit[2] in Berkeley and the high-quality transit stops[3] along each of the three corridors.

Based on these criteria, the Corridors Zoning does screen out based on proximity to high quality transit. Given that the project screens out, VMT results are provided here for information purposes only and potential use in further environmental studies.

VMT RESULTS

For the City of Berkeley, VMT metrics are compared to the Bay Area regionwide average, and an impact is assessed if the project VMT per capita (VMT/Population) or the VMT per employment (VMT/Job) is higher than the established threshold of 15% below the regionwide average.

While citywide VMT per capita does increase slightly compared to the Housing Element (the no-project), at the aggregate Project level, **Table 2** indicates that the overall VMT per capita for the Corridors Zoning buildout project is lower than 15% below the regionwide baseline average (10.95 vs 16.71), and **Table 3**

[1] City of Berkeley VMT Criteria and Thresholds, June 2020. Link: https://berkeleyca.gov/sites/default/files/2022-02/VMT-Criteria-and-Thresholds.pdf

[2] MTC Open data Transit Areas: https://opendata.mtc.ca.gov/datasets/MTC::high-quality-transit-stops/explore?location=37.863757%2C-122.262894%2C13.37

[3] MTC Open data Transit Stops: https://opendata.mtc.ca.gov/datasets/MTC::high-quality-transit-stops/explore?location=37.863757%2C-122.262894%2C13.37

indicates the overall VMT per employment is lower than 15% below the regionwide baseline average (11.68 vs 15.06).

Therefore, in aggregate the VMT results in a ***less than significant*** finding under CEQA. No mitigations for VMT are therefore recommended at the programmatic level. Tables of the VMT analysis are summarized below.

- Table 2 provides a summary of 2020/2040 (no-project and plus project) VMT per capita at the City, County, and Regionwide level.
- Table 3 provides a summary of 2020/2040 (no-project and plus project) VMT per employment at the City, County, and Regionwide level.

Table 2: 2020/2040 VMT per Capita

Scenario	Households	Population	Household VMT	VMT/Capita	Threshold 15% Below
2020 Existing Baseline					
City	52,293	128,004	1,436,244	11.22	
County	620,008	1,720,139	33,432,049	19.44	
Regionwide	2,887,140	7,915,267	155,707,636	19.67	16.72
2040 No-Project (*with HE Addendum*)					
City	*76,116*	*192,641*	*2,088,198*	*10.84*	
County	*759,505*	*2,134,294*	*37,290,458*	*17.47*	
Regionwide	*3,452,139*	*9,678,363*	183,949,465	19.01	
2040 Plus Buildout Project					
City	80,793	203,785	2,230,694	10.95	
County	764,182	2,145,438	37,680,447	17.56	
Regionwide	3,456,816	9,689,507	183,945,727	18.98	
Delta (2040 Project – 2040 No-Project)					
City	4,677	11,144	142,496	0.11	
County	4,677	11,144	389,989	0.09	
Regionwide	4,677	11,144	-3,738	-0.02	

SOURCE: KITTELSON & ASSOCIATES, INC., 2026
NOTE: 2020 BASELINE REGIONWIDE IS SELECTED AS THE VMT REGION FOR COMPARISON.
NET CHANGE IN METRICS IS ASSOCIATED WITH THE PROJECT COMPARED TO THE NO-PROJECT. SOME ROUNDING IS POSSIBLE.
2040 PLUS PROJECT VMT/CAPITA IS LOWER THAN 15% BELOW EXISTING BASELINE REGIONWIDE AVERAGE.

Table 3: 2020/2040 VMT per Employment

Scenario	Employment	Employment VMT	VMT/Employment	Threshold 15% Below
2020 Existing Baseline				
City	*115,388*	*1,432,159*	*12.41*	
County	*853,858*	*13,543,525*	*15.86*	
Regionwide	*4,193,411*	*73,353,557*	*17.72*	*15.06*
2040 No-Project (*with HE Addendum*)				
City	*121,710*	*1,423,654*	*11.70*	
County	*948,787*	*15,164,395*	*15.98*	
Regionwide	*4,694,035*	*85,673,994*	*18.25*	
2040 Plus Buildout Project				
City	*121,488*	*1,418,564*	*11.68*	
County	*948,565*	*15,204,487*	*16.03*	
Regionwide	*4,693,813*	*85,223,911*	*18.16*	
Delta (2040 Project – 2040 No-Project)				
City	-222	-5,091	-0.02	
County	-222	40,092	0.05	
Regionwide	-222	-450,083	-0.10	

SOURCE: KITTELSON & ASSOCIATES, INC., 2026
NOTE: 2020 BASELINE REGIONWIDE IS SELECTED AS THE VMT REGION FOR COMPARISON.
NET CHANGE IN METRICS IS ASSOCIATED WITH THE PROJECT COMPARED TO THE NO-PROJECT. SOME ROUNDING IS POSSIBLE.
2040 REGIONWIDE VMT FLUCTUATION DUE TO REGIONAL MODEL EFFECTS.
2040 PLUS PROJECT VMT/EMPLOYMENT IS LOWER THAN 15% BELOW EXISTING BASELINE REGIONWIDE AVERAGE

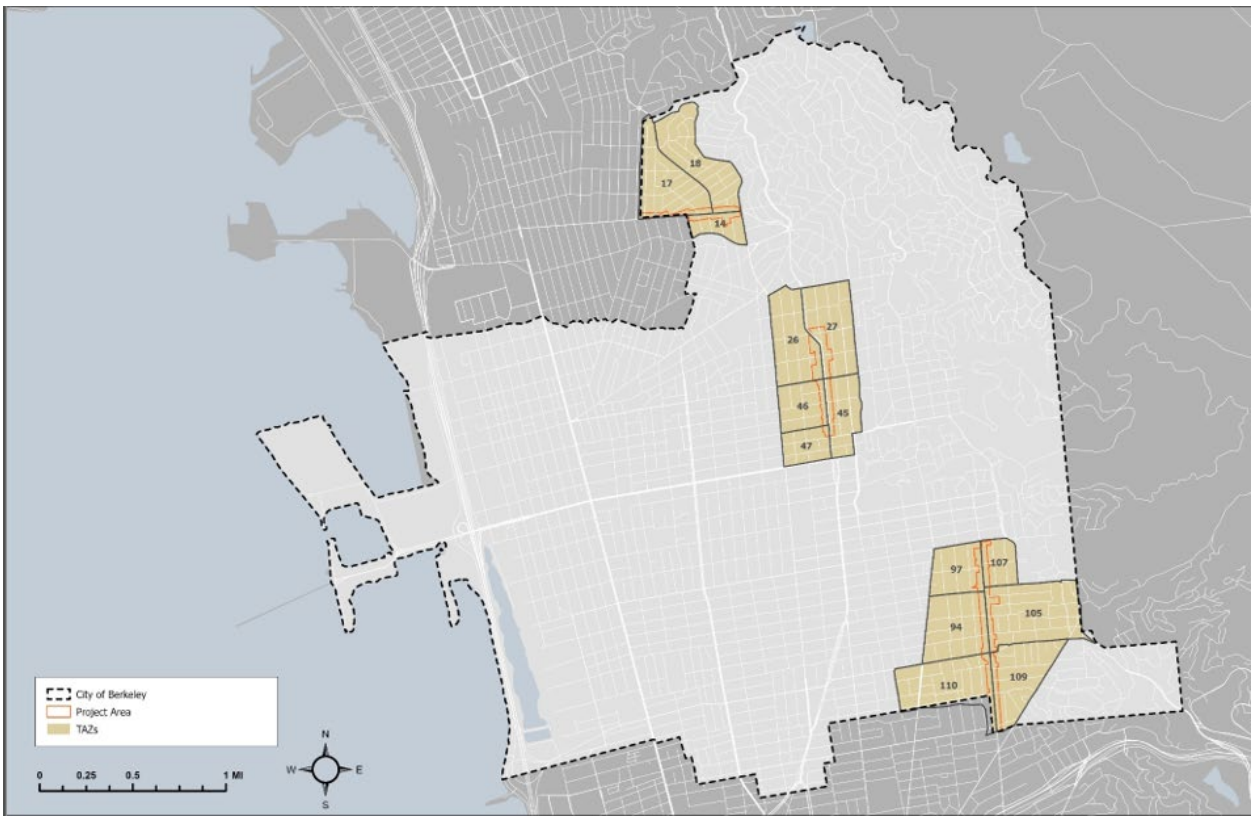
CONCLUSION

The VMT assessment for the Corridors Zoning Update project reflects the upzoning buildout potential of three priority corridors in Berkeley, Solano Avenue, North Shattuck, and College Avenue. While the three corridors do screen out for VMT based on proximity to high quality transit, the VMT results developed using the Alameda CTC Countywide model as adapted for the Berkeley Housing Element are provided for informational purposes

For the City of Berkeley, VMT metrics are compared to the Bay Area regionwide average, and an impact is assessed if the project VMT per capita (VMT/Population) or the VMT per employment (VMT/Job) are higher than the established threshold of 15% below the regionwide average. At the aggregate Project citywide level, the Corridors Zoning project overall VMT per capita is less than 15% below the regionwide average **(10.95 vs 16.71)**, and overall VMT per employment is lower than 15% below the regionwide average **(11.68 vs 15.06)**, and in aggregate, this results in a ***less than significant*** impact for VMT. No mitigations for VMT are therefore recommended at the programmatic level.

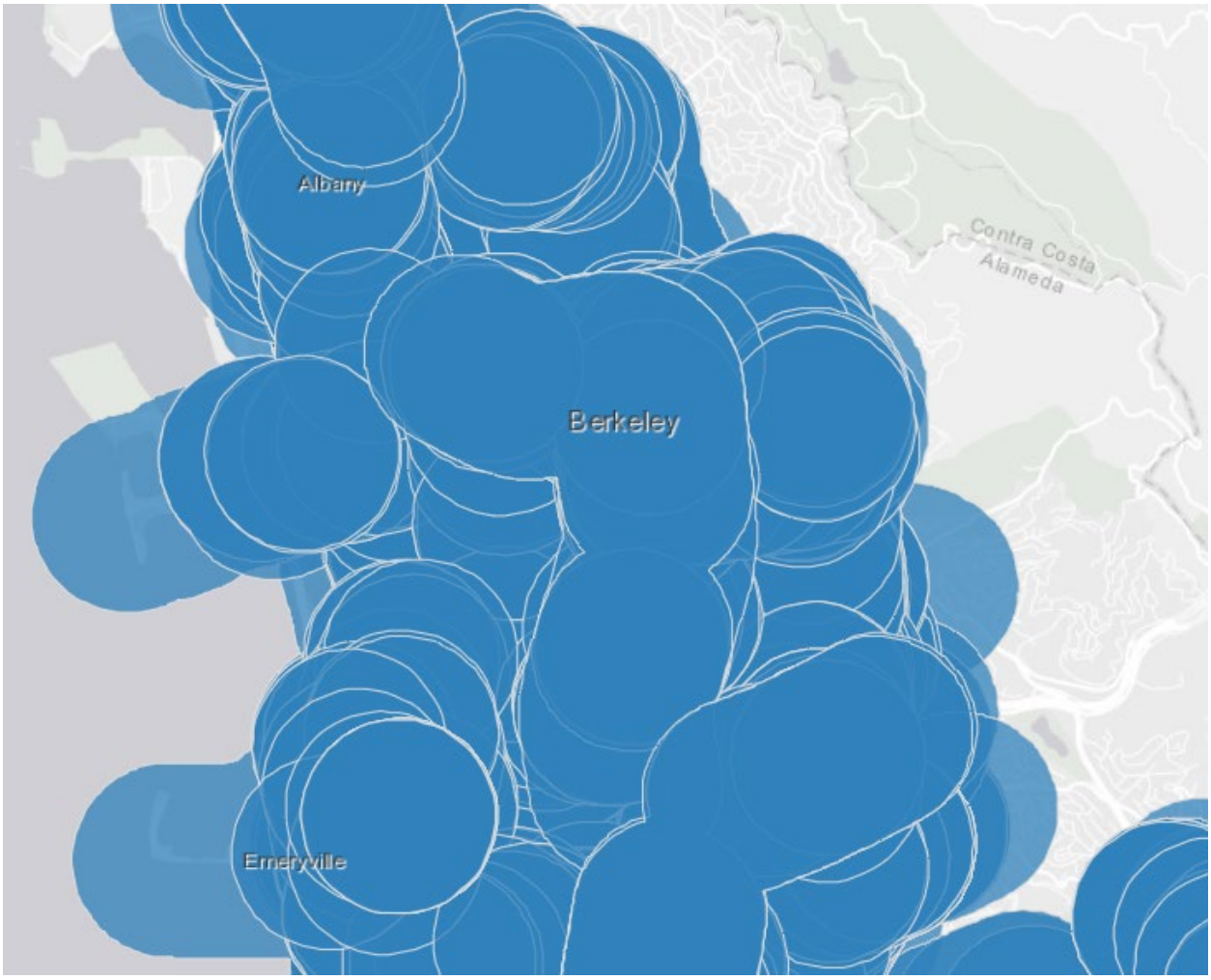
APPENDIX A

Figure 1: Zoning Corridors Model Traffic Analysis Zone (TAZs)



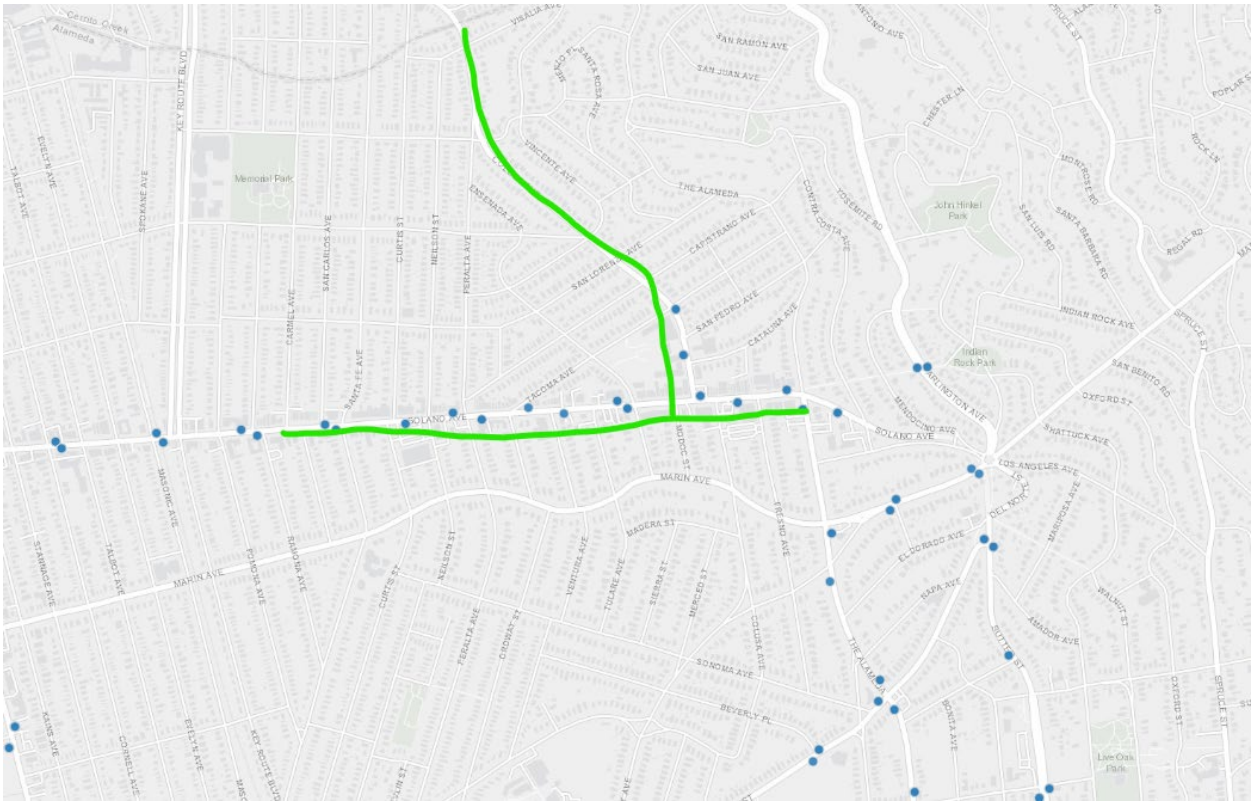
Source: City of Berkeley/ Alameda CTC Model, 2026

Figure 2: High Quality Transit Areas – Berkeley



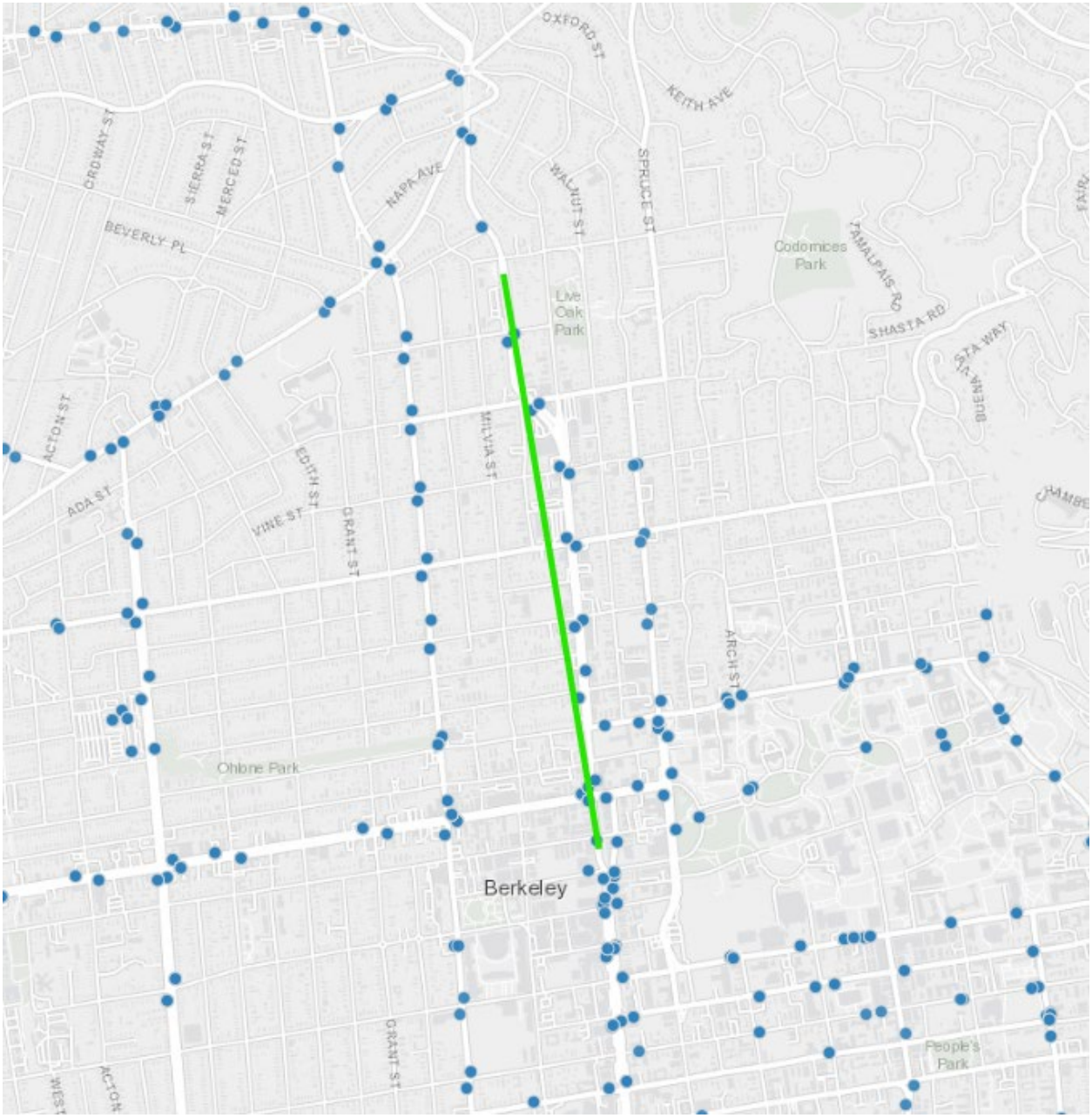
Source:https://opendata.mtc.ca.gov/datasets/MTC::high-quality-transit-areas/explore?location=37.879544%2C-122.258553%2C13.18

Figure 3: High Quality Transit Stops – Solano Avenue Corridor



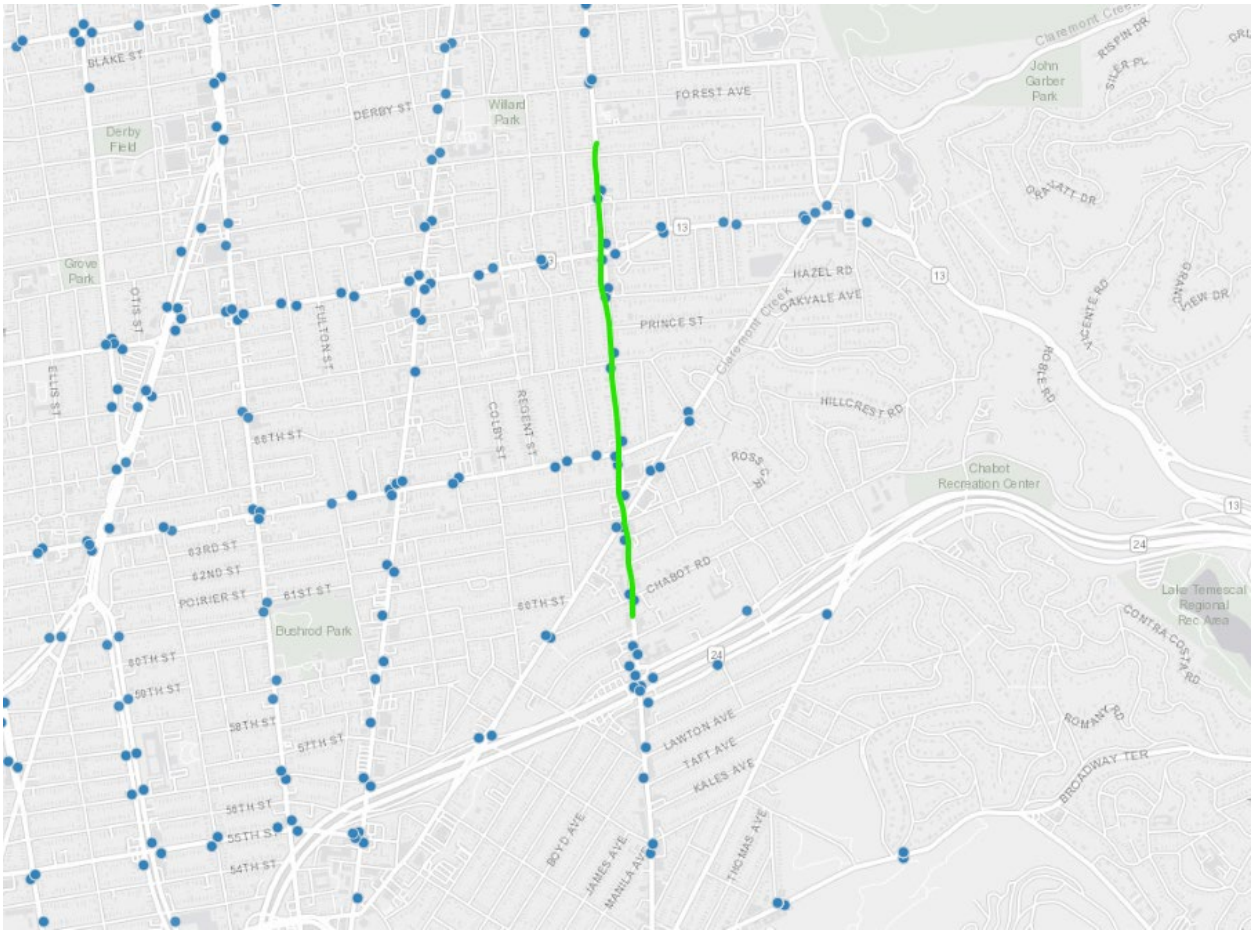
Source:https://opendata.mtc.ca.gov/datasets/MTC::high-quality-transit-areas/explore?location=37.879544%2C-122.258553%2C13.18

Figure 4: High Quality Transit Stops – Shattuck Avenue Corridor



Source:https://opendata.mtc.ca.gov/datasets/MTC::high-quality-transit-areas/explore?location=37.879544%2C-122.258553%2C13.18

Figure 5: High Quality Transit Stops – College Avenue Corridor



Source:https://opendata.mtc.ca.gov/datasets/MTC::high-quality-transit-areas/explore?location=37.879544%2C-122.258553%2C13.18

Appendix D

Greenhouse Gas Emissions Modeling Analysis for the San Pablo Specific Plan and 2023-2031 Housing Element

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

Date: June 24, 2025
Project No: 25-17613

Hannah Chan Smyth
Urban Planning Partners, Inc.
388 17th Street, Suite 230
Oakland, CA 94612
Via Email: hchansmyth@up-partners.com

Subject: Greenhouse Gas Emissions Modeling Analysis for the San Pablo Specific Plan and 2023-2031 Housing Element

Dear Mrs. Smyth:

This Greenhouse Gas (GHG) Emissions Letter Report was prepared by Rincon Consultants, Inc. (Rincon) to provide GHG emissions modeling scenarios for the City of Berkeley for the proposed San Pablo Avenue Specific Plan and 2023-2031 Housing Element. Rincon previously assisted the City in preparing the GHG analysis for the 2023-2031 Housing Element Update Environmental Impact Report (EIR), which assumed 90 percent of the natural gas demand would be supplied by electricity. This analysis includes adjustments to the previous modeling effort with the latest California Emissions Estimator Model (CalEEMod) version (2022) in order to evaluate a revised natural gas scenario. In addition, proposed buildout of the San Pablo Avenue Specific Plan is greater than the EIR forecast. Therefore, this analysis also includes modeling to reflect the increased buildout of the Specific Plan.

Methodology

GHG emissions for development facilitated by the City of Berkeley's 2023-2031 Housing Element EIR were previously calculated using CalEEMod version 2020.4.0. In order to provide a direct comparison between model versions, GHG emissions were remodeled using CalEEMod version 2022, the latest available version of the model. Where possible, user inputs from the previous modeling effort were replicated in version 2022 to establish an updated baseline for comparison with the scenarios described below. Consistent with the methodology used for the Housing Element EIR, emissions modeling was conducted for both single-family and multi-family land uses with an anticipated buildout year of 2031. Utility GHG intensity factors were adjusted to match the original model inputs, which reflect the supply of electricity by East Bay Community Energy under their Bright Choice Plan (40 percent renewable). CalEEMod version 2022 does not provide default values for outdoor water consumption by multi-family uses. Therefore, default consumption factors from version 2020 were replicated in the newer model.

Table 1 shows a comparison of GHG emissions between CalEEMod versions 2020 and 2022 using the original EIR's assumptions, including 90% electrification of the proposed buildout. As shown therein, the updated emissions estimate is 1.9% greater than previously calculated. Both the increased natural gas demand and increased buildout scenarios included later in this analysis were analyzed using the updated emissions estimate as a basis for comparison.

Table 1 Emissions Comparison Between CalEEMod Versions

CalEEMod Model Version	Annual Emissions (MT of CO2e)
V2020	81,985
v2022	83,568
Percent Change	1.9%

See Attachment A for CalEEMod Outputs.

Increased Natural Gas Demand Scenario

Pursuant to Chapter 12.80 of the BMC[1], which prohibited the installation of natural gas infrastructure in newly constructed buildings unless granted an exception or public interest exception, it was previously assumed that 90 percent of new development would be all-electric for estimation of the project's impacts. Since adoption of the Housing Element EIR, new building electrification data has suggested that 30 to 40 percent of new developments would include natural gas connections, resulting in approximately 60 to 70 percent electrification of development facilitated by the plan. Based on this newly available data reflecting increased natural demand than previously analyzed, GHG emissions for all units modeled as part of the Housing Element EIR were recalculated in CalEEMod with the revised assumption that up to 60 percent of new development would be all-electric and the remainder of units would include natural gas connections. Additional units proposed by the San Pablo Avenue Specific Plan were modeled separately as described in the following subsection.

Increased Buildout Scenario

In order to account for the proposed buildout facilitated by the San Pablo Avenue Specific Plan, a second GHG model was run for the portion of the buildout that was not previously analyzed under the Berkeley Housing Element EIR. According to the City, it is estimated that approximately 3,250 multifamily housing units with a population of up to 8,125 persons were not included in the Housing Element EIR's buildout assumptions. Therefore, GHG emissions modeling was conducted for the net increase in buildout facilitated by the Specific Plan. This model iteration also accounts for the revised natural gas assumptions described above under *Increased Natural Gas Demand Scenario*. All units analyzed under this scenario were modeled using the land use subtype "Apartments – Mid Rise" and associated default inputs. Where applicable, the methodology and user inputs from the previous modeling effort were replicated in this model run for consistency.

Results

Increased Natural Gas Demand Scenario

Table 2 shows GHG emissions estimates for the Housing Element with the EIR's 90% electrification assumption compared to emissions under an increased natural gas demand scenario. As shown therein, GHG emissions would be 83,568 MT CO_2e per year under the 90 percent electrification scenario and 85,759 MT CO_2e per year under the 60 percent electrification scenario for difference of 2,191 MT CO_2e.

[1] Chapter 12.80, Prohibition of Natural Gas Infrastructure in New Buildings, was repealed on June 4, 2024 by Ordinance 7907-NS.

Table 2 Increased Natural Gas Scenario GHG Emissions

Scenario	Annual Emissions (MT of CO2e)
90% Electrified	83,568
60% Electrified	85,759
Net Difference	2,191
Percent Change	2.6%

See Attachment A for CalEEMod Outputs.

Increased Buildout Scenario

Table 3 shows the net increase in GHG emissions from the addition of units proposed by the Specific Plan that were not previously analyzed as part of the Housing Element EIR. Emissions shown in Table 3 reflect the revised 60% electrification scenario. Net new emissions from the Specific Plan were combined with the adjusted Housing Element emissions from Table 2 to determine total emissions for the plan areas. As shown in Table 3, the additional 3,250 multifamily units with a population of up to 8,125 persons would result in an increase of 14,035 MT CO_2e per year, bringing total emissions to 99,794 MT CO_2e per year.

Table 3 Increased Buildout Scenario GHG Emissions

Scenario	Annual Emissions (MT of CO2e)
Berkeley Housing Element[1]	85,759[2]
San Pablo Avenue Specific Plan[1]	14,035
Total	**99,794**

See Attachment A for CalEEMod Outputs.

[1]Reflects the revised 60% electrification scenario.

[2] See Table 2

Sincerely,
Rincon Consultants, Inc.

Lucas Carneiro
Air Quality and Greenhouse Gas Specialist

Bill Vosti, MESM
Program Manager, Technical Services

Attachments

Attachment 1 CalEEMod Outputs

Attachment 1

CalEEMod Outputs

Berkeley HE Single Fam 90% Electrified v2 Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Berkeley HE Single Fam 90% Electrified v2
Operational Year	2031
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	3.40
Location	37.87310585963721, -122.29377329662165
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1533
EDFZ	1
Electric Utility	User Defined
Gas Utility	User Defined
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Single Family Housing	113	Dwelling Unit	36.7	220,350	1,323,553	—	323	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Water	W-7	Adopt a Water Conservation Strategy

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Unmit.	49.3	4,735	4,784	4.31	0.22	10.8	4,967
Mit.	47.5	4,733	4,781	4.31	0.21	10.8	4,962
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Daily, Winter (Max)	—	—	—	—	—	—	—
Unmit.	49.3	4,461	4,510	4.34	0.24	1.82	4,691
Mit.	47.5	4,459	4,506	4.34	0.23	1.82	4,686
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Average Daily (Max)	—	—	—	—	—	—	—
Unmit.	49.3	4,395	4,445	4.32	0.22	5.47	4,625
Mit.	47.5	4,394	4,441	4.32	0.22	5.47	4,620
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Annual (Max)	—	—	—	—	—	—	—
Unmit.	8.16	728	736	0.72	0.04	0.91	766
Mit.	7.87	727	735	0.72	0.04	0.91	765
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	4,507	4,507	0.20	0.20	9.21	4,580
Area	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Energy	—	167	167	0.01	< 0.005	—	168
Water	8.58	43.2	51.7	0.03	0.02	—	58.0
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	49.3	4,735	4,784	4.31	0.22	10.8	4,967
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	4,250	4,250	0.23	0.22	0.24	4,321
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	167	167	0.01	< 0.005	—	168
Water	8.58	43.2	51.7	0.03	0.02	—	58.0
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	49.3	4,461	4,510	4.34	0.24	1.82	4,691
Average Daily	—	—	—	—	—	—	—
Mobile	—	4,176	4,176	0.21	0.20	3.89	4,246
Area	0.00	8.45	8.45	< 0.005	< 0.005	—	8.48
Energy	—	167	167	0.01	< 0.005	—	168
Water	8.58	43.2	51.7	0.03	0.02	—	58.0
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	49.3	4,395	4,445	4.32	0.22	5.47	4,625
Annual	—	—	—	—	—	—	—
Mobile	—	691	691	0.04	0.03	0.64	703

Area	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40
Energy	—	27.7	27.7	< 0.005	< 0.005	—	27.8
Water	1.42	7.14	8.56	< 0.005	< 0.005	—	9.61
Waste	6.74	0.00	6.74	0.67	0.00	—	23.6
Refrig.	—	—	—	—	—	0.26	0.26
Total	8.16	728	736	0.72	0.04	0.91	766

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	4,507	4,507	0.20	0.20	9.21	4,580
Area	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Energy	—	167	167	0.01	< 0.005	—	168
Water	6.86	41.2	48.1	0.02	0.01	—	53.1
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	47.5	4,733	4,781	4.31	0.21	10.8	4,962
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	4,250	4,250	0.23	0.22	0.24	4,321
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	167	167	0.01	< 0.005	—	168
Water	6.86	41.2	48.1	0.02	0.01	—	53.1
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	47.5	4,459	4,506	4.34	0.23	1.82	4,686
Average Daily	—	—	—	—	—	—	—
Mobile	—	4,176	4,176	0.21	0.20	3.89	4,246

Area	0.00	8.45	8.45	< 0.005	< 0.005	—	8.48
Energy	—	167	167	0.01	< 0.005	—	168
Water	6.86	41.2	48.1	0.02	0.01	—	53.1
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	47.5	4,394	4,441	4.32	0.22	5.47	4,620
Annual	—	—	—	—	—	—	—
Mobile	—	691	691	0.04	0.03	0.64	703
Area	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40
Energy	—	27.7	27.7	< 0.005	< 0.005	—	27.8
Water	1.14	6.83	7.96	< 0.005	< 0.005	—	8.80
Waste	6.74	0.00	6.74	0.67	0.00	—	23.6
Refrig.	—	—	—	—	—	0.26	0.26
Total	7.87	727	735	0.72	0.04	0.91	765

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,507	4,507	0.20	0.20	9.21	4,580
Total	—	4,507	4,507	0.20	0.20	9.21	4,580
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,250	4,250	0.23	0.22	0.24	4,321
Total	—	4,250	4,250	0.23	0.22	0.24	4,321

Annual	—	—	—	—	—	—	—
Single Family Housing	—	691	691	0.04	0.03	0.64	703
Total	—	691	691	0.04	0.03	0.64	703

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,507	4,507	0.20	0.20	9.21	4,580
Total	—	4,507	4,507	0.20	0.20	9.21	4,580
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,250	4,250	0.23	0.22	0.24	4,321
Total	—	4,250	4,250	0.23	0.22	0.24	4,321
Annual	—	—	—	—	—	—	—
Single Family Housing	—	691	691	0.04	0.03	0.64	703
Total	—	691	691	0.04	0.03	0.64	703

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00

Annual	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	167	167	0.01	< 0.005	—	168
Total	—	167	167	0.01	< 0.005	—	168
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	167	167	0.01	< 0.005	—	168
Total	—	167	167	0.01	< 0.005	—	168
Annual	—	—	—	—	—	—	—
Single Family Housing	—	27.7	27.7	< 0.005	< 0.005	—	27.8

Total	—	27.7	27.7	< 0.005	< 0.005	—	27.8

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	167	167	0.01	< 0.005	—	168
Total	—	167	167	0.01	< 0.005	—	168
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	167	167	0.01	< 0.005	—	168
Total	—	167	167	0.01	< 0.005	—	168
Annual	—	—	—	—	—	—	—
Single Family Housing	—	27.7	27.7	< 0.005	< 0.005	—	27.8
Total	—	27.7	27.7	< 0.005	< 0.005	—	27.8

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	17.1	17.1	< 0.005	< 0.005	—	17.2
Total	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00

Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	1.40	1.40	< 0.005	< 0.005	—	1.40
Total	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40

4.3.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	17.1	17.1	< 0.005	< 0.005	—	17.2
Total	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—

Landscape Equipment	—	1.40	1.40	< 0.005	< 0.005	—	1.40
Total	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	8.58	43.2	51.7	0.03	0.02	—	58.0
Total	8.58	43.2	51.7	0.03	0.02	—	58.0
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	8.58	43.2	51.7	0.03	0.02	—	58.0
Total	8.58	43.2	51.7	0.03	0.02	—	58.0
Annual	—	—	—	—	—	—	—
Single Family Housing	1.42	7.14	8.56	< 0.005	< 0.005	—	9.61
Total	1.42	7.14	8.56	< 0.005	< 0.005	—	9.61

4.4.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	6.86	41.2	48.1	0.02	0.01	—	53.1
Total	6.86	41.2	48.1	0.02	0.01	—	53.1
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	6.86	41.2	48.1	0.02	0.01	—	53.1
Total	6.86	41.2	48.1	0.02	0.01	—	53.1
Annual	—	—	—	—	—	—	—

Single Family Housing	1.14	6.83	7.96	< 0.005	< 0.005	—	8.80
Total	1.14	6.83	7.96	< 0.005	< 0.005	—	8.80

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Annual	—	—	—	—	—	—	—
Single Family Housing	6.74	0.00	6.74	0.67	0.00	—	23.6
Total	6.74	0.00	6.74	0.67	0.00	—	23.6

4.5.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Annual	—	—	—	—	—	—	—

Single Family Housing	6.74	0.00	6.74	0.67	0.00	—	23.6
Total	6.74	0.00	6.74	0.67	0.00	—	23.6

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Annual	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	0.26	0.26
Total	—	—	—	—	—	0.26	0.26

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Annual	—	—	—	—	—	—	—

Single Family Housing	—	—	—	—	—	0.26	0.26
Total	—	—	—	—	—	0.26	0.26

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Single Family Housing	1,067	1,078	966	384,698	6,240	6,306	5,652	2,250,495

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Single Family Housing	1,067	1,078	966	384,698	6,240	6,306	5,652	2,250,495

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Single Family Housing	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0

Pellet Wood Stoves	0

5.10.1.2. Mitigated

Hearth Type	Unmitigated (number)
Single Family Housing	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
446208.75	148,736	0.00	0.00	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value

Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Single Family Housing	0.00	135	0.0000	0.0000	522,308

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Single Family Housing	0.00	135	0.0000	0.0000	522,308

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Single Family Housing	4,012,726	18,378,911

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Single Family Housing	3,210,181	18,378,911

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Single Family Housing	75.5	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Single Family Housing	75.5	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Single Family Housing	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Single Family Housing	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Single Family Housing	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Single Family Housing	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	1	1	3
Sea Level Rise	1	1	1	2

Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	39.2
AQ-DPM	77.5
Drinking Water	4.21
Lead Risk Housing	61.6
Pesticides	0.00
Toxic Releases	61.3
Traffic	31.2
Effect Indicators	—
CleanUp Sites	65.0
Groundwater	97.0

Haz Waste Facilities/Generators	93.0
Impaired Water Bodies	90.1
Solid Waste	9.67
Sensitive Population	—
Asthma	81.1
Cardio-vascular	46.8
Low Birth Weights	44.5
Socioeconomic Factor Indicators	—
Education	26.4
Housing	55.1
Linguistic	6.27
Poverty	35.6
Unemployment	49.9

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	59.38662903
Employed	93.82779417
Median HI	46.50327217
Education	—
Bachelor's or higher	88.88746311
High school enrollment	100
Preschool enrollment	74.06646991
Transportation	—
Auto Access	13.06300526
Active commuting	96.25304761

Social	—
2-parent households	16.38650071
Voting	76.22225074
Neighborhood	—
Alcohol availability	4.516874118
Park access	81.35506224
Retail density	82.84357757
Supermarket access	74.27178237
Tree canopy	46.11831131
Housing	—
Homeownership	47.94045939
Housing habitability	50.7121776
Low-inc homeowner severe housing cost burden	19.67150006
Low-inc renter severe housing cost burden	46.67008854
Uncrowded housing	60.05389452
Health Outcomes	—
Insured adults	80.68779674
Arthritis	60.6
Asthma ER Admissions	13.2
High Blood Pressure	62.1
Cancer (excluding skin)	38.7
Asthma	61.7
Coronary Heart Disease	79.3
Chronic Obstructive Pulmonary Disease	88.0
Diagnosed Diabetes	75.2
Life Expectancy at Birth	71.4
Cognitively Disabled	85.7
Physically Disabled	84.3

Heart Attack ER Admissions	59.6
Mental Health Not Good	82.3
Chronic Kidney Disease	64.9
Obesity	68.7
Pedestrian Injuries	19.6
Physical Health Not Good	84.3
Stroke	70.4
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	87.1
No Leisure Time for Physical Activity	83.8
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	92.8
Elderly	43.9
English Speaking	71.2
Foreign-born	47.0
Outdoor Workers	90.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	28.0
Traffic Density	29.2
Traffic Access	87.4
Other Indices	—
Hardship	21.5
Other Decision Support	—
2016 Voting	71.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	54.0
Healthy Places Index Score for Project Location (b)	82.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	East Bay Community Energy is the primary electricity provider. Intensity factors adjusted for consistency with Berkeley Housing Element methodology.
Land Use	Based on EIR growth assumption of 113 single-family units and 323 new residents. Default acreage, building square footage, and landscape area.
Operations: Hearths	No woodstoves or fireplaces
Operations: Energy Use	Assume 90% of development will not include natural gas pursuant to BMC Section 12.80 (Natural gas ban). Assumes 100% offset of electricity consumption by onsite PV solar.
Operations: Water and Waste Water	EBMUD Wastewater treatment plant 100 percent aerobic

Berkeley HE Multi Fam 90% Electrified Detailed Report

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8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Berkeley HE Multi Fam 90% Electrified
Operational Year	2031
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	3.40
Location	37.87310585963721, -122.29377329662165
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1533
EDFZ	1
Electric Utility	User Defined
Gas Utility	User Defined
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Mid Rise	17,427	Dwelling Unit	459	16,729,920	0.00	—	42,630	—
Condo/Townhouse	1,570	Dwelling Unit	98.1	1,664,200	0.00	—	4,490	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Water	W-7	Adopt a Water Conservation Strategy

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Unmit.	6,787	518,912	525,699	687	21.5	1,064	550,338
Mit.	6,761	518,883	525,644	687	21.4	1,064	550,265
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%
Daily, Winter (Max)	—	—	—	—	—	—	—
Unmit.	6,787	490,429	497,216	690	23.4	156	521,604
Mit.	6,761	490,401	497,162	690	23.4	156	521,531
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%
Average Daily (Max)	—	—	—	—	—	—	—
Unmit.	6,787	469,339	476,126	687	21.4	512	500,206
Mit.	6,761	469,310	476,072	687	21.4	512	500,133
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%
Annual (Max)	—	—	—	—	—	—	—
Unmit.	1,124	77,704	78,828	114	3.55	84.7	82,815
Mit.	1,119	77,700	78,819	114	3.54	84.7	82,803
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	464,159	464,159	20.2	21.2	932	471,906
Area	0.00	2,882	2,882	0.12	0.02	—	2,892
Energy	—	50,304	50,304	0.57	0.01	—	50,321
Water	128	1,567	1,695	0.44	0.28	—	1,789
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,787	518,912	525,699	687	21.5	1,064	550,338
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	438,559	438,559	23.4	23.1	24.2	446,064
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	50,304	50,304	0.57	0.01	—	50,321
Water	128	1,567	1,695	0.44	0.28	—	1,789
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,787	490,429	497,216	690	23.4	156	521,604
Average Daily	—	—	—	—	—	—	—
Mobile	—	416,047	416,047	20.8	21.1	380	423,241
Area	0.00	1,421	1,421	0.06	0.01	—	1,426
Energy	—	50,304	50,304	0.57	0.01	—	50,321
Water	128	1,567	1,695	0.44	0.28	—	1,789
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,787	469,339	476,126	687	21.4	512	500,206
Annual	—	—	—	—	—	—	—
Mobile	—	68,881	68,881	3.45	3.50	62.9	70,072

Area	0.00	235	235	0.01	< 0.005	—	236
Energy	—	8,328	8,328	0.09	< 0.005	—	8,331
Water	21.1	259	281	0.07	0.05	—	296
Waste	1,102	0.00	1,102	110	0.00	—	3,857
Refrig.	—	—	—	—	—	21.8	21.8
Total	1,124	77,704	78,828	114	3.55	84.7	82,815

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	464,159	464,159	20.2	21.2	932	471,906
Area	0.00	2,882	2,882	0.12	0.02	—	2,892
Energy	—	50,304	50,304	0.57	0.01	—	50,321
Water	102	1,538	1,641	0.35	0.22	—	1,716
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,761	518,883	525,644	687	21.4	1,064	550,265
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	438,559	438,559	23.4	23.1	24.2	446,064
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	50,304	50,304	0.57	0.01	—	50,321
Water	102	1,538	1,641	0.35	0.22	—	1,716
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,761	490,401	497,162	690	23.4	156	521,531
Average Daily	—	—	—	—	—	—	—
Mobile	—	416,047	416,047	20.8	21.1	380	423,241

Area	0.00	1,421	1,421	0.06	0.01	—	1,426
Energy	—	50,304	50,304	0.57	0.01	—	50,321
Water	102	1,538	1,641	0.35	0.22	—	1,716
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,761	469,310	476,072	687	21.4	512	500,133
Annual	—	—	—	—	—	—	—
Mobile	—	68,881	68,881	3.45	3.50	62.9	70,072
Area	0.00	235	235	0.01	< 0.005	—	236
Energy	—	8,328	8,328	0.09	< 0.005	—	8,331
Water	16.9	255	272	0.06	0.04	—	284
Waste	1,102	0.00	1,102	110	0.00	—	3,857
Refrig.	—	—	—	—	—	21.8	21.8
Total	1,119	77,700	78,819	114	3.54	84.7	82,803

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	409,022	409,022	17.8	18.7	821	415,848
Condo/Townhouse	—	55,138	55,138	2.40	2.52	111	56,058
Total	—	464,159	464,159	20.2	21.2	932	471,906
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	386,462	386,462	20.6	20.4	21.3	393,076

Condo/Townhouse	—	52,097	52,097	2.78	2.75	2.87	52,988
Total	—	438,559	438,559	23.4	23.1	24.2	446,064
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	61,121	61,121	3.06	3.10	55.8	62,177
Condo/Townhouse	—	7,761	7,761	0.39	0.39	7.09	7,895
Total	—	68,881	68,881	3.45	3.50	62.9	70,072

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	409,022	409,022	17.8	18.7	821	415,848
Condo/Townhouse	—	55,138	55,138	2.40	2.52	111	56,058
Total	—	464,159	464,159	20.2	21.2	932	471,906
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	386,462	386,462	20.6	20.4	21.3	393,076
Condo/Townhouse	—	52,097	52,097	2.78	2.75	2.87	52,988
Total	—	438,559	438,559	23.4	23.1	24.2	446,064
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	61,121	61,121	3.06	3.10	55.8	62,177
Condo/Townhouse	—	7,761	7,761	0.39	0.39	7.09	7,895
Total	—	68,881	68,881	3.45	3.50	62.9	70,072

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	43,916	43,916	0.00	0.00	—	43,916
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	43,916	43,916	0.00	0.00	—	43,916
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	43,916	43,916	0.00	0.00	—	43,916
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	43,916	43,916	0.00	0.00	—	43,916
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	7,271	7,271	0.00	0.00	—	7,271
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	7,271	7,271	0.00	0.00	—	7,271

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	43,916	43,916	0.00	0.00	—	43,916
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	43,916	43,916	0.00	0.00	—	43,916
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	43,916	43,916	0.00	0.00	—	43,916
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	43,916	43,916	0.00	0.00	—	43,916
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	7,271	7,271	0.00	0.00	—	7,271
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	7,271	7,271	0.00	0.00	—	7,271

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	6,388	6,388	0.57	0.01	—	6,405
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	6,388	6,388	0.57	0.01	—	6,405
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	6,388	6,388	0.57	0.01	—	6,405
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	6,388	6,388	0.57	0.01	—	6,405
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	1,058	1,058	0.09	< 0.005	—	1,060
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	1,058	1,058	0.09	< 0.005	—	1,060

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	6,388	6,388	0.57	0.01	—	6,405
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	6,388	6,388	0.57	0.01	—	6,405
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	6,388	6,388	0.57	0.01	—	6,405
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	6,388	6,388	0.57	0.01	—	6,405
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	—	1,058	1,058	0.09	< 0.005	—	1,060
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	1,058	1,058	0.09	< 0.005	—	1,060

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	2,882	2,882	0.12	0.02	—	2,892
Total	0.00	2,882	2,882	0.12	0.02	—	2,892
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	235	235	0.01	< 0.005	—	236
Total	0.00	235	235	0.01	< 0.005	—	236

4.3.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	2,882	2,882	0.12	0.02	—	2,892
Total	0.00	2,882	2,882	0.12	0.02	—	2,892
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	235	235	0.01	< 0.005	—	236
Total	0.00	235	235	0.01	< 0.005	—	236

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	8.58	1,434	1,442	0.03	0.02	—	1,448
Condo/Townhouse	119	134	253	0.41	0.26	—	340

Total	128	1,567	1,695	0.44	0.28	—	1,789
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	8.58	1,434	1,442	0.03	0.02	—	1,448
Condo/Townhouse	119	134	253	0.41	0.26	—	340
Total	128	1,567	1,695	0.44	0.28	—	1,789
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	1.42	237	239	< 0.005	< 0.005	—	240
Condo/Townhouse	19.7	22.1	41.8	0.07	0.04	—	56.4
Total	21.1	259	281	0.07	0.05	—	296

4.4.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6.86	1,432	1,439	0.02	0.01	—	1,444
Condo/Townhouse	95.3	107	202	0.33	0.21	—	272
Total	102	1,538	1,641	0.35	0.22	—	1,716
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6.86	1,432	1,439	0.02	0.01	—	1,444
Condo/Townhouse	95.3	107	202	0.33	0.21	—	272
Total	102	1,538	1,641	0.35	0.22	—	1,716
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	1.14	237	238	< 0.005	< 0.005	—	239
Condo/Townhouse	15.8	17.7	33.5	0.05	0.03	—	45.1
Total	16.9	255	272	0.06	0.04	—	284

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	997	0.00	997	99.7	0.00	—	3,490
Condo/Townhouse	105	0.00	105	10.5	0.00	—	368
Total	1,102	0.00	1,102	110	0.00	—	3,857

4.5.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	997	0.00	997	99.7	0.00	—	3,490
Condo/Townhouse	105	0.00	105	10.5	0.00	—	368
Total	1,102	0.00	1,102	110	0.00	—	3,857

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9
Total	—	—	—	—	—	132	132
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9
Total	—	—	—	—	—	132	132
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	19.8	19.8
Condo/Townhouse	—	—	—	—	—	1.97	1.97
Total	—	—	—	—	—	21.8	21.8

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9

Total	—	—	—	—	—	132	132
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9
Total	—	—	—	—	—	132	132
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	19.8	19.8
Condo/Townhouse	—	—	—	—	—	1.97	1.97
Total	—	—	—	—	—	21.8	21.8

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—

Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—

Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	94,803	85,567	71,276	32,894,708	554,600	500,567	416,969	192,435,070
Condo/Townhouse	11,492	12,780	9,860	4,176,716	67,231	74,762	57,679	24,433,919

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	94,803	85,567	71,276	32,894,708	554,600	500,567	416,969	192,435,070
Condo/Townhouse	11,492	12,780	9,860	4,176,716	67,231	74,762	57,679	24,433,919

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—

Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Condo/Townhouse	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.1.2. Mitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0

Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Condo/Townhouse	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
37248093	12,416,031	0.00	0.00	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value

Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	118,735,584	135	0.0000	0.0000	19,931,115
Condo/Townhouse	0.00	135	0.0000	0.0000	0.00

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	118,735,584	135	0.0000	0.0000	19,931,115
Condo/Townhouse	0.00	135	0.0000	0.0000	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	4,012,726	780,308,430
Condo/Townhouse	55,752,035	0.00

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	3,210,181	780,308,430
Condo/Townhouse	44,601,628	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	11,178	—
Condo/Townhouse	1,177	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	11,178	—
Condo/Townhouse	1,177	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Condo/Townhouse	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Condo/Townhouse	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Condo/Townhouse	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Condo/Townhouse	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A

Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	1	1	3
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	39.2
AQ-DPM	77.5
Drinking Water	4.21
Lead Risk Housing	61.6
Pesticides	0.00
Toxic Releases	61.3
Traffic	31.2
Effect Indicators	—
CleanUp Sites	65.0
Groundwater	97.0
Haz Waste Facilities/Generators	93.0
Impaired Water Bodies	90.1
Solid Waste	9.67
Sensitive Population	—
Asthma	81.1
Cardio-vascular	46.8
Low Birth Weights	44.5
Socioeconomic Factor Indicators	—
Education	26.4
Housing	55.1
Linguistic	6.27
Poverty	35.6
Unemployment	49.9

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	59.38662903
Employed	93.82779417
Median HI	46.50327217
Education	—
Bachelor's or higher	88.88746311
High school enrollment	100
Preschool enrollment	74.06646991
Transportation	—
Auto Access	13.06300526
Active commuting	96.25304761
Social	—
2-parent households	16.38650071
Voting	76.22225074
Neighborhood	—
Alcohol availability	4.516874118
Park access	81.35506224
Retail density	82.84357757
Supermarket access	74.27178237
Tree canopy	46.11831131
Housing	—
Homeownership	47.94045939
Housing habitability	50.7121776
Low-inc homeowner severe housing cost burden	19.67150006
Low-inc renter severe housing cost burden	46.67008854
Uncrowded housing	60.05389452
Health Outcomes	—

Insured adults	80.68779674
Arthritis	60.6
Asthma ER Admissions	13.2
High Blood Pressure	62.1
Cancer (excluding skin)	38.7
Asthma	61.7
Coronary Heart Disease	79.3
Chronic Obstructive Pulmonary Disease	88.0
Diagnosed Diabetes	75.2
Life Expectancy at Birth	71.4
Cognitively Disabled	85.7
Physically Disabled	84.3
Heart Attack ER Admissions	59.6
Mental Health Not Good	82.3
Chronic Kidney Disease	64.9
Obesity	68.7
Pedestrian Injuries	19.6
Physical Health Not Good	84.3
Stroke	70.4
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	87.1
No Leisure Time for Physical Activity	83.8
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	92.8
Elderly	43.9

English Speaking	71.2
Foreign-born	47.0
Outdoor Workers	90.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	28.0
Traffic Density	29.2
Traffic Access	87.4
Other Indices	—
Hardship	21.5
Other Decision Support	—
2016 Voting	71.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	54.0
Healthy Places Index Score for Project Location (b)	82.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	East Bay Community Energy is the primary electricity provider. Intensity factors adjusted for consistency with Berkeley Housing Element methodology.
Land Use	Based on EIR growth assumption of 17,427 multi-family units, 1,570 condo/townhome units and 47,120 new residents. ADUs included as condo/townhouse for a conservative assumption. Default acreage and building square footage. Landscape area set to zero, outdoor water consumption estimated at rate of 41,075 gal/unit.
Operations: Hearths	No woodstoves or fireplaces
Operations: Energy Use	Assume 90% of development will not include natural gas pursuant to BMC Section 12.80 (Natural gas ban). Totals combined and added to Apartments row.
Operations: Water and Waste Water	EBMUD Wastewater treatment plant 100 percent aerobic. Outdoor water consumption based on v2020 defaults per multifamily unit in lieu of available data in v2022.

Berkeley HE Single Fam 60% Electrified Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Berkeley HE Single Fam 60% Electrified
Operational Year	2031
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	3.40
Location	37.87310585963721, -122.29377329662165
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1533
EDFZ	1
Electric Utility	User Defined
Gas Utility	User Defined
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Single Family Housing	113	Dwelling Unit	36.7	220,350	1,323,553	—	323	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Water	W-7	Adopt a Water Conservation Strategy

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Unmit.	49.3	5,237	5,286	4.36	0.22	10.8	5,471
Mit.	47.5	5,235	5,283	4.35	0.21	10.8	5,466
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Daily, Winter (Max)	—	—	—	—	—	—	—
Unmit.	49.3	4,963	5,012	4.39	0.24	1.82	5,194
Mit.	47.5	4,961	5,009	4.38	0.23	1.82	5,189
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Average Daily (Max)	—	—	—	—	—	—	—
Unmit.	49.3	4,898	4,947	4.37	0.22	5.47	5,128
Mit.	47.5	4,896	4,943	4.36	0.22	5.47	5,123
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Annual (Max)	—	—	—	—	—	—	—
Unmit.	8.16	811	819	0.72	0.04	0.91	849
Mit.	7.87	811	818	0.72	0.04	0.91	848
% Reduced	3%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	4,507	4,507	0.20	0.20	9.21	4,580
Area	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Energy	—	670	670	0.06	< 0.005	—	671
Water	8.58	43.2	51.7	0.03	0.02	—	58.0
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	49.3	5,237	5,286	4.36	0.22	10.8	5,471
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	4,250	4,250	0.23	0.22	0.24	4,321
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	670	670	0.06	< 0.005	—	671
Water	8.58	43.2	51.7	0.03	0.02	—	58.0
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	49.3	4,963	5,012	4.39	0.24	1.82	5,194
Average Daily	—	—	—	—	—	—	—
Mobile	—	4,176	4,176	0.21	0.20	3.89	4,246
Area	0.00	8.45	8.45	< 0.005	< 0.005	—	8.48
Energy	—	670	670	0.06	< 0.005	—	671
Water	8.58	43.2	51.7	0.03	0.02	—	58.0
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	49.3	4,898	4,947	4.37	0.22	5.47	5,128
Annual	—	—	—	—	—	—	—
Mobile	—	691	691	0.04	0.03	0.64	703

Area	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40
Energy	—	111	111	0.01	< 0.005	—	111
Water	1.42	7.14	8.56	< 0.005	< 0.005	—	9.61
Waste	6.74	0.00	6.74	0.67	0.00	—	23.6
Refrig.	—	—	—	—	—	0.26	0.26
Total	8.16	811	819	0.72	0.04	0.91	849

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	4,507	4,507	0.20	0.20	9.21	4,580
Area	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Energy	—	670	670	0.06	< 0.005	—	671
Water	6.86	41.2	48.1	0.02	0.01	—	53.1
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	47.5	5,235	5,283	4.35	0.21	10.8	5,466
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	4,250	4,250	0.23	0.22	0.24	4,321
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	670	670	0.06	< 0.005	—	671
Water	6.86	41.2	48.1	0.02	0.01	—	53.1
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	47.5	4,961	5,009	4.38	0.23	1.82	5,189
Average Daily	—	—	—	—	—	—	—
Mobile	—	4,176	4,176	0.21	0.20	3.89	4,246

Area	0.00	8.45	8.45	< 0.005	< 0.005	—	8.48
Energy	—	670	670	0.06	< 0.005	—	671
Water	6.86	41.2	48.1	0.02	0.01	—	53.1
Waste	40.7	0.00	40.7	4.07	0.00	—	142
Refrig.	—	—	—	—	—	1.58	1.58
Total	47.5	4,896	4,943	4.36	0.22	5.47	5,123
Annual	—	—	—	—	—	—	—
Mobile	—	691	691	0.04	0.03	0.64	703
Area	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40
Energy	—	111	111	0.01	< 0.005	—	111
Water	1.14	6.83	7.96	< 0.005	< 0.005	—	8.80
Waste	6.74	0.00	6.74	0.67	0.00	—	23.6
Refrig.	—	—	—	—	—	0.26	0.26
Total	7.87	811	818	0.72	0.04	0.91	848

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,507	4,507	0.20	0.20	9.21	4,580
Total	—	4,507	4,507	0.20	0.20	9.21	4,580
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,250	4,250	0.23	0.22	0.24	4,321
Total	—	4,250	4,250	0.23	0.22	0.24	4,321

Annual	—	—	—	—	—	—	—
Single Family Housing	—	691	691	0.04	0.03	0.64	703
Total	—	691	691	0.04	0.03	0.64	703

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,507	4,507	0.20	0.20	9.21	4,580
Total	—	4,507	4,507	0.20	0.20	9.21	4,580
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	4,250	4,250	0.23	0.22	0.24	4,321
Total	—	4,250	4,250	0.23	0.22	0.24	4,321
Annual	—	—	—	—	—	—	—
Single Family Housing	—	691	691	0.04	0.03	0.64	703
Total	—	691	691	0.04	0.03	0.64	703

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00

Annual	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Single Family Housing	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	0.00	0.00	0.00	0.00	—	0.00

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	670	670	0.06	< 0.005	—	671
Total	—	670	670	0.06	< 0.005	—	671
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	670	670	0.06	< 0.005	—	671
Total	—	670	670	0.06	< 0.005	—	671
Annual	—	—	—	—	—	—	—
Single Family Housing	—	111	111	0.01	< 0.005	—	111

Total	—	111	111	0.01	< 0.005	—	111

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	670	670	0.06	< 0.005	—	671
Total	—	670	670	0.06	< 0.005	—	671
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	670	670	0.06	< 0.005	—	671
Total	—	670	670	0.06	< 0.005	—	671
Annual	—	—	—	—	—	—	—
Single Family Housing	—	111	111	0.01	< 0.005	—	111
Total	—	111	111	0.01	< 0.005	—	111

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	17.1	17.1	< 0.005	< 0.005	—	17.2
Total	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00

Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	1.40	1.40	< 0.005	< 0.005	—	1.40
Total	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40

4.3.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	17.1	17.1	< 0.005	< 0.005	—	17.2
Total	0.00	17.1	17.1	< 0.005	< 0.005	—	17.2
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—

Landscape Equipment	—	1.40	1.40	< 0.005	< 0.005	—	1.40
Total	0.00	1.40	1.40	< 0.005	< 0.005	—	1.40

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	8.58	43.2	51.7	0.03	0.02	—	58.0
Total	8.58	43.2	51.7	0.03	0.02	—	58.0
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	8.58	43.2	51.7	0.03	0.02	—	58.0
Total	8.58	43.2	51.7	0.03	0.02	—	58.0
Annual	—	—	—	—	—	—	—
Single Family Housing	1.42	7.14	8.56	< 0.005	< 0.005	—	9.61
Total	1.42	7.14	8.56	< 0.005	< 0.005	—	9.61

4.4.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	6.86	41.2	48.1	0.02	0.01	—	53.1
Total	6.86	41.2	48.1	0.02	0.01	—	53.1
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	6.86	41.2	48.1	0.02	0.01	—	53.1
Total	6.86	41.2	48.1	0.02	0.01	—	53.1
Annual	—	—	—	—	—	—	—

Single Family Housing	1.14	6.83	7.96	< 0.005	< 0.005	—	8.80
Total	1.14	6.83	7.96	< 0.005	< 0.005	—	8.80

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Annual	—	—	—	—	—	—	—
Single Family Housing	6.74	0.00	6.74	0.67	0.00	—	23.6
Total	6.74	0.00	6.74	0.67	0.00	—	23.6

4.5.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	40.7	0.00	40.7	4.07	0.00	—	142
Total	40.7	0.00	40.7	4.07	0.00	—	142
Annual	—	—	—	—	—	—	—

Single Family Housing	6.74	0.00	6.74	0.67	0.00	—	23.6
Total	6.74	0.00	6.74	0.67	0.00	—	23.6

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Annual	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	0.26	0.26
Total	—	—	—	—	—	0.26	0.26

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Daily, Winter (Max)	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	1.58	1.58
Total	—	—	—	—	—	1.58	1.58
Annual	—	—	—	—	—	—	—

Single Family Housing	—	—	—	—	—	0.26	0.26
Total	—	—	—	—	—	0.26	0.26

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Single Family Housing	1,067	1,078	966	384,698	6,240	6,306	5,652	2,250,495

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Single Family Housing	1,067	1,078	966	384,698	6,240	6,306	5,652	2,250,495

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Single Family Housing	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0

Pellet Wood Stoves	0

5.10.1.2. Mitigated

Hearth Type	Unmitigated (number)
Single Family Housing	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
446208.75	148,736	0.00	0.00	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value

Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Single Family Housing	0.00	135	0.0000	0.0000	2,089,231

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Single Family Housing	0.00	135	0.0000	0.0000	2,089,231

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Single Family Housing	4,012,726	18,378,911

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Single Family Housing	3,210,181	18,378,911

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Single Family Housing	75.5	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Single Family Housing	75.5	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Single Family Housing	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Single Family Housing	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Single Family Housing	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Single Family Housing	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	1	1	3
Sea Level Rise	1	1	1	2

Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	39.2
AQ-DPM	77.5
Drinking Water	4.21
Lead Risk Housing	61.6
Pesticides	0.00
Toxic Releases	61.3
Traffic	31.2
Effect Indicators	—
CleanUp Sites	65.0
Groundwater	97.0

Haz Waste Facilities/Generators	93.0
Impaired Water Bodies	90.1
Solid Waste	9.67
Sensitive Population	—
Asthma	81.1
Cardio-vascular	46.8
Low Birth Weights	44.5
Socioeconomic Factor Indicators	—
Education	26.4
Housing	55.1
Linguistic	6.27
Poverty	35.6
Unemployment	49.9

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	59.38662903
Employed	93.82779417
Median HI	46.50327217
Education	—
Bachelor's or higher	88.88746311
High school enrollment	100
Preschool enrollment	74.06646991
Transportation	—
Auto Access	13.06300526
Active commuting	96.25304761

Social	—
2-parent households	16.38650071
Voting	76.22225074
Neighborhood	—
Alcohol availability	4.516874118
Park access	81.35506224
Retail density	82.84357757
Supermarket access	74.27178237
Tree canopy	46.11831131
Housing	—
Homeownership	47.94045939
Housing habitability	50.7121776
Low-inc homeowner severe housing cost burden	19.67150006
Low-inc renter severe housing cost burden	46.67008854
Uncrowded housing	60.05389452
Health Outcomes	—
Insured adults	80.68779674
Arthritis	60.6
Asthma ER Admissions	13.2
High Blood Pressure	62.1
Cancer (excluding skin)	38.7
Asthma	61.7
Coronary Heart Disease	79.3
Chronic Obstructive Pulmonary Disease	88.0
Diagnosed Diabetes	75.2
Life Expectancy at Birth	71.4
Cognitively Disabled	85.7
Physically Disabled	84.3

Heart Attack ER Admissions	59.6
Mental Health Not Good	82.3
Chronic Kidney Disease	64.9
Obesity	68.7
Pedestrian Injuries	19.6
Physical Health Not Good	84.3
Stroke	70.4
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	87.1
No Leisure Time for Physical Activity	83.8
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	92.8
Elderly	43.9
English Speaking	71.2
Foreign-born	47.0
Outdoor Workers	90.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	28.0
Traffic Density	29.2
Traffic Access	87.4
Other Indices	—
Hardship	21.5
Other Decision Support	—
2016 Voting	71.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	54.0
Healthy Places Index Score for Project Location (b)	82.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	East Bay Community Energy is the primary electricity provider. Intensity factors adjusted for consistency with Berkeley Housing Element methodology.
Land Use	Based on EIR growth assumption of 113 single-family units and 323 new residents. Default acreage, building square footage, and landscape area.
Operations: Hearths	No woodstoves or fireplaces
Operations: Energy Use	Assume 60% of development will not include natural gas pursuant to BMC Section 12.80 (Natural gas ban). Assumes 100% offset of electricity consumption by onsite PV solar.
Operations: Water and Waste Water	EBMUD Wastewater treatment plant 100 percent aerobic

Berkeley HE Multi Fam 60% Electrified Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Berkeley HE Multi Fam 60% Electrified
Operational Year	2031
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	3.40
Location	37.87310585963721, -122.29377329662165
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1533
EDFZ	1
Electric Utility	User Defined
Gas Utility	User Defined
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Mid Rise	17,427	Dwelling Unit	459	16,729,920	0.00	—	42,630	—
Condo/Townhouse	1,570	Dwelling Unit	98.1	1,664,200	0.00	—	4,490	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Water	W-7	Adopt a Water Conservation Strategy

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Unmit.	6,787	531,593	538,380	689	21.5	1,064	563,072
Mit.	6,761	531,564	538,326	688	21.5	1,064	562,999
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%
Daily, Winter (Max)	—	—	—	—	—	—	—
Unmit.	6,787	503,110	509,897	692	23.5	156	534,338
Mit.	6,761	503,082	509,843	692	23.4	156	534,265
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%
Average Daily (Max)	—	—	—	—	—	—	—
Unmit.	6,787	482,020	488,807	689	21.5	512	512,941
Mit.	6,761	481,992	488,753	689	21.4	512	512,868
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%
Annual (Max)	—	—	—	—	—	—	—
Unmit.	1,124	79,804	80,928	114	3.55	84.7	84,923
Mit.	1,119	79,799	80,919	114	3.54	84.7	84,911
% Reduced	< 0.5%	< 0.5%	< 0.5%	< 0.5%	< 0.5%	—	< 0.5%

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	464,159	464,159	20.2	21.2	932	471,906
Area	0.00	2,882	2,882	0.12	0.02	—	2,892
Energy	—	62,985	62,985	2.26	0.05	—	63,056
Water	128	1,567	1,695	0.44	0.28	—	1,789
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,787	531,593	538,380	689	21.5	1,064	563,072
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	438,559	438,559	23.4	23.1	24.2	446,064
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	62,985	62,985	2.26	0.05	—	63,056
Water	128	1,567	1,695	0.44	0.28	—	1,789
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,787	503,110	509,897	692	23.5	156	534,338
Average Daily	—	—	—	—	—	—	—
Mobile	—	416,047	416,047	20.8	21.1	380	423,241
Area	0.00	1,421	1,421	0.06	0.01	—	1,426
Energy	—	62,985	62,985	2.26	0.05	—	63,056
Water	128	1,567	1,695	0.44	0.28	—	1,789
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,787	482,020	488,807	689	21.5	512	512,941
Annual	—	—	—	—	—	—	—
Mobile	—	68,881	68,881	3.45	3.50	62.9	70,072

Area	0.00	235	235	0.01	< 0.005	—	236
Energy	—	10,428	10,428	0.37	0.01	—	10,440
Water	21.1	259	281	0.07	0.05	—	296
Waste	1,102	0.00	1,102	110	0.00	—	3,857
Refrig.	—	—	—	—	—	21.8	21.8
Total	1,124	79,804	80,928	114	3.55	84.7	84,923

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	464,159	464,159	20.2	21.2	932	471,906
Area	0.00	2,882	2,882	0.12	0.02	—	2,892
Energy	—	62,985	62,985	2.26	0.05	—	63,056
Water	102	1,538	1,641	0.35	0.22	—	1,716
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,761	531,564	538,326	688	21.5	1,064	562,999
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	438,559	438,559	23.4	23.1	24.2	446,064
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	62,985	62,985	2.26	0.05	—	63,056
Water	102	1,538	1,641	0.35	0.22	—	1,716
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,761	503,082	509,843	692	23.4	156	534,265
Average Daily	—	—	—	—	—	—	—
Mobile	—	416,047	416,047	20.8	21.1	380	423,241

Area	0.00	1,421	1,421	0.06	0.01	—	1,426
Energy	—	62,985	62,985	2.26	0.05	—	63,056
Water	102	1,538	1,641	0.35	0.22	—	1,716
Waste	6,659	0.00	6,659	666	0.00	—	23,298
Refrig.	—	—	—	—	—	132	132
Total	6,761	481,992	488,753	689	21.4	512	512,868
Annual	—	—	—	—	—	—	—
Mobile	—	68,881	68,881	3.45	3.50	62.9	70,072
Area	0.00	235	235	0.01	< 0.005	—	236
Energy	—	10,428	10,428	0.37	0.01	—	10,440
Water	16.9	255	272	0.06	0.04	—	284
Waste	1,102	0.00	1,102	110	0.00	—	3,857
Refrig.	—	—	—	—	—	21.8	21.8
Total	1,119	79,799	80,919	114	3.54	84.7	84,911

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	409,022	409,022	17.8	18.7	821	415,848
Condo/Townhouse	—	55,138	55,138	2.40	2.52	111	56,058
Total	—	464,159	464,159	20.2	21.2	932	471,906
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	386,462	386,462	20.6	20.4	21.3	393,076

Condo/Townhouse	—	52,097	52,097	2.78	2.75	2.87	52,988
Total	—	438,559	438,559	23.4	23.1	24.2	446,064
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	61,121	61,121	3.06	3.10	55.8	62,177
Condo/Townhouse	—	7,761	7,761	0.39	0.39	7.09	7,895
Total	—	68,881	68,881	3.45	3.50	62.9	70,072

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	409,022	409,022	17.8	18.7	821	415,848
Condo/Townhouse	—	55,138	55,138	2.40	2.52	111	56,058
Total	—	464,159	464,159	20.2	21.2	932	471,906
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	386,462	386,462	20.6	20.4	21.3	393,076
Condo/Townhouse	—	52,097	52,097	2.78	2.75	2.87	52,988
Total	—	438,559	438,559	23.4	23.1	24.2	446,064
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	61,121	61,121	3.06	3.10	55.8	62,177
Condo/Townhouse	—	7,761	7,761	0.39	0.39	7.09	7,895
Total	—	68,881	68,881	3.45	3.50	62.9	70,072

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	37,434	37,434	0.00	0.00	—	37,434
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	37,434	37,434	0.00	0.00	—	37,434
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	37,434	37,434	0.00	0.00	—	37,434
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	37,434	37,434	0.00	0.00	—	37,434
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	6,198	6,198	0.00	0.00	—	6,198
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	6,198	6,198	0.00	0.00	—	6,198

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	37,434	37,434	0.00	0.00	—	37,434
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	37,434	37,434	0.00	0.00	—	37,434
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	37,434	37,434	0.00	0.00	—	37,434
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	37,434	37,434	0.00	0.00	—	37,434
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	6,198	6,198	0.00	0.00	—	6,198
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	6,198	6,198	0.00	0.00	—	6,198

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	25,551	25,551	2.26	0.05	—	25,621
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	25,551	25,551	2.26	0.05	—	25,621
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	25,551	25,551	2.26	0.05	—	25,621
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	25,551	25,551	2.26	0.05	—	25,621
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	4,230	4,230	0.37	0.01	—	4,242
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	4,230	4,230	0.37	0.01	—	4,242

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	25,551	25,551	2.26	0.05	—	25,621
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	25,551	25,551	2.26	0.05	—	25,621
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	25,551	25,551	2.26	0.05	—	25,621
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	25,551	25,551	2.26	0.05	—	25,621
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	—	4,230	4,230	0.37	0.01	—	4,242
Condo/Townhouse	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	4,230	4,230	0.37	0.01	—	4,242

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	2,882	2,882	0.12	0.02	—	2,892
Total	0.00	2,882	2,882	0.12	0.02	—	2,892
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	235	235	0.01	< 0.005	—	236
Total	0.00	235	235	0.01	< 0.005	—	236

4.3.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	2,882	2,882	0.12	0.02	—	2,892
Total	0.00	2,882	2,882	0.12	0.02	—	2,892
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	235	235	0.01	< 0.005	—	236
Total	0.00	235	235	0.01	< 0.005	—	236

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	8.58	1,434	1,442	0.03	0.02	—	1,448
Condo/Townhouse	119	134	253	0.41	0.26	—	340

Total	128	1,567	1,695	0.44	0.28	—	1,789
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	8.58	1,434	1,442	0.03	0.02	—	1,448
Condo/Townhouse	119	134	253	0.41	0.26	—	340
Total	128	1,567	1,695	0.44	0.28	—	1,789
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	1.42	237	239	< 0.005	< 0.005	—	240
Condo/Townhouse	19.7	22.1	41.8	0.07	0.04	—	56.4
Total	21.1	259	281	0.07	0.05	—	296

4.4.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6.86	1,432	1,439	0.02	0.01	—	1,444
Condo/Townhouse	95.3	107	202	0.33	0.21	—	272
Total	102	1,538	1,641	0.35	0.22	—	1,716
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6.86	1,432	1,439	0.02	0.01	—	1,444
Condo/Townhouse	95.3	107	202	0.33	0.21	—	272
Total	102	1,538	1,641	0.35	0.22	—	1,716
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	1.14	237	238	< 0.005	< 0.005	—	239
Condo/Townhouse	15.8	17.7	33.5	0.05	0.03	—	45.1
Total	16.9	255	272	0.06	0.04	—	284

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	997	0.00	997	99.7	0.00	—	3,490
Condo/Townhouse	105	0.00	105	10.5	0.00	—	368
Total	1,102	0.00	1,102	110	0.00	—	3,857

4.5.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	6,025	0.00	6,025	602	0.00	—	21,078
Condo/Townhouse	635	0.00	635	63.4	0.00	—	2,220
Total	6,659	0.00	6,659	666	0.00	—	23,298
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	997	0.00	997	99.7	0.00	—	3,490
Condo/Townhouse	105	0.00	105	10.5	0.00	—	368
Total	1,102	0.00	1,102	110	0.00	—	3,857

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9
Total	—	—	—	—	—	132	132
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9
Total	—	—	—	—	—	132	132
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	19.8	19.8
Condo/Townhouse	—	—	—	—	—	1.97	1.97
Total	—	—	—	—	—	21.8	21.8

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9

Total	—	—	—	—	—	132	132
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	120	120
Condo/Townhouse	—	—	—	—	—	11.9	11.9
Total	—	—	—	—	—	132	132
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	19.8	19.8
Condo/Townhouse	—	—	—	—	—	1.97	1.97
Total	—	—	—	—	—	21.8	21.8

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—

Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—

Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	94,803	85,567	71,276	32,894,708	554,600	500,567	416,969	192,435,070
Condo/Townhouse	11,492	12,780	9,860	4,176,716	67,231	74,762	57,679	24,433,919

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	94,803	85,567	71,276	32,894,708	554,600	500,567	416,969	192,435,070
Condo/Townhouse	11,492	12,780	9,860	4,176,716	67,231	74,762	57,679	24,433,919

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—

Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Condo/Townhouse	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.1.2. Mitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0

Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Condo/Townhouse	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
37248093	12,416,031	0.00	0.00	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value

Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	101,211,157	135	0.0000	0.0000	79,724,461
Condo/Townhouse	0.00	135	0.0000	0.0000	0.00

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	101,211,157	135	0.0000	0.0000	79,724,461
Condo/Townhouse	0.00	135	0.0000	0.0000	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	4,012,726	780,308,430
Condo/Townhouse	55,752,035	0.00

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	3,210,181	780,308,430
Condo/Townhouse	44,601,628	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	11,178	—
Condo/Townhouse	1,177	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	11,178	—
Condo/Townhouse	1,177	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Condo/Townhouse	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Condo/Townhouse	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Condo/Townhouse	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Condo/Townhouse	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A

Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	1	1	3
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	39.2
AQ-DPM	77.5
Drinking Water	4.21
Lead Risk Housing	61.6
Pesticides	0.00
Toxic Releases	61.3
Traffic	31.2
Effect Indicators	—
CleanUp Sites	65.0
Groundwater	97.0
Haz Waste Facilities/Generators	93.0
Impaired Water Bodies	90.1
Solid Waste	9.67
Sensitive Population	—
Asthma	81.1
Cardio-vascular	46.8
Low Birth Weights	44.5
Socioeconomic Factor Indicators	—
Education	26.4
Housing	55.1
Linguistic	6.27
Poverty	35.6
Unemployment	49.9

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	59.38662903
Employed	93.82779417
Median HI	46.50327217
Education	—
Bachelor's or higher	88.88746311
High school enrollment	100
Preschool enrollment	74.06646991
Transportation	—
Auto Access	13.06300526
Active commuting	96.25304761
Social	—
2-parent households	16.38650071
Voting	76.22225074
Neighborhood	—
Alcohol availability	4.516874118
Park access	81.35506224
Retail density	82.84357757
Supermarket access	74.27178237
Tree canopy	46.11831131
Housing	—
Homeownership	47.94045939
Housing habitability	50.7121776
Low-inc homeowner severe housing cost burden	19.67150006
Low-inc renter severe housing cost burden	46.67008854
Uncrowded housing	60.05389452
Health Outcomes	—

Insured adults	80.68779674
Arthritis	60.6
Asthma ER Admissions	13.2
High Blood Pressure	62.1
Cancer (excluding skin)	38.7
Asthma	61.7
Coronary Heart Disease	79.3
Chronic Obstructive Pulmonary Disease	88.0
Diagnosed Diabetes	75.2
Life Expectancy at Birth	71.4
Cognitively Disabled	85.7
Physically Disabled	84.3
Heart Attack ER Admissions	59.6
Mental Health Not Good	82.3
Chronic Kidney Disease	64.9
Obesity	68.7
Pedestrian Injuries	19.6
Physical Health Not Good	84.3
Stroke	70.4
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	87.1
No Leisure Time for Physical Activity	83.8
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	92.8
Elderly	43.9

English Speaking	71.2
Foreign-born	47.0
Outdoor Workers	90.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	28.0
Traffic Density	29.2
Traffic Access	87.4
Other Indices	—
Hardship	21.5
Other Decision Support	—
2016 Voting	71.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	54.0
Healthy Places Index Score for Project Location (b)	82.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	East Bay Community Energy is the primary electricity provider. Intensity factors adjusted for consistency with Berkeley Housing Element methodology.
Land Use	Based on EIR growth assumption of 17,427 multi-family units, 1,570 condo/townhome units and 47,120 new residents. ADUs included as condo/townhouse for a conservative assumption. Default acreage and building square footage. Landscape area set to zero, outdoor water consumption estimated at rate of 41,075 gal/unit.
Operations: Hearths	No woodstoves or fireplaces
Operations: Energy Use	Assume 60% of development will not include natural gas pursuant to BMC Section 12.80 (Natural gas ban). Totals combined and added to Apartments row.
Operations: Water and Waste Water	EBMUD Wastewater treatment plant 100 percent aerobic. Water consumption based on v2020 defaults per multifamily unit in lieu of available data in v2022.

San Pablo Ave SP Added Units Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	San Pablo Ave SP Added Units
Operational Year	2031
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	3.40
Location	37.87310585963721, -122.29377329662165
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1533
EDFZ	1
Electric Utility	User Defined
Gas Utility	User Defined
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Mid Rise	3,250	Dwelling Unit	85.5	3,120,000	0.00	—	8,125	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Water	W-7	Adopt a Water Conservation Strategy

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Unmit.	1,395	86,922	88,317	119	4.03	176	92,675
Mit.	1,346	86,867	88,212	119	3.92	176	92,534
% Reduced	4%	< 0.5%	< 0.5%	< 0.5%	3%	—	< 0.5%
Daily, Winter (Max)	—	—	—	—	—	—	—
Unmit.	1,395	82,222	83,617	120	4.35	26.3	87,934
Mit.	1,346	82,167	83,512	120	4.24	26.3	87,793
% Reduced	4%	< 0.5%	< 0.5%	< 0.5%	2%	—	< 0.5%
Average Daily (Max)	—	—	—	—	—	—	—
Unmit.	1,395	79,241	80,636	119	4.04	85.2	84,910
Mit.	1,346	79,186	80,531	119	3.93	85.2	84,769
% Reduced	4%	< 0.5%	< 0.5%	< 0.5%	3%	—	< 0.5%
Annual (Max)	—	—	—	—	—	—	—
Unmit.	231	13,119	13,350	19.8	0.67	14.1	14,058
Mit.	223	13,110	13,333	19.7	0.65	14.1	14,035
% Reduced	4%	< 0.5%	< 0.5%	< 0.5%	3%	—	< 0.5%

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	76,279	76,279	3.32	3.48	153	77,552
Area	0.00	493	493	0.02	< 0.005	—	495
Energy	—	9,630	9,630	0.32	0.01	—	9,640
Water	247	520	767	0.85	0.54	—	948
Waste	1,148	0.00	1,148	115	0.00	—	4,017
Refrig.	—	—	—	—	—	22.3	22.3
Total	1,395	86,922	88,317	119	4.03	176	92,675
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	72,072	72,072	3.84	3.80	3.97	73,306
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	9,630	9,630	0.32	0.01	—	9,640
Water	247	520	767	0.85	0.54	—	948
Waste	1,148	0.00	1,148	115	0.00	—	4,017
Refrig.	—	—	—	—	—	22.3	22.3
Total	1,395	82,222	83,617	120	4.35	26.3	87,934
Average Daily	—	—	—	—	—	—	—
Mobile	—	68,848	68,848	3.45	3.49	62.9	70,038
Area	0.00	243	243	0.01	< 0.005	—	244
Energy	—	9,630	9,630	0.32	0.01	—	9,640
Water	247	520	767	0.85	0.54	—	948
Waste	1,148	0.00	1,148	115	0.00	—	4,017
Refrig.	—	—	—	—	—	22.3	22.3
Total	1,395	79,241	80,636	119	4.04	85.2	84,910
Annual	—	—	—	—	—	—	—
Mobile	—	11,399	11,399	0.57	0.58	10.4	11,596

Area	0.00	40.3	40.3	< 0.005	< 0.005	—	40.4
Energy	—	1,594	1,594	0.05	< 0.005	—	1,596
Water	40.8	86.1	127	0.14	0.09	—	157
Waste	190	0.00	190	19.0	0.00	—	665
Refrig.	—	—	—	—	—	3.70	3.70
Total	231	13,119	13,350	19.8	0.67	14.1	14,058

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Mobile	—	76,279	76,279	3.32	3.48	153	77,552
Area	0.00	493	493	0.02	< 0.005	—	495
Energy	—	9,630	9,630	0.32	0.01	—	9,640
Water	197	465	662	0.68	0.43	—	807
Waste	1,148	0.00	1,148	115	0.00	—	4,017
Refrig.	—	—	—	—	—	22.3	22.3
Total	1,346	86,867	88,212	119	3.92	176	92,534
Daily, Winter (Max)	—	—	—	—	—	—	—
Mobile	—	72,072	72,072	3.84	3.80	3.97	73,306
Area	0.00	0.00	0.00	0.00	0.00	—	0.00
Energy	—	9,630	9,630	0.32	0.01	—	9,640
Water	197	465	662	0.68	0.43	—	807
Waste	1,148	0.00	1,148	115	0.00	—	4,017
Refrig.	—	—	—	—	—	22.3	22.3
Total	1,346	82,167	83,512	120	4.24	26.3	87,793
Average Daily	—	—	—	—	—	—	—
Mobile	—	68,848	68,848	3.45	3.49	62.9	70,038

Area	0.00	243	243	0.01	< 0.005	—	244
Energy	—	9,630	9,630	0.32	0.01	—	9,640
Water	197	465	662	0.68	0.43	—	807
Waste	1,148	0.00	1,148	115	0.00	—	4,017
Refrig.	—	—	—	—	—	22.3	22.3
Total	1,346	79,186	80,531	119	3.93	85.2	84,769
Annual	—	—	—	—	—	—	—
Mobile	—	11,399	11,399	0.57	0.58	10.4	11,596
Area	0.00	40.3	40.3	< 0.005	< 0.005	—	40.4
Energy	—	1,594	1,594	0.05	< 0.005	—	1,596
Water	32.7	76.9	110	0.11	0.07	—	134
Waste	190	0.00	190	19.0	0.00	—	665
Refrig.	—	—	—	—	—	3.70	3.70
Total	223	13,110	13,333	19.7	0.65	14.1	14,035

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	76,279	76,279	3.32	3.48	153	77,552
Total	—	76,279	76,279	3.32	3.48	153	77,552
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	72,072	72,072	3.84	3.80	3.97	73,306
Total	—	72,072	72,072	3.84	3.80	3.97	73,306

Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	11,399	11,399	0.57	0.58	10.4	11,596
Total	—	11,399	11,399	0.57	0.58	10.4	11,596

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	76,279	76,279	3.32	3.48	153	77,552
Total	—	76,279	76,279	3.32	3.48	153	77,552
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	72,072	72,072	3.84	3.80	3.97	73,306
Total	—	72,072	72,072	3.84	3.80	3.97	73,306
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	11,399	11,399	0.57	0.58	10.4	11,596
Total	—	11,399	11,399	0.57	0.58	10.4	11,596

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	5,962	5,962	0.00	0.00	—	5,962
Total	—	5,962	5,962	0.00	0.00	—	5,962
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	5,962	5,962	0.00	0.00	—	5,962
Total	—	5,962	5,962	0.00	0.00	—	5,962

Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	987	987	0.00	0.00	—	987
Total	—	987	987	0.00	0.00	—	987

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	5,962	5,962	0.00	0.00	—	5,962
Total	—	5,962	5,962	0.00	0.00	—	5,962
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	5,962	5,962	0.00	0.00	—	5,962
Total	—	5,962	5,962	0.00	0.00	—	5,962
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	987	987	0.00	0.00	—	987
Total	—	987	987	0.00	0.00	—	987

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	3,668	3,668	0.32	0.01	—	3,678
Total	—	3,668	3,668	0.32	0.01	—	3,678
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	3,668	3,668	0.32	0.01	—	3,678
Total	—	3,668	3,668	0.32	0.01	—	3,678
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	607	607	0.05	< 0.005	—	609

Total	—	607	607	0.05	< 0.005	—	609

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	3,668	3,668	0.32	0.01	—	3,678
Total	—	3,668	3,668	0.32	0.01	—	3,678
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	3,668	3,668	0.32	0.01	—	3,678
Total	—	3,668	3,668	0.32	0.01	—	3,678
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	607	607	0.05	< 0.005	—	609
Total	—	607	607	0.05	< 0.005	—	609

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	493	493	0.02	< 0.005	—	495
Total	0.00	493	493	0.02	< 0.005	—	495
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00

Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	40.3	40.3	< 0.005	< 0.005	—	40.4
Total	0.00	40.3	40.3	< 0.005	< 0.005	—	40.4

4.3.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Landscape Equipment	—	493	493	0.02	< 0.005	—	495
Total	0.00	493	493	0.02	< 0.005	—	495
Daily, Winter (Max)	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—
Total	0.00	0.00	0.00	0.00	0.00	—	0.00
Annual	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	0.00	0.00	—	0.00
Consumer Products	—	—	—	—	—	—	—
Architectural Coatings	—	—	—	—	—	—	—

Landscape Equipment	—	40.3	40.3	< 0.005	< 0.005	—	40.4
Total	0.00	40.3	40.3	< 0.005	< 0.005	—	40.4

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	247	520	767	0.85	0.54	—	948
Total	247	520	767	0.85	0.54	—	948
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	247	520	767	0.85	0.54	—	948
Total	247	520	767	0.85	0.54	—	948
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	40.8	86.1	127	0.14	0.09	—	157
Total	40.8	86.1	127	0.14	0.09	—	157

4.4.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	197	465	662	0.68	0.43	—	807
Total	197	465	662	0.68	0.43	—	807
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	197	465	662	0.68	0.43	—	807
Total	197	465	662	0.68	0.43	—	807
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	32.7	76.9	110	0.11	0.07	—	134
Total	32.7	76.9	110	0.11	0.07	—	134

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	1,148	0.00	1,148	115	0.00	—	4,017
Total	1,148	0.00	1,148	115	0.00	—	4,017
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	1,148	0.00	1,148	115	0.00	—	4,017
Total	1,148	0.00	1,148	115	0.00	—	4,017
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	190	0.00	190	19.0	0.00	—	665
Total	190	0.00	190	19.0	0.00	—	665

4.5.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	1,148	0.00	1,148	115	0.00	—	4,017
Total	1,148	0.00	1,148	115	0.00	—	4,017
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	1,148	0.00	1,148	115	0.00	—	4,017
Total	1,148	0.00	1,148	115	0.00	—	4,017
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	190	0.00	190	19.0	0.00	—	665
Total	190	0.00	190	19.0	0.00	—	665

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	22.3	22.3
Total	—	—	—	—	—	22.3	22.3
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	22.3	22.3
Total	—	—	—	—	—	22.3	22.3
Annual	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	3.70	3.70
Total	—	—	—	—	—	3.70	3.70

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	22.3	22.3
Total	—	—	—	—	—	22.3	22.3
Daily, Winter (Max)	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	22.3	22.3
Total	—	—	—	—	—	22.3	22.3
Annual	—	—	—	—	—	—	—

Apartments Mid Rise	—	—	—	—	—	3.70	3.70
Total	—	—	—	—	—	3.70	3.70

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	17,680	15,957	13,293	6,134,607	103,429	93,352	77,762	35,887,644

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	17,680	15,957	13,293	6,134,607	103,429	93,352	77,762	35,887,644

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0

Pellet Wood Stoves	0

5.10.1.2. Mitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
6318000	2,106,000	0.00	0.00	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value

Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	16,118,850	135	0.0000	0.0000	11,445,292

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	16,118,850	135	0.0000	0.0000	11,445,292

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	115,410,263	133,494,889

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	92,328,210	133,494,889

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	2,131	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	2,131	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	1	1	3
Sea Level Rise	1	1	1	2

Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	39.2
AQ-DPM	77.5
Drinking Water	4.21
Lead Risk Housing	61.6
Pesticides	0.00
Toxic Releases	61.3
Traffic	31.2
Effect Indicators	—
CleanUp Sites	65.0
Groundwater	97.0

Haz Waste Facilities/Generators	93.0
Impaired Water Bodies	90.1
Solid Waste	9.67
Sensitive Population	—
Asthma	81.1
Cardio-vascular	46.8
Low Birth Weights	44.5
Socioeconomic Factor Indicators	—
Education	26.4
Housing	55.1
Linguistic	6.27
Poverty	35.6
Unemployment	49.9

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	59.38662903
Employed	93.82779417
Median HI	46.50327217
Education	—
Bachelor's or higher	88.88746311
High school enrollment	100
Preschool enrollment	74.06646991
Transportation	—
Auto Access	13.06300526
Active commuting	96.25304761

Social	—
2-parent households	16.38650071
Voting	76.22225074
Neighborhood	—
Alcohol availability	4.516874118
Park access	81.35506224
Retail density	82.84357757
Supermarket access	74.27178237
Tree canopy	46.11831131
Housing	—
Homeownership	47.94045939
Housing habitability	50.7121776
Low-inc homeowner severe housing cost burden	19.67150006
Low-inc renter severe housing cost burden	46.67008854
Uncrowded housing	60.05389452
Health Outcomes	—
Insured adults	80.68779674
Arthritis	60.6
Asthma ER Admissions	13.2
High Blood Pressure	62.1
Cancer (excluding skin)	38.7
Asthma	61.7
Coronary Heart Disease	79.3
Chronic Obstructive Pulmonary Disease	88.0
Diagnosed Diabetes	75.2
Life Expectancy at Birth	71.4
Cognitively Disabled	85.7
Physically Disabled	84.3

Heart Attack ER Admissions	59.6
Mental Health Not Good	82.3
Chronic Kidney Disease	64.9
Obesity	68.7
Pedestrian Injuries	19.6
Physical Health Not Good	84.3
Stroke	70.4
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	87.1
No Leisure Time for Physical Activity	83.8
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	92.8
Elderly	43.9
English Speaking	71.2
Foreign-born	47.0
Outdoor Workers	90.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	28.0
Traffic Density	29.2
Traffic Access	87.4
Other Indices	—
Hardship	21.5
Other Decision Support	—
2016 Voting	71.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	54.0
Healthy Places Index Score for Project Location (b)	82.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	East Bay Community Energy is the primary electricity provider. Intensity factors adjusted for consistency with Berkeley Housing Element methodology.
Land Use	Based on SPA SP growth assumption of 3,250 multi-family units and 8,125 new residents. Default acreage and building square footage. Landscape area set to zero and accounted for in Outdoor Water Use input.
Operations: Hearths	No woodstoves or fireplaces
Operations: Energy Use	Assume 60% of development will not include natural gas pursuant to BMC Section 12.80 (Natural gas ban).
Operations: Water and Waste Water	EBMUD Wastewater treatment plant 100 percent aerobic. Outdoor water use estimated using default rate from v2022 - 41,075 gals/unit/year for multifamily units.

Appendix E

Greenhouse Gas Emissions Modeling Results

Berkeley Corridors Updated Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Berkeley Corridors Updated
Construction Start Date	6/1/2026
Operational Year	2031
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.90000
Precipitation (days)	44.2000
Location	Shattuck Ave., Berkeley, CA, USA
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1529
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric

Data Field	Value
App Version	2022.1.1.45

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Mid Rise	4,399.00	Dwelling Unit	27.7000	1,206,612	0.00000	0.00000	10,998.0	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	51.8847	49.9995	30.3524	141.227	0.11221	1.24251	34.7322	35.2219	1.14311	10.1364	11.2795	—	45,442.9	45,442.9	1.09890	2.87054	124.472	46,190.6
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	51.5288	49.5702	32.5126	126.916	0.11221	1.12137	34.7322	35.2219	1.03166	8.27994	8.74446	—	43,207.0	43,207.0	1.26649	3.07363	3.22393	44,157.9

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	34.6046	33.9436	22.2973	83.1713	0.07986	0.43706	22.6678	23.0140	0.40210	5.40252	5.73103	—	29,601.2	29,601.2	0.81792	2.07263	36.4457	30,275.7
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	6.31533	6.19470	4.06926	15.1788	0.01457	0.07976	4.13687	4.20005	0.07338	0.98596	1.04591	—	4,900.81	4,900.81	0.13542	0.34315	6.03400	5,012.48

2.2. Construction Emissions by Year

2.2.1. Total Construction Emissions by Year, Unmitigated

Includes both onsite and offsite emissions.

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	3.79949	3.19622	29.2010	29.4419	0.06093	1.24251	19.8017	21.0442	1.14311	10.1364	11.2795	—	6,768.48	6,768.48	0.27075	0.06002	0.62484	6,793.76
2027	12.2198	10.4783	29.4115	126.146	0.11048	0.51075	29.4957	30.0064	0.48382	7.05253	7.53634	—	40,874.9	40,874.9	1.02005	2.87054	119.626	41,875.5
2028	51.8847	49.9995	30.3524	141.227	0.11221	0.48977	34.7322	35.2219	0.46452	8.27994	8.74446	—	45,442.9	45,442.9	1.09890	1.99910	124.472	46,190.6
2029	51.2503	49.2947	28.2520	134.844	0.11221	0.46265	34.7322	35.1948	0.35249	8.27994	8.63243	—	44,596.0	44,596.0	1.01179	1.99910	112.121	45,329.1
2030	39.6796	39.6310	6.30295	19.2579	0.01395	0.22035	5.23646	5.24742	0.20272	1.22742	1.23751	—	5,149.93	5,149.93	0.07524	0.04298	12.7341	5,177.36
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
2026	3.68717	3.10163	27.2815	28.2064	0.06093	1.12137	15.7319	16.8533	1.03166	4.37956	5.41123	—	6,756.21	6,756.21	0.27164	0.06046	0.01623	6,781.03
2027	11.9896	10.1782	32.3229	114.061	0.11048	1.04307	29.4957	30.0064	0.95962	7.05253	7.53634	—	38,978.4	38,978.4	1.22953	2.94037	3.10816	39,888.5
2028	51.5288	49.5702	32.5126	126.916	0.11221	0.48977	34.7322	35.2219	0.46452	8.27994	8.74446	—	43,207.0	43,207.0	1.26649	3.07363	3.22393	44,157.9
2029	50.0817	49.1167	31.4765	120.832	0.11221	0.46265	34.7322	35.1948	0.35249	8.27994	8.63243	—	42,399.1	42,399.1	1.17938	2.97946	2.90153	43,319.4
2030	39.6237	39.5612	1.99273	16.9466	0.00173	0.01097	5.23646	5.24742	0.01009	1.22742	1.23751	—	4,788.33	4,788.33	0.10317	0.20637	0.32945	4,852.74
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	1.41346	1.18853	10.5723	10.5949	0.02040	0.43706	4.72144	5.15850	0.40210	1.69373	2.09583	—	2,254.92	2,254.92	0.09039	0.02022	0.10000	2,263.31
2027	8.37428	7.09505	22.0709	78.4028	0.07833	0.37107	20.3289	20.7000	0.35117	4.86168	5.21285	—	27,575.7	27,575.7	0.81792	2.01739	36.3564	28,233.7
2028	24.9190	23.6440	22.2973	83.1713	0.07986	0.34622	22.6678	23.0140	0.32851	5.40252	5.73103	—	29,601.2	29,601.2	0.81641	2.07263	36.4457	30,275.7
2029	34.6046	33.9436	18.5352	73.8158	0.06869	0.28381	21.1411	21.4250	0.21644	5.03070	5.24714	—	26,509.6	26,509.6	0.67963	1.84057	30.1533	27,105.3
2030	8.10514	8.07393	1.34658	4.87870	0.00245	0.03541	1.04368	1.07910	0.03258	0.24416	0.27674	—	1,215.89	1,215.89	0.03038	0.01066	1.12636	1,220.95
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	0.25796	0.21691	1.92944	1.93357	0.00372	0.07976	0.86166	0.94143	0.07338	0.30911	0.38249	—	373.328	373.328	0.01497	0.00335	0.01656	374.716
2027	1.52831	1.29485	4.02794	14.3085	0.01430	0.06772	3.71003	3.77775	0.06409	0.88726	0.95134	—	4,565.47	4,565.47	0.13542	0.33400	6.01922	4,674.41
2028	4.54772	4.31502	4.06926	15.1788	0.01457	0.06319	4.13687	4.20005	0.05995	0.98596	1.04591	—	4,900.81	4,900.81	0.13517	0.34315	6.03400	5,012.48
2029	6.31533	6.19470	3.38267	13.4714	0.01254	0.05180	3.85826	3.91006	0.03950	0.91810	0.95760	—	4,388.97	4,388.97	0.11252	0.30473	4.99223	4,487.59
2030	1.47919	1.47349	0.24575	0.89036	0.00045	0.00646	0.19047	0.19694	0.00595	0.04456	0.05051	—	201.305	201.305	0.00503	0.00176	0.18648	202.143

2.2.2. Onsite Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	3.74146	3.14387	29.1635	28.8082	0.06093	1.24251	19.6570	20.8995	1.14311	10.1024	11.2456	—	6,598.58	6,598.58	0.26767	0.05353	0.00000	6,621.22
2027	1.23076	1.02988	9.39093	12.9379	0.02340	0.33657	0.00000	0.33657	0.30965	0.00000	0.30965	—	2,397.08	2,397.08	0.09724	0.01945	0.00000	2,405.30
2028	39.2175	39.0016	9.73309	14.0536	0.02513	0.31559	0.00000	0.31559	0.29035	0.00000	0.29035	—	2,530.97	2,530.97	0.10267	0.02053	0.00000	2,539.66
2029	39.1801	38.9703	9.37581	14.0134	0.02512	0.28848	0.00000	0.28848	0.26540	0.00000	0.26540	—	2,530.34	2,530.34	0.10264	0.02053	0.00000	2,539.03
2030	38.0219	38.0012	6.28020	9.89564	0.01395	0.22035	0.00000	0.22035	0.20272	0.00000	0.20272	—	1,510.63	1,510.63	0.06128	0.01226	0.00000	1,515.81
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	3.62261	3.04400	27.2253	27.5707	0.06093	1.12137	15.5666	16.6880	1.03166	4.34081	5.37247	—	6,598.58	6,598.58	0.26767	0.05353	0.00000	6,621.22
2027	3.50534	2.94546	25.5801	27.2816	0.06093	1.04307	15.5666	16.6097	0.95962	4.34081	5.30043	—	6,598.08	6,598.08	0.26765	0.05353	0.00000	6,620.72
2028	39.2175	39.0016	9.73309	14.0536	0.02513	0.31559	0.00000	0.31559	0.29035	0.00000	0.29035	—	2,530.97	2,530.97	0.10267	0.02053	0.00000	2,539.66
2029	39.1801	38.9703	9.37581	14.0134	0.02512	0.28848	0.00000	0.28848	0.26540	0.00000	0.26540	—	2,530.34	2,530.34	0.10264	0.02053	0.00000	2,539.03
2030	38.0219	38.0012	0.78473	1.10719	0.00173	0.01097	0.00000	0.01097	0.01009	0.00000	0.01009	—	133.513	133.513	0.00542	0.00108	0.00000	133.971
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	1.38972	1.16735	10.5538	10.3667	0.02040	0.43706	4.66194	5.09901	0.40210	1.67981	2.08191	—	2,196.15	2,196.15	0.08909	0.01782	0.00000	2,203.69
2027	0.90582	0.75812	6.89790	9.40981	0.01715	0.24871	0.18278	0.43148	0.22881	0.05097	0.27978	—	1,761.53	1,761.53	0.07146	0.01429	0.00000	1,767.57
2028	16.7762	16.6283	6.73087	9.73312	0.01748	0.22147	0.00000	0.22147	0.20376	0.00000	0.20376	—	1,773.08	1,773.08	0.07192	0.01438	0.00000	1,779.16
2029	27.8661	27.7359	5.80694	8.67147	0.01552	0.17747	0.00000	0.17747	0.16327	0.00000	0.16327	—	1,558.79	1,558.79	0.06323	0.01265	0.00000	1,564.14
2030	7.77941	7.75680	1.10451	1.71429	0.00245	0.03541	0.00000	0.03541	0.03258	0.00000	0.03258	—	254.540	254.540	0.01033	0.00207	0.00000	255.414
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
2026	0.25362	0.21304	1.92607	1.89193	0.00372	0.07976	0.85080	0.93057	0.07338	0.30657	0.37995	—	363.598	363.598	0.01475	0.00295	0.00000	364.845
2027	0.16531	0.13836	1.25887	1.71729	0.00313	0.04539	0.03336	0.07875	0.04176	0.00930	0.05106	—	291.641	291.641	0.01183	0.00237	0.00000	292.641
2028	3.06166	3.03466	1.22838	1.77629	0.00319	0.04042	0.00000	0.04042	0.03719	0.00000	0.03719	—	293.553	293.553	0.01191	0.00238	0.00000	294.560
2029	5.08557	5.06179	1.05977	1.58254	0.00283	0.03239	0.00000	0.03239	0.02980	0.00000	0.02980	—	258.076	258.076	0.01047	0.00209	0.00000	258.962
2030	1.41974	1.41562	0.20157	0.31286	0.00045	0.00646	0.00000	0.00646	0.00595	0.00000	0.00595	—	42.1420	42.1420	0.00171	0.00034	0.00000	42.2866

2.2.3. Offsite Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	0.06632	0.05983	0.04286	0.72422	0.00000	0.00000	0.16533	0.16533	0.00000	0.03875	0.03875	—	169.906	169.906	0.00309	0.00648	0.62484	172.539
2027	10.9891	9.44839	20.0206	113.208	0.08709	0.17417	29.4957	29.6699	0.17417	7.05253	7.22670	—	38,477.9	38,477.9	0.92281	2.85110	119.626	39,470.2
2028	12.6672	10.9979	20.6193	127.174	0.08709	0.17417	34.7322	34.9063	0.17417	8.27994	8.45411	—	42,912.0	42,912.0	0.99624	1.97857	124.472	43,651.0
2029	12.0703	10.3243	18.8762	120.831	0.08709	0.17417	34.7322	34.9063	0.08709	8.27994	8.36703	—	42,065.7	42,065.7	0.90915	1.97857	112.121	42,790.1
2030	1.65768	1.62975	0.96081	18.1507	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	5,016.42	5,016.42	0.06983	0.04190	12.7341	5,043.39
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	0.06455	0.05763	0.05626	0.63572	0.00000	0.00000	0.16533	0.16533	0.00000	0.03875	0.03875	—	157.631	157.631	0.00397	0.00692	0.01623	159.809
2027	10.7588	9.14835	22.9319	101.123	0.08709	0.17417	29.4957	29.6699	0.17417	7.05253	7.22670	—	36,581.4	36,581.4	1.13229	2.92092	3.10816	37,483.2
2028	12.3113	10.5686	22.7795	112.862	0.08709	0.17417	34.7322	34.9063	0.17417	8.27994	8.45411	—	40,676.1	40,676.1	1.16382	3.05309	3.22393	41,618.2
2029	10.9016	10.1464	22.1007	106.819	0.08709	0.17417	34.7322	34.9063	0.08709	8.27994	8.36703	—	39,868.7	39,868.7	1.07673	2.95893	2.90153	40,780.3

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
2030	1.60182	1.55993	1.20800	15.8395	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	4,654.82	4,654.82	0.09776	0.20529	0.32945	4,718.77
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	0.02374	0.02118	0.01844	0.22816	0.00000	0.00000	0.05949	0.05949	0.00000	0.01392	0.01392	—	58.7731	58.7731	0.00131	0.00240	0.10000	59.6211
2027	7.46846	6.33693	15.1730	68.9930	0.06118	0.12236	20.1461	20.2685	0.12236	4.81071	4.93307	—	25,814.2	25,814.2	0.74647	2.00310	36.3564	26,466.1
2028	8.14280	7.01571	15.5664	73.4382	0.06237	0.12475	22.6678	22.7925	0.12475	5.40252	5.52727	—	27,828.1	27,828.1	0.74448	2.05825	36.4457	28,496.5
2029	6.73843	6.20770	12.7283	65.1443	0.05317	0.10634	21.1411	21.2475	0.05317	5.03070	5.08387	—	24,950.9	24,950.9	0.61640	1.82792	30.1533	25,541.1
2030	0.32572	0.31713	0.24207	3.16441	0.00000	0.00000	1.04368	1.04368	0.00000	0.24416	0.24416	—	961.353	961.353	0.02005	0.00859	1.12636	965.541
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2026	0.00433	0.00387	0.00336	0.04164	0.00000	0.00000	0.01086	0.01086	0.00000	0.00254	0.00254	—	9.73056	9.73056	0.00022	0.00040	0.01656	9.87096
2027	1.36299	1.15649	2.76908	12.5912	0.01117	0.02233	3.67667	3.69900	0.02233	0.87795	0.90029	—	4,273.83	4,273.83	0.12359	0.33164	6.01922	4,381.76
2028	1.48606	1.28037	2.84088	13.4025	0.01138	0.02277	4.13687	4.15963	0.02277	0.98596	1.00873	—	4,607.26	4,607.26	0.12326	0.34077	6.03400	4,717.92
2029	1.22976	1.13291	2.32291	11.8888	0.00970	0.01941	3.85826	3.87767	0.00970	0.91810	0.92781	—	4,130.90	4,130.90	0.10205	0.30263	4.99223	4,228.63
2030	0.05944	0.05788	0.04418	0.57750	0.00000	0.00000	0.19047	0.19047	0.00000	0.04456	0.04456	—	159.163	159.163	0.00332	0.00142	0.18648	159.856

2.3. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	115.450	110.589	40.2234	584.525	0.85108	0.90965	78.9809	79.8905	0.85095	20.0289	20.8799	1,853.59	97,838.5	99,692.1	192.053	4.96959	174.194	106,149

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	90.7877	86.8420	43.4756	342.148	0.79551	0.79733	78.9809	79.7782	0.76602	20.0289	20.7949	1,853.59	92,645.7	94,499.2	192.742	5.35491	12.9344	100,926
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	98.2186	93.9829	40.5355	430.572	0.76628	0.82894	72.9502	73.7791	0.78567	18.5072	19.2929	1,853.59	89,439.6	91,293.1	192.236	4.99130	76.5970	97,663.0
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	17.9249	17.1519	7.39772	78.5793	0.13985	0.15128	13.3134	13.4647	0.14338	3.37757	3.52096	306.883	14,807.7	15,114.6	31.8268	0.82637	12.6815	16,169.2

2.4. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	61.7335	58.3155	33.9905	332.300	0.81529	0.48056	78.9809	79.4614	0.44927	20.0289	20.4782	—	83,250.5	83,250.5	4.10079	4.04980	165.553	84,725.4
Area	53.2589	52.0445	2.32154	250.560	0.01083	0.11285	—	0.11285	0.08544	—	0.08544	0.00000	667.272	667.272	0.02789	0.00554	—	669.620
Energy	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	13,355.4	13,355.4	1.79680	0.17388	—	13,452.1
Water	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Waste	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Total	115.450	110.589	40.2234	584.525	0.85108	0.90965	78.9809	79.8905	0.85095	20.0289	20.8799	1,853.59	97,838.5	99,692.1	192.053	4.96959	174.194	106,149

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	59.8530	56.1362	39.5642	340.483	0.77054	0.48109	78.9809	79.4620	0.44978	20.0289	20.4787	—	78,724.9	78,724.9	4.81818	4.44066	4.29261	80,173.0
Area	30.4770	30.4770	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000
Energy	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	13,355.4	13,355.4	1.79680	0.17388	—	13,452.1
Water	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Waste	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Total	90.7877	86.8420	43.4756	342.148	0.79551	0.79733	78.9809	79.7782	0.76602	20.0289	20.7949	1,853.59	92,645.7	94,499.2	192.742	5.35491	12.9344	100,926
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	56.0490	52.6410	35.4792	305.343	0.73598	0.45704	72.9502	73.4072	0.42729	18.5072	18.9345	—	75,189.7	75,189.7	4.29787	4.07432	67.9553	76,579.3
Area	41.7119	41.1130	1.14487	123.564	0.00534	0.05565	—	0.05565	0.04213	—	0.04213	0.00000	329.066	329.066	0.01375	0.00273	—	330.223
Energy	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	13,355.4	13,355.4	1.79680	0.17388	—	13,452.1
Water	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Waste	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Total	98.2186	93.9829	40.5355	430.572	0.76628	0.82894	72.9502	73.7791	0.78567	18.5072	19.2929	1,853.59	89,439.6	91,293.1	192.236	4.99130	76.5970	97,663.0
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	10.2289	9.60699	6.47495	55.7251	0.13432	0.08341	13.3134	13.3968	0.07798	3.37757	3.45555	—	12,448.5	12,448.5	0.71156	0.67455	11.2508	12,678.6
Area	7.61242	7.50312	0.20894	22.5504	0.00097	0.01016	—	0.01016	0.00769	—	0.00769	0.00000	54.4806	54.4806	0.00228	0.00045	—	54.6722
Energy	0.08353	0.04177	0.71383	0.30376	0.00456	0.05771	—	0.05771	0.05771	—	0.05771	—	2,211.14	2,211.14	0.29748	0.02879	—	2,227.16

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Water	—	—	—	—	—	—	—	—	—	—	—	49.5591	93.5984	143.157	5.09686	0.12258	—	307.106
Waste	—	—	—	—	—	—	—	—	—	—	—	257.324	0.00000	257.324	25.7186	0.00000	—	900.289
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1.43074	1.43074
Total	17.9249	17.1519	7.39772	78.5793	0.13985	0.15128	13.3134	13.4647	0.14338	3.37757	3.52096	306.883	14,807.7	15,114.6	31.8268	0.82637	12.6815	16,169.2

3. Construction Emissions Details

3.1. Demolition (2026)

3.1.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	2.72490	2.28674	20.6515	19.0056	0.03253	0.84309	—	0.84309	0.77564	—	0.77564	—	3,426.59	3,426.59	0.13900	0.02780	—	3,438.35
Demolition	—	—	—	—	—	—	0.00000	0.00000	—	0.00000	0.00000	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.37327	0.31325	2.82898	2.60350	0.00446	0.11549	—	0.11549	0.10625	—	0.10625	—	469.396	469.396	0.01904	0.00381	—	471.007
Demolition	—	—	—	—	—	—	0.00000	0.00000	—	0.00000	0.00000	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06812	0.05717	0.51629	0.47514	0.00081	0.02108	—	0.02108	0.01939	—	0.01939	—	77.7139	77.7139	0.00315	0.00063	—	77.9806
Demolition	—	—	—	—	—	—	0.00000	0.00000	—	0.00000	0.00000	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.1.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04974	0.04488	0.03214	0.54316	0.00000	0.00000	0.12400	0.12400	0.00000	0.02906	0.02906	—	127.429	127.429	0.00231	0.00486	0.46863	129.404
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00659	0.00588	0.00511	0.06329	0.00000	0.00000	0.01650	0.01650	0.00000	0.00386	0.00386	—	16.3043	16.3043	0.00036	0.00067	0.02774	16.5395
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00120	0.00107	0.00093	0.01155	0.00000	0.00000	0.00301	0.00301	0.00000	0.00070	0.00070	—	2.69936	2.69936	0.00006	0.00011	0.00459	2.73831
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.2. Site Preparation (2026)

3.2.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	3.74146	3.14387	29.1635	28.8082	0.04890	1.24251	—	1.24251	1.14311	—	1.14311	—	5,297.94	5,297.94	0.21491	0.04298	—	5,316.12

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Dust From Material Movement	—	—	—	—	—	—	19.6570	19.6570	—	10.1024	10.1024	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.30752	0.25840	2.39700	2.36780	0.00402	0.10212	—	0.10212	0.09395	—	0.09395	—	435.447	435.447	0.01766	0.00353	—	436.941
Dust From Material Movement	—	—	—	—	—	—	1.61564	1.61564	—	0.83034	0.83034	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.05612	0.04716	0.43745	0.43212	0.00073	0.01864	—	0.01864	0.01715	—	0.01715	—	72.0932	72.0932	0.00292	0.00058	—	72.3406
Dust From Material Movement	—	—	—	—	—	—	0.29486	0.29486	—	0.15154	0.15154	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.2.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.05803	0.05235	0.03750	0.63369	0.00000	0.00000	0.14466	0.14466	0.00000	0.03391	0.03391	—	148.667	148.667	0.00270	0.00567	0.54674	150.972
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00461	0.00411	0.00358	0.04431	0.00000	0.00000	0.01155	0.01155	0.00000	0.00270	0.00270	—	11.4130	11.4130	0.00025	0.00047	0.01942	11.5777
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00084	0.00075	0.00065	0.00809	0.00000	0.00000	0.00211	0.00211	0.00000	0.00049	0.00049	—	1.88955	1.88955	0.00004	0.00008	0.00321	1.91682
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.3. Grading (2026)

3.3.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	3.62261	3.04400	27.2253	27.5707	0.06093	1.12137	—	1.12137	1.03166	—	1.03166	—	6,598.58	6,598.58	0.26767	0.05353	—	6,621.22
Dust From Material Movement	—	—	—	—	—	—	15.5666	15.5666	—	4.34081	4.34081	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	3.62261	3.04400	27.2253	27.5707	0.06093	1.12137	—	1.12137	1.03166	—	1.03166	—	6,598.58	6,598.58	0.26767	0.05353	—	6,621.22
Dust From Material Movement	—	—	—	—	—	—	15.5666	15.5666	—	4.34081	4.34081	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.70893	0.59570	5.32784	5.39543	0.01192	0.21945	—	0.21945	0.20189	—	0.20189	—	1,291.31	1,291.31	0.05238	0.01048	—	1,295.74
Dust From Material Movement	—	—	—	—	—	—	3.04630	3.04630	—	0.84947	0.84947	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12938	0.10871	0.97233	0.98467	0.00218	0.04005	—	0.04005	0.03685	—	0.03685	—	213.791	213.791	0.00867	0.00173	—	214.524
Dust From Material Movement	—	—	—	—	—	—	0.55595	0.55595	—	0.15503	0.15503	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.3.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Worker	0.06632	0.05983	0.04286	0.72422	0.00000	0.00000	0.16533	0.16533	0.00000	0.03875	0.03875	—	169.906	169.906	0.00309	0.00648	0.62484	172.539
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06455	0.05763	0.05626	0.63572	0.00000	0.00000	0.16533	0.16533	0.00000	0.03875	0.03875	—	157.631	157.631	0.00397	0.00692	0.01623	159.809
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01255	0.01119	0.00974	0.12056	0.00000	0.00000	0.03144	0.03144	0.00000	0.00735	0.00735	—	31.0558	31.0558	0.00069	0.00127	0.05284	31.5039
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00229	0.00204	0.00178	0.02200	0.00000	0.00000	0.00574	0.00574	0.00000	0.00134	0.00134	—	5.14164	5.14164	0.00011	0.00021	0.00875	5.21583
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.4. Grading (2027)

3.4.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	3.50534	2.94546	25.5801	27.2816	0.06093	1.04307	—	1.04307	0.95962	—	0.95962	—	6,598.08	6,598.08	0.26765	0.05353	—	6,620.72
Dust From Material Movement	—	—	—	—	—	—	15.5666	15.5666	—	4.34081	4.34081	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04116	0.03458	0.30035	0.32033	0.00072	0.01225	—	0.01225	0.01127	—	0.01127	—	77.4725	77.4725	0.00314	0.00063	—	77.7384
Dust From Material Movement	—	—	—	—	—	—	0.18278	0.18278	—	0.05097	0.05097	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.00751	0.00631	0.05481	0.05846	0.00013	0.00224	—	0.00224	0.00206	—	0.00206	—	12.8265	12.8265	0.00052	0.00010	—	12.8705

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Dust From Material Movement	—	—	—	—	—	—	0.03336	0.03336	—	0.00930	0.00930	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.4.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06235	0.05542	0.05022	0.59803	0.00000	0.00000	0.16533	0.16533	0.00000	0.03875	0.03875	—	154.722	154.722	0.00397	0.00692	0.01468	156.899
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00072	0.00064	0.00051	0.00681	0.00000	0.00000	0.00189	0.00189	0.00000	0.00044	0.00044	—	1.82900	1.82900	0.00004	0.00008	0.00287	1.85558
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00013	0.00012	0.00009	0.00124	0.00000	0.00000	0.00034	0.00034	0.00000	0.00008	0.00008	—	0.30281	0.30281	0.00001	0.00001	0.00047	0.30721

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.5. Building Construction (2027)

3.5.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.23076	1.02988	9.39093	12.9379	0.02340	0.33657	—	0.33657	0.30965	—	0.30965	—	2,397.08	2,397.08	0.09724	0.01945	—	2,405.30
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.23076	1.02988	9.39093	12.9379	0.02340	0.33657	—	0.33657	0.30965	—	0.30965	—	2,397.08	2,397.08	0.09724	0.01945	—	2,405.30
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Off-Road Equipment	0.86466	0.72353	6.59754	9.08948	0.01644	0.23646	—	0.23646	0.21754	—	0.21754	—	1,684.05	1,684.05	0.06831	0.01366	—	1,689.83
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15780	0.13204	1.20405	1.65883	0.00300	0.04315	—	0.04315	0.03970	—	0.03970	—	278.814	278.814	0.01131	0.00226	—	279.771
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.5.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	10.0830	9.05651	5.90035	106.967	0.00000	0.00000	26.1823	26.1823	0.00000	6.13708	6.13708	—	26,409.3	26,409.3	0.41896	1.02645	89.4894	26,815.2
Vendor	0.90610	0.39188	14.1203	6.24112	0.08709	0.17417	3.31342	3.48759	0.17417	0.91544	1.08961	—	12,068.5	12,068.5	0.50385	1.82465	30.1368	12,655.0
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	9.87348	8.77720	7.95325	94.7058	0.00000	0.00000	26.1823	26.1823	0.00000	6.13708	6.13708	—	24,502.5	24,502.5	0.62844	1.09628	2.32485	24,847.2
Vendor	0.88537	0.37115	14.9787	6.41736	0.08709	0.17417	3.31342	3.48759	0.17417	0.91544	1.08961	—	12,078.9	12,078.9	0.50385	1.82465	0.78331	12,636.0
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	6.83844	6.06826	4.86638	64.5433	0.00000	0.00000	17.8721	17.8721	0.00000	4.18104	4.18104	—	17,330.6	17,330.6	0.39245	0.72113	27.1672	17,582.4
Vendor	0.62929	0.26803	10.3061	4.44293	0.06118	0.12236	2.27217	2.39453	0.12236	0.62922	0.75159	—	8,481.76	8,481.76	0.35398	1.28189	9.18637	8,881.80
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.24802	1.10746	0.88811	11.7792	0.00000	0.00000	3.26166	3.26166	0.00000	0.76304	0.76304	—	2,869.27	2,869.27	0.06497	0.11939	4.49783	2,910.97
Vendor	0.11485	0.04892	1.88087	0.81083	0.01117	0.02233	0.41467	0.43700	0.02233	0.11483	0.13716	—	1,404.25	1,404.25	0.05861	0.21223	1.52091	1,470.48
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.6. Building Construction (2028)

3.6.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.18481	0.99143	8.92495	12.9352	0.02340	0.30024	—	0.30024	0.27622	—	0.27622	—	2,397.46	2,397.46	0.09725	0.01945	—	2,405.68
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Off-Road Equipment	1.18481	0.99143	8.92495	12.9352	0.02340	0.30024	—	0.30024	0.27622	—	0.27622	—	2,397.46	2,397.46	0.09725	0.01945	—	2,405.68
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.84861	0.71011	6.39243	9.26478	0.01676	0.21504	—	0.21504	0.19784	—	0.19784	—	1,717.16	1,717.16	0.06966	0.01393	—	1,723.05
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15487	0.12959	1.16662	1.69082	0.00306	0.03925	—	0.03925	0.03611	—	0.03611	—	284.296	284.296	0.01153	0.00231	—	285.271
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.6.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	9.87348	8.84703	5.83052	100.948	0.00000	0.00000	26.1823	26.1823	0.00000	6.13708	6.13708	—	25,940.8	25,940.8	0.41896	0.20948	80.3769	26,094.1
Vendor	0.81902	0.38152	13.6226	6.03585	0.08709	0.17417	3.31342	3.48759	0.17417	0.91544	1.08961	—	11,783.0	11,783.0	0.49348	1.72719	28.0197	12,338.1
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	9.59417	8.49789	6.99662	88.8753	0.00000	0.00000	26.1823	26.1823	0.00000	6.13708	6.13708	—	24,068.8	24,068.8	0.55861	1.09628	2.07952	24,411.5
Vendor	0.79828	0.37115	14.3836	6.21209	0.08709	0.17417	3.31342	3.48759	0.17417	0.91544	1.08961	—	11,793.5	11,793.5	0.49348	1.73756	0.72851	12,324.4
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	6.77173	6.03654	4.91125	61.8258	0.00000	0.00000	18.2206	18.2206	0.00000	4.26257	4.26257	—	17,355.9	17,355.9	0.35009	0.73519	24.8519	17,608.6
Vendor	0.57919	0.27326	10.0809	4.38253	0.06237	0.12475	2.31648	2.44122	0.12475	0.64149	0.76624	—	8,442.63	8,442.63	0.35345	1.23709	8.68761	8,828.81
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.23584	1.10167	0.89630	11.2832	0.00000	0.00000	3.32525	3.32525	0.00000	0.77792	0.77792	—	2,873.46	2,873.46	0.05796	0.12172	4.11451	2,915.30
Vendor	0.10570	0.04987	1.83976	0.79981	0.01138	0.02277	0.42276	0.44552	0.02277	0.11707	0.13984	—	1,397.77	1,397.77	0.05852	0.20481	1.43833	1,461.71
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.7. Building Construction (2029)

3.7.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Off-Road Equipment	1.15336	0.96514	8.58166	12.9012	0.02340	0.27564	—	0.27564	0.25359	—	0.25359	—	2,396.83	2,396.83	0.09723	0.01945	—	2,405.06
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.15336	0.96514	8.58166	12.9012	0.02340	0.27564	—	0.27564	0.25359	—	0.25359	—	2,396.83	2,396.83	0.09723	0.01945	—	2,405.06
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.70421	0.58928	5.23968	7.87707	0.01428	0.16830	—	0.16830	0.15483	—	0.15483	—	1,463.43	1,463.43	0.05936	0.01187	—	1,468.45
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12852	0.10754	0.95624	1.43757	0.00261	0.03071	—	0.03071	0.02826	—	0.02826	—	242.287	242.287	0.00983	0.00197	—	243.119
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.7.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	9.38469	8.35824	4.87389	95.8160	0.00000	0.00000	26.1823	26.1823	0.00000	6.13708	6.13708	—	25,499.0	25,499.0	0.41896	0.20948	71.8485	25,643.7
Vendor	0.80865	0.29443	13.0276	5.85131	0.08709	0.17417	3.31342	3.48759	0.08709	0.91544	1.00253	—	11,466.9	11,466.9	0.40640	1.72719	25.9027	12,017.6
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	8.42807	8.21859	6.92680	84.0014	0.00000	0.00000	26.1823	26.1823	0.00000	6.13708	6.13708	—	23,659.3	23,659.3	0.55861	1.02645	1.85755	23,981.0
Vendor	0.78792	0.28406	13.7885	6.01718	0.08709	0.17417	3.31342	3.48759	0.08709	0.91544	1.00253	—	11,477.5	11,477.5	0.40640	1.72719	0.67247	12,003.1
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	5.06064	4.89010	3.64519	49.8560	0.00000	0.00000	15.5323	15.5323	0.00000	3.63366	3.63366	—	14,543.9	14,543.9	0.29844	0.62672	18.9026	14,757.1
Vendor	0.49374	0.17344	8.23019	3.62326	0.05317	0.10634	1.97470	2.08104	0.05317	0.54685	0.60002	—	7,004.00	7,004.00	0.24813	1.05457	6.82796	7,331.29
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.92357	0.89244	0.66525	9.09872	0.00000	0.00000	2.83464	2.83464	0.00000	0.66314	0.66314	—	2,407.92	2,407.92	0.04941	0.10376	3.12955	2,443.20
Vendor	0.09011	0.03165	1.50201	0.66124	0.00970	0.01941	0.36038	0.37979	0.00970	0.09980	0.10950	—	1,159.59	1,159.59	0.04108	0.17460	1.13045	1,213.78
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.8. Paving (2030)

3.8.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.76655	0.64411	6.28020	9.89564	0.01395	0.22035	—	0.22035	0.20272	—	0.20272	—	1,510.63	1,510.63	0.06128	0.01226	—	1,515.81
Paving	0.00000	0.00000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11551	0.09706	0.94633	1.49112	0.00210	0.03320	—	0.03320	0.03055	—	0.03055	—	227.628	227.628	0.00923	0.00185	—	228.410
Paving	0.00000	0.00000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02108	0.01771	0.17271	0.27213	0.00038	0.00606	—	0.00606	0.00557	—	0.00557	—	37.6865	37.6865	0.00153	0.00031	—	37.8158
Paving	0.00000	0.00000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.8.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03925	0.03859	0.02275	0.42980	0.00000	0.00000	0.12400	0.12400	0.00000	0.02906	0.02906	—	118.787	118.787	0.00165	0.00099	0.30154	119.426
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00567	0.00552	0.00421	0.05504	0.00000	0.00000	0.01815	0.01815	0.00000	0.00425	0.00425	—	16.7221	16.7221	0.00035	0.00015	0.01959	16.7949
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.00103	0.00101	0.00077	0.01005	0.00000	0.00000	0.00331	0.00331	0.00000	0.00078	0.00078	—	2.76853	2.76853	0.00006	0.00002	0.00324	2.78059
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.9. Architectural Coating (2028)

3.9.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12985	0.10731	0.80814	1.11833	0.00173	0.01536	—	0.01536	0.01413	—	0.01413	—	133.517	133.517	0.00542	0.00108	—	133.975
Architectural Coatings	37.9029	37.9029	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12985	0.10731	0.80814	1.11833	0.00173	0.01536	—	0.01536	0.01413	—	0.01413	—	133.517	133.517	0.00542	0.00108	—	133.975
Architectural Coatings	37.9029	37.9029	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.05438	0.04494	0.33844	0.46834	0.00072	0.00643	—	0.00643	0.00592	—	0.00592	—	55.9152	55.9152	0.00227	0.00045	—	56.1070
Architectural Coatings	15.8732	15.8732	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.00992	0.00820	0.06177	0.08547	0.00013	0.00117	—	0.00117	0.00108	—	0.00108	—	9.25739	9.25739	0.00038	0.00008	—	9.28916
Architectural Coatings	2.89686	2.89686	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.9.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.97470	1.76941	1.16610	20.1897	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	5,188.16	5,188.16	0.08379	0.04190	16.0754	5,218.82
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.91883	1.69958	1.39932	17.7751	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	4,813.75	4,813.75	0.11172	0.21926	0.41590	4,882.30
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.79189	0.70591	0.57432	7.22990	0.00000	0.00000	2.13071	2.13071	0.00000	0.49846	0.49846	—	2,029.59	2,029.59	0.04094	0.08597	2.90618	2,059.14
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.14452	0.12883	0.10481	1.31946	0.00000	0.00000	0.38885	0.38885	0.00000	0.09097	0.09097	—	336.023	336.023	0.00678	0.01423	0.48115	340.915
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.10. Architectural Coating (2029)

3.10.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12385	0.10236	0.79416	1.11216	0.00173	0.01284	—	0.01284	0.01181	—	0.01181	—	133.510	133.510	0.00542	0.00108	—	133.968
Architectural Coatings	37.9029	37.9029	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12385	0.10236	0.79416	1.11216	0.00173	0.01284	—	0.01284	0.01181	—	0.01181	—	133.510	133.510	0.00542	0.00108	—	133.968
Architectural Coatings	37.9029	37.9029	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.08847	0.07311	0.56725	0.79440	0.00123	0.00917	—	0.00917	0.00844	—	0.00844	—	95.3641	95.3641	0.00387	0.00077	—	95.6913
Architectural Coatings	27.0735	27.0735	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01614	0.01334	0.10352	0.14498	0.00022	0.00167	—	0.00167	0.00154	—	0.00154	—	15.7886	15.7886	0.00064	0.00013	—	15.8428
Architectural Coatings	4.94091	4.94091	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.10.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.87694	1.67165	0.97478	19.1632	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	5,099.80	5,099.80	0.08379	0.04190	14.3697	5,128.75
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.68561	1.64372	1.38536	16.8003	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	4,731.87	4,731.87	0.11172	0.20529	0.37151	4,796.21
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.18406	1.14416	0.85288	11.6650	0.00000	0.00000	3.63416	3.63416	0.00000	0.85018	0.85018	—	3,402.91	3,402.91	0.06983	0.14664	4.42273	3,452.78
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.21609	0.20881	0.15565	2.12887	0.00000	0.00000	0.66323	0.66323	0.00000	0.15516	0.15516	—	563.391	563.391	0.01156	0.02428	0.73223	571.646
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.11. Architectural Coating (2030)

3.11.1. Onsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11905	0.09839	0.78473	1.10719	0.00173	0.01097	—	0.01097	0.01009	—	0.01009	—	133.513	133.513	0.00542	0.00108	—	133.971
Architectural Coatings	37.9029	37.9029	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11905	0.09839	0.78473	1.10719	0.00173	0.01097	—	0.01097	0.01009	—	0.01009	—	133.513	133.513	0.00542	0.00108	—	133.971
Architectural Coatings	37.9029	37.9029	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Off-Road Equipment	0.02400	0.01983	0.15817	0.22317	0.00035	0.00221	—	0.00221	0.00203	—	0.00203	—	26.9116	26.9116	0.00109	0.00022	—	27.0039
Architectural Coatings	7.63991	7.63991	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.00438	0.00362	0.02887	0.04073	0.00006	0.00040	—	0.00040	0.00037	—	0.00037	—	4.45552	4.45552	0.00018	0.00004	—	4.47081
Architectural Coatings	1.39428	1.39428	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

3.11.2. Offsite - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.65768	1.62975	0.96081	18.1507	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	5,016.42	5,016.42	0.06983	0.04190	12.7341	5,043.39
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.60182	1.55993	1.20800	15.8395	0.00000	0.00000	5.23646	5.23646	0.00000	1.22742	1.22742	—	4,654.82	4,654.82	0.09776	0.20529	0.32945	4,718.77
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.32006	0.31161	0.23786	3.10937	0.00000	0.00000	1.02553	1.02553	0.00000	0.23992	0.23992	—	944.630	944.630	0.01970	0.00844	1.10677	948.746
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.05841	0.05687	0.04341	0.56746	0.00000	0.00000	0.18716	0.18716	0.00000	0.04378	0.04378	—	156.394	156.394	0.00326	0.00140	0.18324	157.076
Vendor	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
Hauling	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	61.7335	58.3155	33.9905	332.300	0.81529	0.48056	78.9809	79.4614	0.44927	20.0289	20.4782	—	83,250.5	83,250.5	4.10079	4.04980	165.553	84,725.4
Total	61.7335	58.3155	33.9905	332.300	0.81529	0.48056	78.9809	79.4614	0.44927	20.0289	20.4782	—	83,250.5	83,250.5	4.10079	4.04980	165.553	84,725.4
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	59.8530	56.1362	39.5642	340.483	0.77054	0.48109	78.9809	79.4620	0.44978	20.0289	20.4787	—	78,724.9	78,724.9	4.81818	4.44066	4.29261	80,173.0
Total	59.8530	56.1362	39.5642	340.483	0.77054	0.48109	78.9809	79.4620	0.44978	20.0289	20.4787	—	78,724.9	78,724.9	4.81818	4.44066	4.29261	80,173.0
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	10.2289	9.60699	6.47495	55.7251	0.13432	0.08341	13.3134	13.3968	0.07798	3.37757	3.45555	—	12,448.5	12,448.5	0.71156	0.67455	11.2508	12,678.6
Total	10.2289	9.60699	6.47495	55.7251	0.13432	0.08341	13.3134	13.3968	0.07798	3.37757	3.45555	—	12,448.5	12,448.5	0.71156	0.67455	11.2508	12,678.6

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	8,390.57	8,390.57	1.35741	0.16453	—	8,473.53
Total	—	—	—	—	—	—	—	—	—	—	—	—	8,390.57	8,390.57	1.35741	0.16453	—	8,473.53
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	8,390.57	8,390.57	1.35741	0.16453	—	8,473.53
Total	—	—	—	—	—	—	—	—	—	—	—	—	8,390.57	8,390.57	1.35741	0.16453	—	8,473.53
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	1,389.15	1,389.15	0.22473	0.02724	—	1,402.89
Total	—	—	—	—	—	—	—	—	—	—	—	—	1,389.15	1,389.15	0.22473	0.02724	—	1,402.89

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Apartments Mid Rise	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	4,964.84	4,964.84	0.43939	0.00935	—	4,978.61
Total	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	4,964.84	4,964.84	0.43939	0.00935	—	4,978.61
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	4,964.84	4,964.84	0.43939	0.00935	—	4,978.61
Total	0.45772	0.22886	3.91140	1.66443	0.02497	0.31624	—	0.31624	0.31624	—	0.31624	—	4,964.84	4,964.84	0.43939	0.00935	—	4,978.61
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.08353	0.04177	0.71383	0.30376	0.00456	0.05771	—	0.05771	0.05771	—	0.05771	—	821.987	821.987	0.07275	0.00155	—	824.266
Total	0.08353	0.04177	0.71383	0.30376	0.00456	0.05771	—	0.05771	0.05771	—	0.05771	—	821.987	821.987	0.07275	0.00155	—	824.266

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Consumer Products	25.8215	25.8215	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	4.65549	4.65549	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	22.7819	21.5675	2.32154	250.560	0.01083	0.11285	—	0.11285	0.08544	—	0.08544	—	667.272	667.272	0.02789	0.00554	—	669.620
Total	53.2589	52.0445	2.32154	250.560	0.01083	0.11285	—	0.11285	0.08544	—	0.08544	0.00000	667.272	667.272	0.02789	0.00554	—	669.620
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000
Consumer Products	25.8215	25.8215	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	4.65549	4.65549	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	30.4770	30.4770	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000
Consumer Products	4.71242	4.71242	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	0.84963	0.84963	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Landscape Equipment	2.05037	1.94107	0.20894	22.5504	0.00097	0.01016	—	0.01016	0.00769	—	0.00769	—	54.4806	54.4806	0.00228	0.00045	—	54.6722
Total	7.61242	7.50312	0.20894	22.5504	0.00097	0.01016	—	0.01016	0.00769	—	0.00769	0.00000	54.4806	54.4806	0.00228	0.00045	—	54.6722

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Total	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Total	—	—	—	—	—	—	—	—	—	—	—	299.339	565.340	864.679	30.7853	0.74036	—	1,854.94
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	49.5591	93.5984	143.157	5.09686	0.12258	—	307.106
Total	—	—	—	—	—	—	—	—	—	—	—	49.5591	93.5984	143.157	5.09686	0.12258	—	307.106

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Total	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Total	—	—	—	—	—	—	—	—	—	—	—	1,554.25	0.00000	1,554.25	155.342	0.00000	—	5,437.80
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	257.324	0.00000	257.324	25.7186	0.00000	—	900.289
Total	—	—	—	—	—	—	—	—	—	—	—	257.324	0.00000	257.324	25.7186	0.00000	—	900.289

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.64176	8.64176
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1.43074	1.43074
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1.43074	1.43074

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	6/1/2026	8/10/2026	5.00000	50.0000	—
Site Preparation	Site Preparation	8/11/2026	9/22/2026	5.00000	30.0000	—
Grading	Grading	9/23/2026	1/6/2027	5.00000	75.0000	—
Building Construction	Building Construction	1/7/2027	11/8/2029	5.00000	740.000	—
Paving	Paving	4/16/2030	7/1/2030	5.00000	55.0000	—
Architectural Coating	Architectural Coating	6/1/2028	4/13/2030	5.00000	487.000	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Rubber Tired Dozers	Diesel	Average	2.00000	8.00000	367.000	0.40000
Demolition	Excavators	Diesel	Average	3.00000	8.00000	36.0000	0.38000
Demolition	Concrete/Industrial Saws	Diesel	Average	1.000000	8.00000	33.0000	0.73000
Site Preparation	Rubber Tired Dozers	Diesel	Average	3.00000	8.00000	367.000	0.40000
Site Preparation	Tractors/Loaders/ Backhoes	Diesel	Average	4.00000	8.00000	84.0000	0.37000
Grading	Graders	Diesel	Average	1.000000	8.00000	148.000	0.41000
Grading	Excavators	Diesel	Average	2.00000	8.00000	36.0000	0.38000

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Grading	Tractors/Loaders/ Backhoes	Diesel	Average	2.00000	8.00000	84.0000	0.37000
Grading	Scrapers	Diesel	Average	2.00000	8.00000	423.000	0.48000
Grading	Rubber Tired Dozers	Diesel	Average	1.000000	8.00000	367.000	0.40000
Building Construction	Forklifts	Diesel	Average	3.00000	8.00000	82.0000	0.20000
Building Construction	Generator Sets	Diesel	Average	1.000000	8.00000	14.0000	0.74000
Building Construction	Cranes	Diesel	Average	1.000000	7.00000	367.000	0.29000
Building Construction	Welders	Diesel	Average	1.000000	8.00000	46.0000	0.45000
Building Construction	Tractors/Loaders/ Backhoes	Diesel	Average	3.00000	7.00000	84.0000	0.37000
Paving	Pavers	Diesel	Average	2.00000	8.00000	81.0000	0.42000
Paving	Paving Equipment	Diesel	Average	2.00000	8.00000	89.0000	0.36000
Paving	Rollers	Diesel	Average	2.00000	8.00000	36.0000	0.38000
Architectural Coating	Air Compressors	Diesel	Average	1.000000	6.00000	37.0000	0.48000

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	Worker	15.0000	11.7000	LDA,LDT1,LDT2
Demolition	Vendor	—	8.40000	HHDT,MHDT
Demolition	Hauling	0.00000	20.0000	HHDT

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	Onsite truck	—	—	HHDT
Site Preparation	Worker	17.5000	11.7000	LDA,LDT1,LDT2
Site Preparation	Vendor	—	8.40000	HHDT,MHDT
Site Preparation	Hauling	0.00000	20.0000	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	Worker	20.0000	11.7000	LDA,LDT1,LDT2
Grading	Vendor	—	8.40000	HHDT,MHDT
Grading	Hauling	0.00000	20.0000	HHDT
Grading	Onsite truck	—	—	HHDT
Building Construction	Worker	3,167.28	11.7000	LDA,LDT1,LDT2
Building Construction	Vendor	470.253	8.40000	HHDT,MHDT
Building Construction	Hauling	0.00000	20.0000	HHDT
Building Construction	Onsite truck	—	—	HHDT
Paving	Worker	15.0000	11.7000	LDA,LDT1,LDT2
Paving	Vendor	—	8.40000	HHDT,MHDT
Paving	Hauling	0.00000	20.0000	HHDT
Paving	Onsite truck	—	—	HHDT
Architectural Coating	Worker	633.456	11.7000	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	8.40000	HHDT,MHDT
Architectural Coating	Hauling	0.00000	20.0000	HHDT
Architectural Coating	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	2,985,984	995,328	0.00000	0.00000	—

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Demolition	0.00000	0.00000	0.00000	—	0.00000
Site Preparation	—	—	45.0000	0.00000	0.00000
Grading	—	—	225.000	0.00000	0.00000
Paving	0.00000	0.00000	0.00000	0.00000	—

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Phase Name	Land Use	Area Paved (acres)	% Asphalt
Paving	Apartments Mid Rise	—	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2026	0.00000	203.983	0.03300	0.00400
2027	0.00000	203.983	0.03300	0.00400
2028	0.00000	203.983	0.03300	0.00400
2029	0.00000	203.983	0.03300	0.00400
2030	0.00000	203.983	0.03300	0.00400

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	23,930.6	21,599.1	17,991.9	8,303,427	111,800	100,908	84,055.4	38,792,305

5.10. Operational Area Sources

5.10.1. Hearths

Land Use	Hearth Type	Unmitigated (number)	Mitigated (number)
Apartments Mid Rise	Wood Fireplaces	0	0
Apartments Mid Rise	Gas Fireplaces	0	0
Apartments Mid Rise	Propane Fireplaces	0	0
Apartments Mid Rise	Electric Fireplaces	0	0
Apartments Mid Rise	No Fireplaces	0	0
Apartments Mid Rise	Conventional Wood Stoves	0	0
Apartments Mid Rise	Catalytic Wood Stoves	0	0
Apartments Mid Rise	Non-Catalytic Wood Stoves	0	0
Apartments Mid Rise	Pellet Wood Stoves	0	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
2,443,389	814,463	0.00000	0.00000	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00000
Summer Days	day/yr	180.000

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	15,013,783	203.983	0.0330	0.0040	15,491,643

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	156,212,229	0.00000

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	2,883.91	0.00000

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088.00	0.00225	2.50000	2.50000	10.00000

Land Use	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430.00	0.11538	0.60000	0.00000	1.000000

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

5.16.2. Process Boilers

5.17. User Defined

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10000	annual days of extreme heat
Extreme Precipitation	7.50000	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00000	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	2	1	1	3
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—

Indicator	Result for Project Census Tract
AQ-Ozone	3.12383
AQ-PM	40.2240
AQ-DPM	61.5806
Drinking Water	4.20882
Lead Risk Housing	17.6055
Pesticides	0.00000
Toxic Releases	58.4521
Traffic	12.3250
Effect Indicators	—
CleanUp Sites	25.9239
Groundwater	80.3420
Haz Waste Facilities/Generators	95.9497
Impaired Water Bodies	0.00000
Solid Waste	0.00000
Sensitive Population	—
Asthma	5.49601
Cardio-vascular	29.6486
Low Birth Weights	90.1591
Socioeconomic Factor Indicators	—
Education	29.6760
Housing	99.4297

Indicator	Result for Project Census Tract
Linguistic	42.8069
Poverty	91.4573
Unemployment	33.5763

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	12.61388426
Employed	4.042089054
Median HI	2.335429231
Education	—
Bachelor's or higher	94.63621199
High school enrollment	100
Preschool enrollment	95.7141024
Transportation	—
Auto Access	0.346464776
Active commuting	99.67919928
Social	—
2-parent households	0.230976517
Voting	21.98126524

Indicator	Result for Project Census Tract
Neighborhood	—
Alcohol availability	21.44232003
Park access	81.35506224
Retail density	99.80751957
Supermarket access	94.25125112
Tree canopy	34.80046195
Housing	—
Homeownership	0.757089696
Housing habitability	30.50173232
Low-inc homeowner severe housing cost burden	99.12742205
Low-inc renter severe housing cost burden	17.1435904
Uncrowded housing	46.38778391
Health Outcomes	—
Insured adults	87.86090081
Arthritis	99.0
Asthma ER Admissions	93.2
High Blood Pressure	99.1
Cancer (excluding skin)	98.9
Asthma	37.3
Coronary Heart Disease	98.5
Chronic Obstructive Pulmonary Disease	93.7

Indicator	Result for Project Census Tract
Diagnosed Diabetes	98.4
Life Expectancy at Birth	31.7
Cognitively Disabled	62.4
Physically Disabled	68.4
Heart Attack ER Admissions	90.9
Mental Health Not Good	47.3
Chronic Kidney Disease	99.0
Obesity	92.5
Pedestrian Injuries	90.9
Physical Health Not Good	89.8
Stroke	97.8
Health Risk Behaviors	—
Binge Drinking	35.4
Current Smoker	58.7
No Leisure Time for Physical Activity	70.6
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	97.0
Elderly	95.0
English Speaking	28.9

Indicator	Result for Project Census Tract
Foreign-born	67.8
Outdoor Workers	87.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	2.6
Traffic Density	52.1
Traffic Access	87.4
Other Indices	—
Hardship	47.8
Other Decision Support	—
2016 Voting	30.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	36.0000
Healthy Places Index Score for Project Location (b)	31.0000
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

8.1. Justifications

Screen	Justification
Land Use	Project would include 4,399 net new units
Operations: Hearths	No fireplaces or woodstoves
Operations: Energy Use	Assumes up to 60 percent of new development would be all-electric and the remainder of units would include natural gas connections.

8.3. Land Use

Model Parameter	Units	Default Value	New Value
Lot Area	acre	115.763	27.7000
Building Area	sq. ft	4,223,040	1,206,612
Landscape Area	sq. ft	—	0.00000
Special Landscape Area	sq. ft	—	0.00000

Model Parameter	Units	Default Value	New Value
Population	people	12,405.0	10,998.0

8.4. Construction

8.4.1. Construction Phases

Phase Type	Phase Name	Model Parameter	Default Value	New Value
Demolition	Demolition	End Date	7/13/2026	8/10/2026
Demolition	Demolition	Work Days per Phase	30.0000	50.0000
Site Preparation	Site Preparation	Start Date	7/14/2026	8/11/2026
Site Preparation	Site Preparation	End Date	8/11/2026	9/22/2026
Site Preparation	Site Preparation	Work Days per Phase	20.0000	30.0000
Grading	Grading	Start Date	8/12/2026	9/23/2026
Grading	Grading	End Date	10/14/2026	1/6/2027
Grading	Grading	Work Days per Phase	45.0000	75.0000
Building Construction	Building Construction	Start Date	10/15/2026	1/7/2027
Building Construction	Building Construction	End Date	6/22/2028	11/8/2029
Building Construction	Building Construction	Work Days per Phase	440.000	740.000
Paving	Paving	Start Date	6/23/2028	4/16/2030
Paving	Paving	End Date	8/11/2028	7/1/2030
Paving	Paving	Work Days per Phase	35.0000	55.0000
Architectural Coating	Architectural Coating	Start Date	8/12/2028	6/1/2028

Phase Type	Phase Name	Model Parameter	Default Value	New Value
Architectural Coating	Architectural Coating	End Date	9/30/2028	4/13/2030
Architectural Coating	Architectural Coating	Work Days per Phase	35.0000	487.000

8.4.8. Architectural Coatings

Phase Name	Model Parameter	Units	Default Value	New Value
Architectural Coating	Residential Exterior VOC	g/L	150.000	100.0000
Architectural Coating	Non-Residential Exterior VOC	g/L	150.000	100.0000
Architectural Coating	Residential Interior Area	sq ft	2,443,389	2,985,984
Architectural Coating	Residential Exterior Area	sq ft	814,463	995,328

8.5. Operations

8.5.2. Area Sources

8.5.2.1. Hearths

Land Use	Model Parameter	Default Value	New Value
Apartments Mid Rise	Gas Fireplaces	2,243	0
Apartments Mid Rise	No Fireplaces	2,156	0
Apartments Mid Rise	Hours/Day	4	0
Apartments Mid Rise	Days/Year	9	0

8.5.3. Energy Usage

Land Use	Model Parameter	Units	Default Value	New Value
Apartments Mid Rise	Electricity	kWh/yr	15,006,972	15,013,783
Apartments Mid Rise	Natural Gas	kBTU/yr	38,729,109	15,491,643
Apartments Mid Rise	Natural Gas (Subject to Title 24)	kBTU/yr	35,991,856	14,396,743
Apartments Mid Rise	Natural Gas (Not Subject to Title 24)	kBTU/yr	2,737,252	1,094,901

ORDINANCE NO. -N.S.
AMENDMENTS TO THE COMMERCIAL DISTRICT CHAPTER (BMC 23.204), SUPPLEMENTAL USE REGULATIONS CHAPTER (23.302), PARKING AND LOADING (23.322), COMMON PERMIT REQUIREMENTS (23.404),GLOSSARY (23.502), AND ZONING MAP TO ENCOURAGE HOUSING ALONG COLLEGE AVENUE, SHATTUCK AVENUE AND SOLANO AVENUE

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

Section 1. That the lines “Multi-Unit Residential,” “Mixed-Use Residential,” “Club/Lodge”, “Video Tape/ Disk Rental”, “Medical Practitioners”, “Office, Business and Professional”, “Entertainment Establishment”, “Group Instruction, Under 3,000 sq. ft.”, “Group Instruction, 3,000 sq. ft. or larger”, “Health and Fitness Facility, 7,500 sq. ft. or larger”, “Alternative Fuel Station”, “Gasoline Fuel Stations”, “Dry Cleaning and Laundry Plant”, “Primary Production Manufacturing”, “Semiconductors”, “Mini-storage”, “Warehouse”, “Manufacturing”,” Wholesale Activities”, “ATM, Exterior and Attached to Bank”, “ATM, Interior or Exterior and Not With Bank”, “Drive-in Uses”, within Table 23.204-1 Allowed Uses in the Commercial District within BMC Chapter 23.204.020 are amended to read as follows:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	**COMMERCIAL DISTRICTS**											**USE-SPECIFIC REGULATIONS**
	C-C	**C-U**	**C-N**	**C-E**	**C-NS**	**C-SA**	**C-T**	**C-SO**	**C-DMU**	**C-W**	**C-AC**	
Multi-Unit Residential	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	23.204.060(B)(3) 23.204.080(D)(2) 23.204.090(D)(2) 23.204.120(D)(2) 23.302.070(H)
Mixed-Use Residential	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	23.204.060(B)(3) 23.204.080(D)(2) 23.204.090(D)(2) 23.204.120(D)(2) 23.302.070(H) 23.302.070(M)
Club/Lodge	UP(PH)	UP(PH)	UP(PH)	UP(PH)	~~NP~~ UP(PH)	UP(PH)	UP(PH)	~~NP~~ UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Video Tape/Disk Rental	ZC	ZC	ZC	ZC ~~AUP~~	ZC	-	ZC	ZC	ZC	ZC	NP	
Medical Practitioners	ZC	ZC	AUP	UP(PH) ~~NP~~	UP(PH)	ZC	AUP*	UP(PH)	ZC*	ZC	ZC	23.204.040(B); 23.204.110(B)(4); 23.204.130.D.3
Office, Business and Professional	ZC	ZC	AUP*	ZC ~~AUP*~~	ZC*	ZC	ZC*	ZC ~~AUP*~~	ZC*	ZC	ZC	23.204.040(B); 23.204.110.(B)4;

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**	
												23.204.130(D)(3)
Entertainment Establishment	UP(PH)	UP(PH)	UP(PH)	UP(PH) ~~NP~~	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Group Instruction, ~~Under 3,000 sq. ft.~~	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
~~Group Instruction, 3,000 sq. ft. or larger~~	~~ZC~~	~~ZC~~	~~AUP~~	~~AUP~~	~~ZC~~	~~ZC~~	~~ZC~~	~~AUP~~	~~ZC~~	~~ZC~~	~~ZC~~	
Health and Fitness Facility, 7,500 sq. ft. or larger	ZC	ZC	AUP	AUP	AUP ~~ZC~~	ZC	ZC	AUP	ZC	ZC	ZC	
Alternative Fuel Station	UP(PH)	UP(PH)	UP(PH)	UP(PH) ~~NP~~	UP(PH)	UP(PH)	NP*	UP(PH)	NP	AUP*	UP(PH)	23.204.110(B)(2); 23.204.110(B)(3)
Gasoline Fuel Stations	UP(PH)	UP(PH)	UP(PH)	NP	NP ~~UP(PH)~~	UP(PH)	NP*	NP ~~UP(PH)~~	NP	UP(PH)*	UP(PH)	23.204.140.B.3
Dry Cleaning and Laundry Plant	UP(PH)	UP(PH)	NP	NP ~~--~~	NP	NP	NP	NP	UP(PH)	NP	NP	

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**	
					~~UP(PH)~~							
Primary Production Manufacturing	--	--	--	NP	NP	--	--	NP ~~--~~	--	UP(PH)	--	
Semiconductors	--	--	--	NP ~~--~~	NP	--	--	NP ~~--~~	--	UP(PH)	--	
Mini-storage	UP(PH)	NP	NP	NP	NP	NP	NP	NP ~~--~~	UP(PH)	NP	NP	
Warehouse	UP(PH)	NP	NP	NP	NP	NP	NP	NP ~~--~~	UP(PH)	NP	NP	
Warehouse-Based Non-Store Retailer	--	--	--	--	--	--	--	--	--	--	--	

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**	
Wholesale Trade	--	--	--	--	--	--	--	--	--	AUP [1]	--	
Manufacturing	AUP	AUP	UP(PH)	AUP ~~UP(PH)~~	AUP ~~NP~~	UP(PH)	AUP	AUP	AUP	AUP	AUP	
Wholesale Activities	AUP*	AUP*	UP(PH)*	AUP ~~UP(PH)*~~	AUP ~~NP~~	AUP*	AUP*	AUP*	AUP*	AUP	AUP	
ATM, Exterior and Attached to Bank	AUP	AUP	AUP	AUP ~~UP(PH)~~	AUP	AUP	AUP	AUP*	AUP	AUP	AUP	23.204.120.B.2
ATM, Interior or Exterior and Not With Bank	UP(PH)	UP(PH)	UP(PH)	UP(PH) ~~NP~~	UP(PH)	UP(PH)	UP(PH)	UP(PH) ~~NP~~	UP(PH)*	AUP	UP(PH)	23.204.130.B.2
Drive-in Uses	UP(PH)	NP	NP	NP	NP ~~UP(PH)~~	UP(PH)	NP	NP ~~UP(PH)~~	NP	NP	UP(PH)	

Section 2. That Table 23.204-2 New Floor Area Permit Requirements within BMC Chapter 23.204.030 is amended to read as follows:

DISTRICT/NEW GROSS FLOOR AREA	PERMIT REQUIRED FOR NEW FLOOR AREA
C-C, C-U	
Less than 5,000 sq. ft.	ZC
5,000 sq. ft. or more	UP(PH)
C-N~~, C-E, C-SO~~ (any amount of new floor area)	UP(PH)
C-NS, C-E, C-SO	
Less than 2,000 sq. ft.	ZC
2,000 sq. ft. or more	UP(PH)
C-SA	
Less than 3,000 sq. ft.	ZC
3,000 sq. ft. or more	UP(PH)
C-T	--
Less than 1,500 sq. ft.	AUP
1,500 sq. ft. or more	UP(PH)
C-DMU	
Less than 10,000 sq. ft.	ZC
10,000 sq. ft. or more	UP(PH)
C-W	
5,000 sq. ft. or more except when an AUP is required below	UP(PH)

DISTRICT/NEW GROSS FLOOR AREA	PERMIT REQUIRED FOR NEW FLOOR AREA
7,500 sq. ft. or less in a building containing only retail uses	AUP
20,000 sq. ft. or less in a building with residential and retail space that is more than 15% and less than 33% of the floor area being created	AUP
C-AC	
New Main Building or New Dwelling Unit	UP(PH)
Addition of 5,000 sq ft or more	UP(PH)

Section 3. That BMC Section 23.204.080 is amended to read as follows

A. *District Purpose.* The purpose of the Elmwood Commercial (C-E) district is to:

1. Implement the General Plan's designation for a Neighborhood ~~community~~ C~~c~~ommercial district in this area;

2. Maintain a scale and balance of retail goods and services in the district to compatibly serve the everyday needs of surrounding neighborhoods by:

(a) Providing locations for retail goods and service establishments to serve surrounding neighborhoods;

(b) ~~Preventing~~ Encouraging development ~~which exceeds the amount and intensity of use~~ that is compatible with adjacent residential neighborhoods;

(c) Limiting the space occupied by businesses that generate high traffic and/or parking demands;

(d) Controlling the proliferation of establishments which, if not limited, might expand to displace establishments needed to serve surrounding neighborhoods; and

(e) Permitting other uses which serve this objective; and

3. Ensure that new buildings, alterations, and additions to existing buildings

harmonize with their surroundings.

B. *Land Use Regulations.*

1. *Allowed Land Uses.* See Table 23.204-1: Allowed Uses in the Commercial Districts.

2. *Size Limitations.*

(a) Table 23.204-20 shows land uses subject to size limitations in the C-E district.

Table 23.204-20. C-E LAND USE NUMBER AND SIZE LIMITATIONS

USE	MAXIMUM SIZE	PERMIT REQUIRED
Art/Craft Shops, Gift/Novelty Shops, Jewelry/Watch Shops	1,500 sq. ft.	ZC
Bookstores, Periodical Stands	2,000 sq. ft.	ZC
Photocopy Stores, Printing, Fax, Magnetic Disk Reproduction Services	1,000 sq. ft.	ZC

(b) The ZAB may allow a use to exceed the limitations in Table 23.204-20 with a Use Permit upon finding that:

i. The use will result in the positive enhancement of the purposes of the district; and

ii. The use is likely to experience substantial patronage by surrounding residents as indicated by neighborhood resident support, merchant support, marketing surveys, or other information.

~~3. *Incidental Wholesale Activities.* In the C-E district, wholesale activities incidental to a primary use require permits as follows:~~

~~(a) Six or fewer employees: Zoning Certificate.~~

~~(b) Seven or more employees: AUP.~~

~~(c) New construction: Use Permit.~~

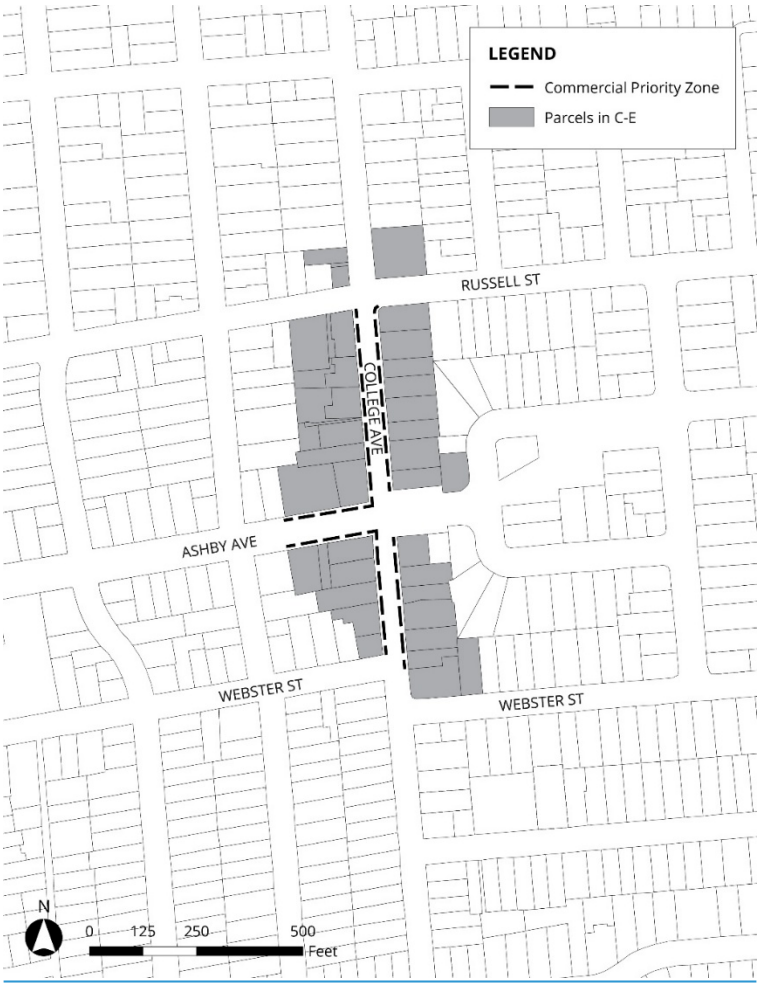
3. *Commercial Priority Zone.* The C-E district shall include a Commercial Priority Zone as shown in Figure 23.204-2

(a) Ground floor commercial uses shall be required along College Avenue and Ashby Avenue frontages within the Commercial Priority Zone.

(b) Residential uses are prohibited on ground floor frontages along College Avenue and Ashby Avenue within the Commercial Priority Zone.

4. *College Avenue.* For mixed-use projects outside of the Commercial Priority Zone, ground floor commercial uses or live/work units shall be required along College Avenue frontages.

Figure 23.204-2 COMMERCIAL PRIORITY ZONE IN THE C-E DISTRICT



C. *Additional Permit Requirements.* See Section 23.204.030 (Additional Permit Requirements).

D. *Development Standards.*

1. *Basic Standards.* See Table 23.204-21: C-E Development Standards. For residential-only projects, also see Table 23.204-22: C-E Setback and Building Separation Standards for Residential-Only Uses and Table 23.204-23: C-E Lot Coverage Standards for Residential-Only Uses.

2. *Mixed-Use Opportunity Areas.* The C-E district shall include Mixed-Use Opportunity Areas, as shown in Figure 23.204-3

(a) Different height and density standards shall apply within these areas, as specified in Table 23.204-21: C-E Development Standards.

(b) The purpose of the Mixed-Use Opportunity Areas is to:

I. Implement Housing Element policy to affirmatively further fair housing on priority commercial and transit corridors.

II. Promote equitable access to housing by producing new affordable housing units.

~~I.~~III. Preserve and support vibrant commercial corridors by adding new residents in commercial districts.

(c) Projects located in Mixed-Use Opportunity Areas may be approved with an Administrative Use Permit (AUP).

Figure 23.204-3 MIXED-USE OPPORTUNITY AREAS IN THE C-E DISTRICT



Table 23.204-21. C-E DEVELOPMENT STANDARDS

	Project Land Use			Supplemental Standards
	Non-Residential ~~and Mixed Use~~	Mixed Use	Residential Only	
Lot Area, Minimum	No minimum		5,000 sq. ft.	23.304.020--Lot Requirements
New Lots	No minimum		5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]			
Usable Open Space				23.304.090--Usable Open Space
Per Dwelling Unit	200 sq. ft. [2]			
Per Group Living Accommodation Resident	90 sq. ft.[2]			
Non-Residential Floor Area Ratio, Maximum				
Corner Lot	1.0		No maximum	
All Other Lot	0.8			
Height				
Main Building Height, Minimum	No minimum		No minimum	
Main Building Height, Maximum	28 ft. and 2 stories [3]		35 ft. and 3 stories	
Mixed Use Opportunity Area Main Building Height, Maximum	N/A	58 ft. and 5 stories	N/A	
Density				
Residential Density, Minimum	N/A	25	25	

	Project Land Use			Supplemental Standards
	Non-Residential ~~and Mixed Use~~	**Mixed Use**	**Residential Only**	
(du/acre)				
Residential Density, Maximum (du/acre)	N/A	40	No maximum	
Mixed-Use Opportunity Area Residential Density, Maximum (du/acre)	N/A	115	N/A	
Lot Line Setbacks, Minimum				
Abutting/Confronting a Non-residential District	No minimum		See Table 23.204-22	23.304.030--Setbacks 23.204.080(D)(5)
Abutting/Confronting a Residential District	See Table 23.304-3			
Building Separation, Minimum	No minimum		See Table 23.204-22	
Lot Coverage, Maximum	100%		See Table 23.204-23	23.304.120--Lot Coverage

Notes:

[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.

[2] Open space requirements for mixed use projects may be modified by the ZAB. See 23.204.080.D.3

[3] A basement level devoted exclusively to parking is not counted as a story.

Table 23.204-22. C-E SETBACK AND BUILDING SEPARATION STANDARDS FOR RESIDENTIAL-ONLY USES

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				23.304.030—Setbacks 23.204.080(D)(5)
Front	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040--Building Separation in Residential Districts

Table 23.204-23. C-E LOT COVERAGE STANDARDS FOR RESIDENTIAL-ONLY USES

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

3. ~~2.~~ *Lots Abutting or Confronting a Residential District.* See 23.304.130 (Non-residential Districts Abutting a Residential District) for additional building feature requirements for lots that abut or confront a Residential District.

4. ~~3.~~ *Modifications to Standards-Mixed Use Open Space.* The ZAB may modify the usable open space requirement shown in Table 23.204-21 for mixed-use projects by

finding that the modification achieves one or more of the following:

(a) The modification encourages and maintains the present street frontage and pedestrian orientation of the district.

(b) The modification ~~is compatible~~complies with the established development pattern of the commercial district and the adjacent residential neighborhoods with respect to building height, lot coverage and setbacks. ~~in design and character with the commercial district and the adjacent residential neighborhoods~~.

(c) The modification is compatible with the purposes set forth in Section 23.204.080.A (District Purpose) and the existing character of the district.

5.~~4.~~ *Ground Floor ~~Residential Setbacks~~Residential Setbacks~~Uses~~.* ~~A ground floor residential use must be setback at least 20 feet from a property line along College or Ashby Avenue.~~ Ground floor residential uses like units, lobbies, and other shared or accessory spaces on streets other than College Avenue and Ashby Avenue shall be set back a minimum of 5 feet from the street-facing property line.

6.~~5.~~ *Projections into Right-of-Way.*

(a) Bay windows and balconies 11 feet or more above the sidewalk grade may project 3 feet into a street right-of-way.

(b) A maximum 60 percent of the length of a building frontage may project beyond the property line.

(c) All projections require a revocable encroachment permit from the City Council.

E. *Ground Floor Design Standards*

1. *Frontage*

(a) On all lots:

i. At least 80 percent of the College Avenue frontage shall consist of commercial or live/work frontage.

ii. Parking entries shall be prohibited on College Avenue frontages.

iii. Residential units and residential amenity spaces (excluding lobbies and emergency access) shall be prohibited on College Avenue frontages.

iv. Non-commercial frontages, including lobbies, emergency access, service areas, utilities, and refuse access, shall be designed to be consistent with commercial frontage treatments.

v. Utility transformers shall be located underground.

(b) On corner lots and through lots, residential entries, lobbies, service areas, utilities and refuse access shall be prohibited on College Avenue frontages.

(c) On interior lots, residential entries, lobbies, service areas, utilities and refuse access shall occupy a maximum of 15 feet of the lot frontage.

2. *Height.* Commercial spaces shall have a minimum floor-to-floor height of 18 feet.

3. *Depth*. Commercial spaces shall have an average depth of 40 feet, and a minimum depth of 30 feet.

4. *Shape*. Commercial spaces shall be rectilinear for a minimum of 75% of the floor area.

5. *Entries.* Commercial entries shall be recessed by a minimum of 3 feet.

6. *Setbacks*.

(a) Ground floor commercial frontages may be set back up to 5 feet from the property line.

(b) Ground floor commercial frontages may be set back up to 15 feet for up to 50% of the building frontage to provide space for outdoor seating.

(c) On lots with a lot width greater than 80 feet on College Avenue, ground floor commercial frontages shall be set back a minimum of 5 feet from the College Avenue lot line.

7. *Storefront Transparency*. Commercial storefronts shall be 60% transparent between 2.5 feet and 8 feet from finished grade.

8. *Storefront Lighting.* Storefront lighting fixtures shall be pedestrian-scale and directed downward or shielded to prevent glare and light trespass onto adjacent lots or the sidewalk. Pedestrian-scale lighting shall be oriented toward the sidewalk and mounted at a height between 7 feet and 15 feet above finished grade.

9. *Flexible Subdivision.* Commercial spaces shall be designed to allow subdivision into tenant spaces with widths between 15 and 20 feet and to accommodate individual entrances.

10. *Restaurant-Ready*. Commercial spaces shall be designed to accommodate restaurant tenants and shall include the following:

    (a) Provision for exhaust vents venting up to the roof.

    (b) Provision for plumbing and grease traps.

11. *Warm Shell/White Box Ready.* Commercial spaces shall be constructed to warm shell standards and include necessary infrastructure for tenant occupancy. Cold shells are prohibited.

12. *Live/Work Units:* Live/work units shall be designed to allow conversion to entirely commercial use and shall meet the following requirements:

    (a) *Height.* A minimum floor-to-floor height of 15 feet.

    (b) *Storefront Character.*

        i. A minimum of 50 percent of the live/work unit façade shall be designed as a storefront.

        ii. Storefront areas shall be 60% transparent between 2.5 feet and 8 feet from finished grade.

        iii. Storefront areas shall be designed to include signage and lighting when being used for commercial use.

        iv. Storefront areas shall be accessible and include an entry fronting the sidewalk. Entry may be used as residential entry when unit is being used for living or storefront area may have a separate entrance from living areas.

(c) *Width. A* maximum width of 25 feet; and

(d) *Setback.* A minimum setback of 8 feet from the property line.

(e) Other Standards: Live/work units shall comply with the requirements of Section 23.312.040 Standards for Live/Work, in addition to the standards set forth in this Section.

F. Permit Findings. To approve an AUP or Use Permit for a project in the C-E district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find the following:

1. The proposed use or structure will:

   (a) Encourage and maintain the present street frontage and pedestrian orientation of the district;

   ~~(b) Be compatible in design and character with the commercial district and the adjacent residential neighborhoods; and~~

   (~~c~~b) Be compatible with the purposes set forth in Section 23.204.080.A (District Purpose) ~~and the existing character of the district~~.

2. The proposed use or structure will not:

   (a) Interfere with the continuity of retail or compatible service facilities at the ground level;

   (b) Interrupt a continuous wall of building facades;

   (c) Generate traffic and parking demand beyond the capacity of the commercial district or significantly increase impacts on adjacent residential neighborhoods;

   (d) Result in domination of this district by one type of use; and

   (e) Generate objectionable odors nor excessive levels of noise.

Section 4. That BMC Section 23.204.090 is amended to read as follows:

A. *District Purpose.* The purpose of the North Shattuck Commercial (C-NS) district is

to:

1. Implement the General Plan's designations for Neighborhood ~~Community~~ Commercial ~~and Commercial/Residential~~ in this area;

2. Encourage the maintenance and establishment of retail and service activities that provide goods and services to serve the residents of the adjacent and outlying neighborhoods; but do not generate high traffic volume;

3. Provide locations for other activities compatible with these commercial activities;

4. Promote compatibility between such commercial areas and adjacent residential neighborhoods;

5. Limit the space occupied by businesses that generate high traffic volumes;

6. Support the retention of types of businesses serving adjacent neighborhoods;

7. Limit space occupied by commercial uses, especially offices, that are more appropriately located in the downtown business district;

8. Prevent development of commercial spaces exceeding the amount and intensity of use that can be served by available traffic capacity and potential parking supply;

9. Encourage an adequate commercial and residential mix along Shattuck Avenue; and

10. Ensure that new buildings and additions to existing buildings harmonize with their surroundings.

B. *Allowed Land Uses.*

1. *General.* See Table 23.204-1: Allowed Uses in the Commercial Districts.

2. *Commercial Priority Zone.* The C-NS district shall include a Commercial Priority Zone, as shown in Figure 23.204-4.

(a) Ground floor commercial uses shall be required along Shattuck Avenue and Vine Street frontages within the Commercial Priority Zone.

(b) Residential uses are prohibited on ground floor frontages along Shattuck Avenue and Vine Street within the Commercial Priority Zone.

3. *Shattuck Avenue*: For mixed-use projects outside of the Commercial Priority Zone, ground floor commercial uses or live/work units shall be required along Shattuck Avenue frontages.

Figure 23.204-4 COMMERCIAL PRIORITY ZONE IN THE C-NS DISTRICT



C. *Additional Permit Requirements.* See Section 23.204.030 (Additional Permit Requirements).

D. *Development Standards.*

1. *Basic Standards.* See Table 23.204-24: C-NS Development Standards. See also Table 23.204-25: C-NS Setback Standards for Residential-Only Uses and Building Separation Standards for Mixed Use and Residential-Only Uses and Table 23.204-26: C-NS Lot Coverage Standards for Residential-Only Uses.

2. *Mixed-Use Opportunity Areas.* The C-NS district shall include Mixed-Use Opportunity Areas, as shown in Figure 23.204-5.

(a) Different height and density standards shall apply within these areas, as specified in Table *23.204-24: C-NS Development Standards*.

(b) The purpose of the Mixed-Use Opportunity Areas is to:

i. Implement Housing Element policy to affirmatively further fair housing on priority commercial and transit corridors.

ii. Promote equitable access to housing by producing new affordable housing units.

iii. Preserve and support vibrant commercial corridors by adding new residents in commercial districts.

(c) Projects located in Mixed-Use Opportunity Areas may be approved with an Administrative Use Permit (AUP).

Figure 23.204-5 MIXED-USE OPPORTUNITY AREAS IN THE C-NS DISTRICT



Table 23.204-24. C-NS DEVELOPMENT STANDARDS

	Project Land Use			Supplemental Standards
	Non-Residential ~~and Mixed Use~~	Mixed Use	Residential Only	
Lot Area, Minimum				
New Lots	4,000 sq. ft.		5,000 sq. ft.	23.304.020
Per Group Living Accommodation Resident	350 sq. ft. [1]			
Usable Open Space, Minimum				
Per Dwelling Unit	40 sq. ft. [2]		200 sq. ft.	23.304.090--Usable Open Space
Per Group Living Accommodation Resident	No minimum		90 sq. ft.	
Non-Residential **Floor Area Ratio, Maximum**	1.0 [3]		No maximum	
Main Building Height [4]				
Minimum	2 stories		No minimum	
Maximum	3~~8~~5 ft. and 3 stories		28 ft. and 2 stories	
Mixed Use Opportunity Area Maximum	N/A	78 ft. and 7 stories	N/A	
Density				
Residential Density, Minimum (du/acre)	N/A	40	40	
Residential Density, Maximum	N/A	85	No	

	Project Land Use			Supplemental Standards
	Non-Residential ~~and Mixed Use~~	**Mixed Use**	**Residential Only**	
(du/acre)			maximum	
Mixed-Use Opportunity Area Residential Density, Maximum (du/acre)	N/A	165	N/A	
Lot Line Setbacks, Minimum				23.304.030 23.204.090(D)(3)
Abutting/Confronting a Non-residential District	No minimum		See Table 23.204-25	
Abutting/Confronting a Residential District	See 23.304.030.C.2			
Building Separation, Minimum	No minimum ~~[5]~~		See Table 23.204-25	23.304.040
Lot Coverage, Maximum	100%		See Table 23.204-26	23.304.120

Notes:

[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.

[2] For mixed use projects, usable open space dimensions may be smaller than required in 23.304.090.B.3, but no dimension may be less than 6 feet.

[3] For mixed-use residential projects, no maximum floor area ratio.

[4] Basement levels devoted exclusively to parking are not counted as a story.

~~**[5]** For mixed use projects, minimum building separation shall be as required for residential-only projects. See Table 23.204-25.~~

Table 23.204-25. C-NS SETBACK STANDARDS FOR RESIDENTIAL-ONLY USES AND BUILDING SEPARATION STANDARDS FOR MIXED USE AND RESIDENTIAL-ONLY USES

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				23.304.030--Setbacks
Front	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040--Building Separation in Residential Districts

Table 23.204-26. C-NS LOT COVERAGE STANDARDS FOR RESIDENTIAL-ONLY USES

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

2. *Lots Abutting or Confronting a Residential District.* See Section 23.304.130--Non-Residential Districts Abutting a Residential District for additional building feature requirements for lots that abut or confront a Residential District.

3. *Ground Floor* *Residential Setbacks.* ~~*Dwelling Units in Mixed-Use Buildings.* Ground floor dwelling units in a mixed-use building shall be located at least 20 feet~~

~~from a property line next to a public right-of-way.~~ Ground floor residential uses like units, lobbies, and other shared or accessory spaces on streets other than Shattuck Avenue and Vine Street shall be set back at least 5 feet from the side street property line.

4. *Residential Window Setback.* Mixed-use buildings shall be setback at least ten feet from an interior property line opposite a required window in any habitable room of a residential use.

E. Ground Floor Design Standards.

1. *Frontage*.

(a) On all lots:

i. At least 80% of frontage on Shattuck Avenue shall consist of commercial or live/work frontage.

ii. Parking entries are prohibited on Shattuck Avenue frontages.

iii. Residential units and amenity spaces (excluding lobbies and emergency access) are prohibited on Shattuck Avenue frontages.

iv. Non-commercial frontages, including lobbies, emergency access, service areas, utilities, and refuse access, shall be designed to be consistent with commercial frontage treatments.

v. Utility transformers shall be located underground.

(b) On corner lots and through lots, residential entries, lobbies, service areas, utilities and refuse access shall be prohibited on Shattuck Avenue frontages.

(c) On interior lots, residential entries, lobbies, service areas, utilities and refuse access shall occupy a maximum of 15 feet of the lot frontage.

2. *Height.* Commercial spaces shall have a minimum clear ceiling height of 14 feet.

3. *Depth*. Commercial spaces shall have an average depth of 40 feet, and a minimum depth of no less than 30 feet.

4. *Shape*. Commercial spaces shall be rectilinear for a minimum of 75% of the floor area.

5. *Entries.* Commercial entries shall be recessed by a minimum of 3 feet.

6. *Setbacks.*

   (a) Ground floor commercial frontages may be set back up to 5 feet from the property line.

   (b) On lots with lot width greater than 80 feet on Shattuck Avenue, ground floor commercial frontages shall be set back a minimum of 5 feet from the Shattuck Avenue lot line.

   (c) Ground floor commercial frontages may be set back up to 15 feet for up to 50% of the building frontage to provide space for outdoor seating.

7. *Storefront Transparency*. Commercial storefronts shall be 60% transparent between 2.5 feet and 8 feet from finished grade.

8. *Storefront Lighting.* Storefront lighting fixtures shall be pedestrian-scale and directed downward or shielded to prevent glare and light trespass onto adjacent lots or the sidewalk. Pedestrian-scale lighting shall be oriented toward the sidewalk and mounted at a height between 7 feet and 15 feet above finished grade.

9. *Flexible Subdivision.* Commercial spaces shall be designed to allow subdivision into tenant spaces with widths between 15 and 20 feet and to accommodate individual entrances.

10. *Restaurant-Ready*. Commercial spaces shall be designed to accommodate restaurant tenants and shall include the following:

    (a) Provision for exhaust vents venting up to the roof.

    (b) Provision for plumbing and grease traps.

11. *Warm Shell/White Box Ready.* Commercial spaces shall be constructed to warm shell standards and include necessary infrastructure for tenant occupancy. Cold shells are prohibited.

12. *Anchor Tenant Preservation.* If an existing commercial space greater than 18,000 square feet is proposed to be demolished, a commercial space with a minimum size of 10,000 square feet shall be built on-site. The space shall be able to accommodate one tenant but may be subdivided into smaller commercial spaces.

13. Live/work units: Live/work units shall be designed to allow conversion to commercial use and shall meet the following requirements:

(a) *Height. A minimum* floor-to-floor height of 15 feet.

(b) *Storefront Character.*

i. A minimum of 50 percent of the live/work unit façade shall be designed as a storefront.

ii. Storefront areas shall be 60% transparent between 2.5 feet and 8 feet from finished grade.

iii. Storefront area shall be designed to include signage and lighting when being used for commercial use.

iv. Storefront areas shall be accessible and include an entry fronting the sidewalk. Entry may be used as residential entry when unit is being used for living or storefront area may have a separate entrance from living areas.

(c) *Width. A* maximum width of 25 feet.

(d) *Setback. A* minimum setback of 8 feet from the property line.

(e) Other Standards: Live/work units shall comply with the requirements of Section 23.312.040 Standards for Live/Work, in addition to the standards set forth in this Section.

F.~~E.~~ *Permit Findings.* To approve an AUP or Use Permit for a project in the C-NS district, the review authority must make the findings in Section 23.406.040--Use Permits and find that the proposed use or structure:

~~1. Is compatible in design and character with the commercial district and the adjacent residential neighborhoods;~~

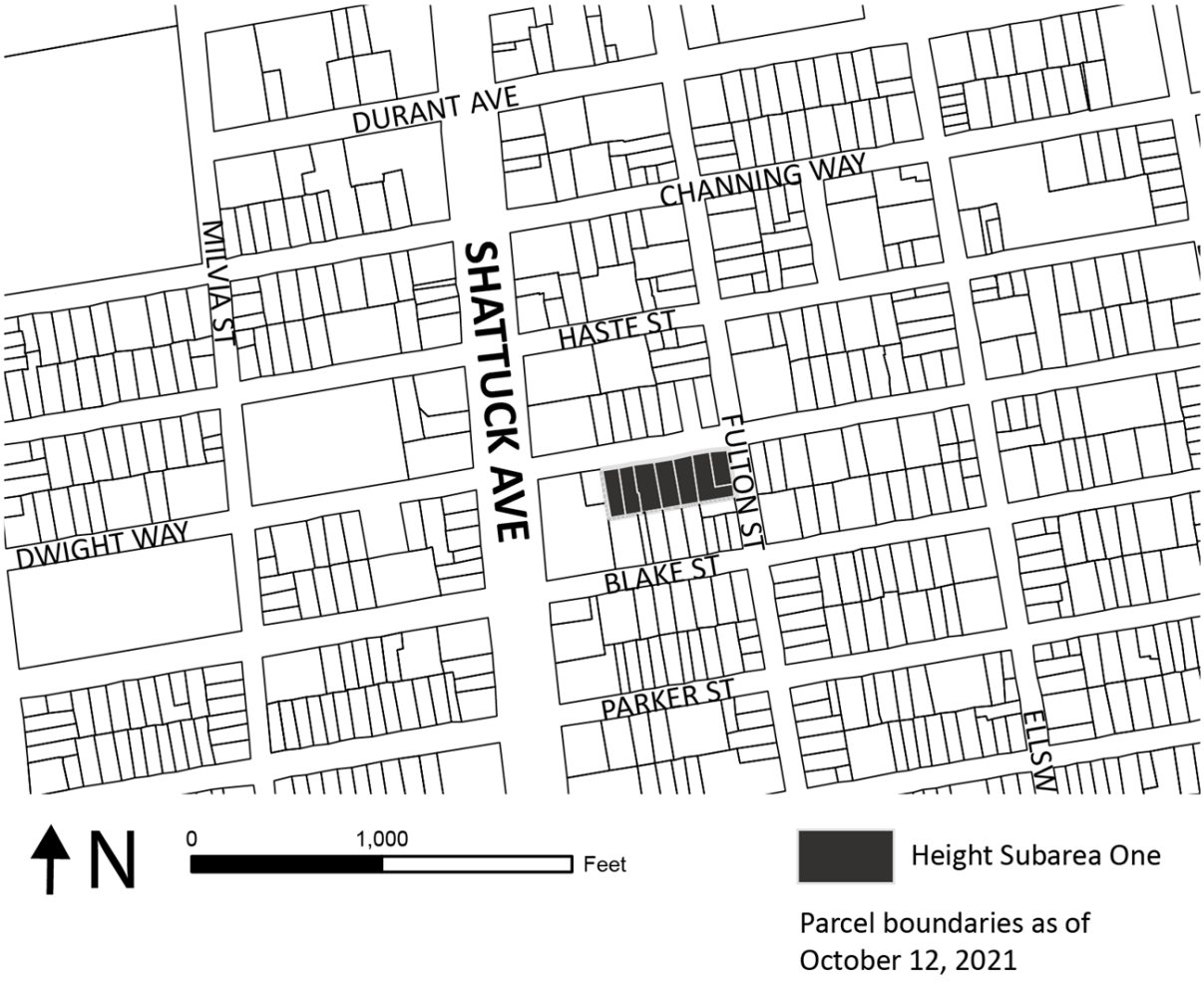
1.~~2.~~ Is compatible with the purposes ~~and the existing character~~ of the district.

2.~~3.~~ Does not interfere with the continuity of retail or compatible service facilities at the ground level;

~~4. Does not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply.~~

Section 5. That BMC Section 23.204.100 is amended to read as follows:

Figure 23.204-6~~3~~. C-SA Building Height Subarea One



Section 6. That BMC Section 23.204.120 is amended to read as follows:

A. *District Purpose.* The purpose of the Solano Avenue Commercial (C-SO) district is to:

1. Implement the General Plan's designations for Neighborhood ~~Community~~ Commercial ~~and Commercial Service areas~~;

2. Maintain a scale and balance of commercial activity on Solano Avenue that will:

(a) Enhance the surrounding neighborhood and serve its residents;

(b) Encourage the location of businesses on Solano Avenue that serve the everyday needs of local residents;

(c) Discourage the location of businesses on Solano Avenue that serve a larger regional clientele, and should more appropriately be located in the Central Business District;

(d) Limit the number of businesses on Solano Avenue that generate traffic or parking demand in excess of commercial parking availability, causing the overflow of traffic circulation and parking onto adjacent residential streets;

(e) Encourage location of late-night commerce in appropriate areas in Berkeley, such as the downtown area, and allow businesses to address demand for late night service on Solano Avenue by establishing a 12:00 midnight closing time for businesses on Solano Avenue; and

(f) Ensure that all construction, alterations, or additions to buildings will be in functional and aesthetic harmony with adjacent buildings and areas; and

(g) Protect local residents from commercial noise, offensive odors and parking and traffic problems.

B. *Allowed Land Uses.*

1. *General.* See Table 23.204-1: Allowed Uses in the Commercial Districts.

2. *Automatic Teller Machines (ATM).* A maximum of two exterior ATMs are allowed per bank establishment and only when off-street parking is provided.

3. *Commercial Priority Zone.* The C-SO district shall include a Commercial Priority Zone, as shown in Figure 23.204-7.

(a) Ground floor commercial uses shall be required along Solano Avenue frontages within the Commercial Priority Zone.

(b) Residential uses are prohibited on ground floor frontages along Solano Avenue within the Commercial Priority Zone.

4. *Solano Avenue*. For mixed-use projects outside of the Commercial Priority Zone, ground floor commercial uses or live/work units shall be required along Solano Avenue frontages.

Figure 23.204-7 COMMERCIAL PRIORITY ZONE IN THE C-SO DISTRICT



C. *Additional Permit Requirements.* See Section 23.204.030 (Additional Permit Requirements).

D. *Development Standards.*

1. *Basic Standards.* See Table 23.204-33: C-SO Development Standards. For residential-only projects, see also Table 23.204-34: C-SO Setback and Building Separation Standards for Residential-Only Uses and Table 23.204-35: C-SO Lot Coverage Standards for Residential-Only Uses.

2. *Mixed-Use Opportunity Areas.* The C-SO district shall include Mixed-Use Opportunity Areas, as shown in Figure 23.204-8.

(a) Different height and density standards shall apply within these areas, as specified in Table 23.204-33: C-SO Development Standards.

(b) The purpose of the Mixed-Use Opportunity Areas is to:

i. Implement Housing Element policies to affirmatively further fair housing on priority commercial and transit corridors;
ii. Promote equitable access to housing by facilitating the development of new affordable housing units; and
iii. Support vibrant commercial corridors by introducing additional residential uses.

(c) Projects located in Mixed-Use Opportunity Areas may be approved with an Administrative Use Permit (AUP).

Figure 23.204-8 MIXED-USE OPPORTUNITY AREAS IN THE C-SO DISTRICT



Table 23.204-33. C-SO DEVELOPMENT STANDARDS

	Project Land Use			Supplemental Standards
	Non-Residential ~~and Mixed Use~~	Mixed-Use [1]	Residential Only [1]	
Lot Area, Minimum				
New Lots	No minimum		5,000 sq. ft	23.304.020--Lot Requirements
Per Group Living Accommodation Resident	350 sq. ft. [2]			
Usable Open Space, Minimum				23.304.090--Usable Open Space
Per Dwelling Unit	40 sq. ft. [43]		200 sq. ft.	
Per Group Living Accommodation Resident	No minimum		90 sq. ft.	
Non-Residential Floor Area Ratio, Maximum	2.0		No maximum	
Height				
Main Building Height, Minimum	No minimum			
Main Building Height, Maximum	28 ft. and 2 stories			23.304.050--Building Height
Mixed Use Opportunity Area Main Building Height, Maximum	N/A	68 ft. and 6 stories	N/A	
Density				

	Project Land Use			Supplemental Standards
	Non-Residential ~~and Mixed Use~~	Mixed-Use [1]	Residential Only [1]	
Residential Density, Minimum (du/acre)	N/A	40	40	
Residential Density, Maximum (du/acre)	N/A	60	No maximum	
Mixed-Use Opportunity Area Residential Density, Maximum (du/acre)	N/A	140	N/A	
Lot Line Setbacks, Minimum				
Abutting/Confronting a Non-residential District	No minimum		See Table 23.204 34	23.304.030--Setbacks 23.204.120(D)(4)
Abutting/Confronting a Residential District	See 23.304.030.C.2			
Building Separation, Minimum	No minimum ~~[3]~~		See Table 23.204 34	23.304.040--Building Separation in Residential Districts
Lot Coverage, Maximum	100%		See Table 23.204 35	23.304.120--Lot Coverage

[1] For mixed use and residential only projects, development standards included in this table may be modified. See 23.204.120(D)(3).

[2] One additional resident is allowed for remaining lot area between 200 and 350 square feet.

~~**[3]** For mixed-use projects, minimum building separation shall be as required for residential-only projects~~

[3~~4~~] No dimension may be less than 6 feet.

Table 23.204-34. C-SO SETBACK AND BUILDING SEPARATION STANDARDS FOR

RESIDENTIAL-ONLY USES

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum [1]				
Front	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	23.304.030--Setbacks
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum [1]	8 ft.	12 ft.	16 ft.	23.304.040--Building Separation in Residential Districts

[1] For mixed use and residential-only projects, development standards included in this table may be modified. See 23.204.120(D)(3).

Table 23.204-35. C-SO LOT COVERAGE STANDARDS FOR RESIDENTIAL-ONLY USES

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

[1] For mixed use and residential-only projects, development standards included in this table may be modified. See 23.204.120(D)(3).

2. *Lots Abutting or Confronting a Residential District.* See 23.304.130 (Non-residential Districts Abutting a Residential District) for additional building feature requirements for lots that abut or confront a Residential District.

3. *Modification to Standards--Mixed Use and Residential-Only Projects.* The ZAB may modify development standards in Table 23.204-33, Table 23.204-34, and Table 23.204-35 for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:

(a) The modification will encourage public transit utilization and existing off-street parking facilities in the area of the proposed building.

(b) The modification will facilitate the construction of residential or tourist hotel uses where appropriate.

(c) The modification will permit consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose.

4. ~~*Ground Floor Residential Uses.* A ground floor residential uses shall be setback at least 320 feet from a street side property line.~~ *Ground Floor Residential Setbacks.* Ground floor residential uses like units, lobbies, and accessory spaces on streets other than Solano Avenue shall be setback at least 5 feet from the street-facing property line.

5. *Projections into Right-of-Way.*

(a) Bay windows and balconies 11 feet or more above the finished ~~sidewalk~~ grade may project 3 feet into a street right-of-way.

(b) A maximum 60 percent of the length of a building frontage may project beyond the property line.

(c) All projections require an encroachment permit from the Public Works Department.

6. *Limitations Adjacent to a R District.* The following requirements apply to commercial uses adjacent to a residential district or fronting any street other than

Solano Avenue.

(a) All openings other than fixed windows and required fire exits must be setback at least 50 feet from any property located in an Residential District to reduce noise and odor problems in residential areas.

(b) Customer use of rear or side exits which open onto residential streets (with the exception of emergency access) is not permitted.

(c) Garbage and recycled materials may not be placed for collection on residential streets from storage areas located at the rear of any building. All such materials shall be stored in an enclosed area for health and sanitation reasons.

(d) Deliveries to non-residential establishments from residential streets are not permitted.

E. *Ground Floor Design Standards*

1. *Frontage.*

(a) On all lots:

i. At least 80% of the Solano Avenue frontage shall consist of commercial or live/work frontage.

ii. Parking entries are prohibited on Solano Avenue frontages.

iii. Residential units and amenity spaces (excluding lobbies and emergency access) are prohibited on Solano Avenue frontages.

iv. Non-commercial Solano Avenue frontages, including lobbies, emergency access, service areas, utilities, and refuse access, shall be designed to be consistent with commercial frontage treatments.

v. Utility transformers shall be located underground.

(b) On corner lots and through lots, residential entries, lobbies, service areas, utilities and refuse access shall be prohibited on Solano Avenue frontages.

(c) On interior lots, residential entries, lobbies, service areas, utilities and refuse access shall occupy a maximum of 15 feet of the lot frontage.

2. *Height.* Commercial spaces shall have a minimum clear ceiling height of 14 feet.

3. *Depth*. Commercial spaces shall have an average depth of 40 feet, and a minimum depth of no less than 30 feet.

4. *Shape*. Commercial spaces shall be rectilinear for a minimum of 75% of the floor area.

5. *Entries.* Commercial entries shall be recessed by a minimum of 3 feet.

6. *Setbacks.*

(a) Ground floor commercial frontages may be set back up to 5 feet from the property line.

(b) On lots with lot width greater than 80 feet on Solano Avenue, ground floor commercial frontages shall be set back a minimum of 5 feet from the Solano Avenue lot line to expand the sidewalk area.

(c) Ground floor commercial frontages may be set back up to 15 feet for up to 50% of the building frontage to provide space for outdoor seating.

7. *Storefront Transparency*. Commercial storefronts shall be 60% transparent between 2.5 feet and 8 feet from sidewalk grade.

8. *Storefront Lighting.* Storefront lighting fixtures shall be pedestrian-scale and directed downward or shielded to prevent glare and light trespass onto adjacent lots or the sidewalk. Pedestrian-scale lighting shall be oriented toward the sidewalk and mounted at a height between 7 feet and 15 feet above finished grade.

9. *Flexible Subdivision.* Commercial spaces shall be designed to allow subdivision into tenant spaces with widths between 15 and 20 feet and to accommodate individual entrances.

10. *Restaurant-Ready*. Commercial spaces shall be designed to accommodate restaurant tenants and shall include the following:.

(a) Provision for exhaust vents venting up to the roof.

(b) Provision for plumbing and grease traps.

11. *Warm Shell/White Box Ready.* Commercial spaces shall be constructed to warm shell standards and include necessary infrastructure for tenant occupancy. Cold shells are prohibited.

12. *Anchor Tenant Preservation.* If an existing commercial space greater than 18,000 square feet is proposed to be demolished, a commercial space with a minimum size of 10,000 shall be built on-site. The space shall be able to accommodate one tenant but may be subdivided into smaller commercial spaces.

13. Live/work units shall be designed to allow conversion to commercial use and shall meet the following requirements:

(a) *Height.* Live/work units shall have a minimum floor-to-floor height of 15 feet.

(b) *Storefront Character.*

i. A minimum of 50 percent of the live/work unit façade shall be designed as a storefront.

ii. Storefront areas shall be 60% transparent between 2.5 feet and 8 feet from finished grade.

iii. Storefront area shall be designed to include signage and lighting when being used for commercial use.

iv. Storefront areas shall be accessible and include an entry fronting the sidewalk. Entry may be used as residential entry when unit is being used for living or storefront area may have a separate entrance from living areas.

(c) *Width.* Live/work units shall have a maximum width of 25 feet.

(d) *Setback.* Live/work unit frontages shall be set back a minimum of 8 feet from the property line.

F.~~E.~~ *Permit Findings.* To approve an AUP or Use Permit for a project in the C-SO district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:

1. Encourages and maintains the character of the street frontage and pedestrian orientation of the district;

~~2. Is compatible in design and character with the district and the adjacent residential neighborhood;~~

2.~~3.~~ Is compatible with the purposes set forth in this set of regulations ~~and the existing character of Solano Avenue~~;

3. ~~4.~~ Does not interfere with the continuity of retail or compatible service facilities at the ground level, or interrupt a continuous wall of building facades~~; and~~

~~5. Does not generate traffic and parking demand to significantly increase impacts on adjacent residential neighborhoods.~~

Section 7. That BMC Section 23.302.070(E) amended to read as follows:

E. Food Service Establishments.

1. Outdoor Cafe Seating.

(a) Outdoor cafe seating on private property outside of the public right-of-way is allowed in the commercial districts with the following permits:

i. Zoning Certificate when seating does not abut a residential district.

ii. AUP when seating abuts a residential district.

(b) Outdoor cafe seating on private property outside of the public right-of-way is allowed in the MU-LI and MU-R districts with an AUP.

(c) Sidewalk cafe seating within the public right-of-way is subject to 23.302.060 (Sidewalk Cafe Seating).

~~2. Building Openings--C-E and C-NS Districts. Food service establishments in the C-E and C-NS districts may have no openings, other than fixed windows and required fire exits, within 50 feet of a residential district.~~

~~3~~2. C-SP District Requirements.

(a) Food service drive-through is not permitted on properties fronting San Pablo Avenue.

~~4~~3. MU-LI, MU-R, and M-RD District--Findings.

(a) To approve an AUP or Use Permit to establish or expand a food service establishment in the MU-LI, MU-R, or M-RD district, the review authority must find that the establishment of the use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area.

Section 8. That Table 23.302-7 within BMC Chapter 23.302.070 is amended to read:

Table 23.302-7. PERMIT REQUIREMENTS FOR PARKING LOTS/STRUCTURES

DISTRICT	PERMIT REQUIRED
Residential Districts	
R-3	Use Permit for all parking lots and structures. [1]
R-S, R-SMU, R-BMU	Use Permit for parking structures only. Parking lots are not permitted, except on lots between Acton Street and Virginia Gardens and between Peralta Avenue and Northside Avenue in the R-BMU.
All other residential districts	Use Permit for all parking lots and structures.
Commercial Districts	
C-C, C-U	Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
~~C-SO~~	~~AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.~~
C-DMU	AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.
C-N, C-E, C-NS, C-SA, C-SO	Use Permit for all parking lots and structures.
C-T	Use Permit for all parking structures. All parking lots not permitted.
C-W	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces.
Manufacturing Districts	
M, MM	AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-LI, M-RD	Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-R	Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the

DISTRICT	PERMIT REQUIRED
	district.

Section 9. That BMC Chapter 23.322.120(A)(2) is amended to read:

2. If so resolved, the following districts are required to pay a TSF: R-S, R-SMU, C-C, C-U, C-N, C-NS, C-T, C-SO, C-E, M, and MM.

Section 10. That BMC Sections 23.404.020(D) is amended to read as follows:

D. *Pre-Application Notice* ~~*Posted by Applicant.*~~

1. Before submitting an application for a discretionary permit, an applicant shall post a conspicuous notice of the proposed project readily visible from the street adjacent to the property's primary frontage, and shall provide written notice to any existing commercial tenants.

2. The form and contents of the notice shall be as specified by the Department.

Section 11. That BMC Sections 23.502.020(C)(22) – (26) are amended to read as follows:

22. **Cold Shell (Commercial Space).** A commercial tenant space that is delivered in an unfinished condition and is not suitable for occupancy without substantial tenant improvements. A cold shell space consists of a structural shell with minimal interior improvements and limited building systems.

A cold shell space includes:

(a) Structural elements, including exterior walls, roof, and floor slab; and

(b) Utility connections or stub-outs for mechanical, electrical, and plumbing systems.

A cold shell space excludes installed and operational mechanical, electrical, and plumbing systems, interior finishes, and fixtures necessary for occupancy.

23.~~22.~~ *Controlled Rental Unit.* Any dwelling unit, live/work unit, bedroom or sleeping quarters portion of a group living accommodation or other unit that is subject to the City's Rent Stabilization Ordinance (Municipal Code Chapter 13.76).

24.~~23.~~ *Construction.* The placing of construction materials and their fastening in a permanent manner to the ground or a structure or building for the purpose of creating or altering a structure or building, or excavation of a basement.

25.~~24.~~ *Contractors Yard.* A storage facility for any person who contracts to undertake and complete a construction project or a discrete part of a construction project, including all persons defined as contractors and subject to Division 3, Chapter 9 of the State of California Business and Professions Code.

26. ~~25.~~ *Conversion, Residential.* The physical change of the floor area and/or walls of a building that is used for dwelling unit, group living accommodation or residential hotel room purposes, so as to change the number of dwelling units, sleeping rooms or residential hotel rooms, or reduce the floor area and/or habitable space of any residential living quarters.

27. ~~26.~~ *Craft.* An occupation, avocation or trade requiring special manual dexterity or artistic skill in the creation of a product.

Section 12. That BMC Sections 23.502.020(R)(8) – (R)(18) are amended to read as follows:

8. **Rectilinear.** A space or floor area configured in a regular, orthogonal shape defined primarily by straight lines and right angles (90 degrees), with minimal irregularities, recesses, or non-orthogonal angles. A rectilinear space is generally rectangular or composed of adjoining rectangular forms that allow for efficient layout, circulation, and subdivision.

~~8.~~9. *Resident.* A person whose primary residence is in Berkeley.

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

11.~~10.~~ *Residential Hotel.* See Hotel, Residential.

12.~~11.~~ *Residential Addition.* See Addition, Residential.

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

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

(a) Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;

(b) Not a complete dwelling unit, as defined in this chapter; and

(c) Not a Tourist Hotel Room, as defined in this chapter.

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

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

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

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

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

Section 13. That BMC Sections 23.502.020(W)(3) – (W)(5) are amended to read as follows:

3. **Warm Shell (Commercial Space).** A commercial tenant space that is delivered in a partially improved condition suitable for occupancy with limited additional tenant improvements. A warm shell space includes installed and operational mechanical, electrical, plumbing, and life safety systems, and interior finishes sufficient to support tenant build-out.

A warm shell space includes:

(a) Heating, ventilation, and air conditioning (HVAC) systems;
(b) Electrical service, lighting, and outlets;
(c) Plumbing infrastructure, including restrooms or fixture stub-outs; and
(d) Finished interior walls, ceilings, and floors.

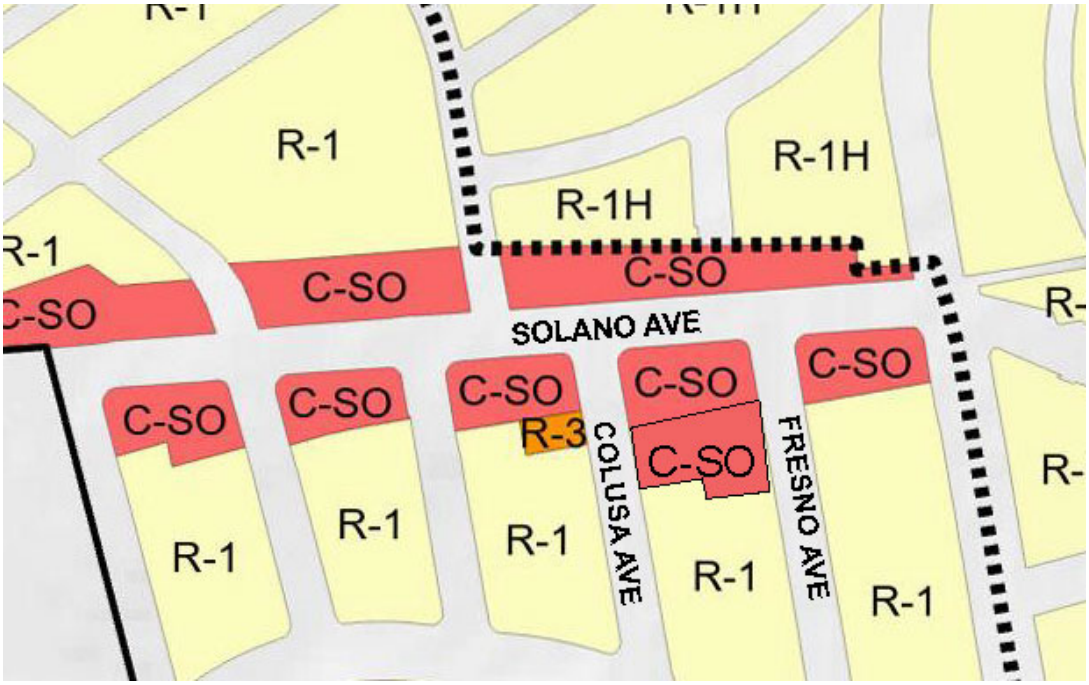
A warm shell space excludes tenant-specific improvements, including specialized equipment, custom layouts, and finish selections unique to a particular tenant.

43. *Wheelchair Ramp.* A sloping ramp, designed in width and steepness to allow a person in a wheelchair to reach an entrance doorway of a building or a landing at the same level as the doorway.

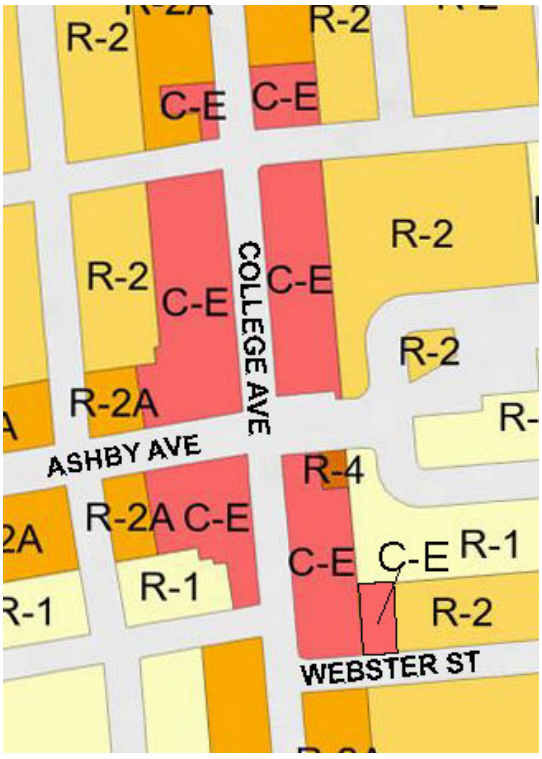
5.4. *Wholesale Trade.* The sale of goods to other businesses for resale. Any use defined as conducting Wholesale Trade under Municipal Code Section 9.04.150 is considered a wholesale trade establishment.

6.5. *Windmill.* A device that converts the kinetic energy of the wind to a usable form of electrical or mechanical energy, usually by rotating blades.

Section 14. That the Official Zoning Map be amended to rezone parcels associated with the Andronico's parking lot site on Solano Avenue that are currently zoned R-1 (Residential District) to Solano Commercial (C-SO) as indicated in the diagram below.



Section 15. That the Official Zoning Map be amended to rezone parcels associated with the USPS Parking Lot in the Residential Multi-Unit 2 (R-2) to Commercial-Elmwood(C-E) as indicated in the diagram below.



Section 16. This ordinance shall take effect thirty (30) days after the second reading consistent with the City Charter. However, if the General Plan Amendment adopted by Resolution XXXXX, is not yet effective as of that date, this ordinance shall not take effect until the effective date of the General Plan Amendment adopted by Resolution XXXXX.

Attachment 3: Housing Capacity Analysis

This analysis compares the additional units, including affordable units, that would result from three rezoning scenarios for the College Avenue, Shattuck Avenue and Solano Avenue corridors, and details assumptions about utilization of State Density Bonus and estimates of affordable housing production.

The three scenarios analyzed are:

- A scenario which includes 7 story maximum base heights across all three corridors.
- The Higher Density Alternative presented to the Planning Commission in September 2025 and to the City Council in November 2025. The Higher Density Alternative assumed base heights of 4 stories in the C-E zoning district, 5 stories in the C-SO zoning district, and 6 stories in the C-NS zoning district.
- The updated Mixed-Use Opportunity Areas site selection approach recommended by the Planning Commission, which includes an assumption of base heights of 5 stories in the C-E zoning district, 6 stories in the C-SO zoning district, and 7 stories in the C-NS zoning district for parcels within the Mixed-Use Opportunity Areas, with no change to other parcels.

The capacity analysis identifies parcels that are most likely to redevelop. Estimates assume buildout of these sites, with utilization of State Density Bonus at a 50% level, at a maximum height of 8 stories, consistent with recent development trends in Berkeley for projects that utilize the State Density Bonus. The analysis reflects reasonable redevelopment assumptions for likely sites rather than full theoretical buildout of all parcels and is intended to illustrate comparative differences in capacity across scenarios.

The proposed Mixed-Use Opportunity Areas approach results in an estimated reduction of approximately 0.5 percent in total residential capacity across the three corridors compared to the Higher Density Alternative that was presented to the City Council in November 2025.

State Density Bonus

Projects in Mixed-Use Opportunity Areas in the C-SO and C-NS zoning districts are considered unlikely to utilize State Density Bonus at a 100% level, as the maximum allowable heights for Mixed-Use Opportunity Areas in the C-SO and C-NS zoning districts allow projects to reach the 8 stories using State Density Bonus at approximately 50% level. Projects in Mixed-Use Opportunity Areas in the C-E zoning district may

utilize State Density Bonus at a 100% level, as the maximum allowable height for Mixed-Use Opportunity Areas in the C-E district only allows projects to reach up to 6 stories using State Density Bonus at a 50% level. Based on current development trends, projects outside of Mixed-Use Opportunity Areas, where existing zoning regulations would be largely unchanged, are considered unlikely to utilize State Density Bonus at a 100% level.

Affordable Housing

For the purposes of this analysis, the number of on-site affordable units is estimated as approximately 10% of total projected residential units. This assumption is informed by a review of recent Berkeley development projects utilizing the State Density Bonus over the past five years, including analysis of issued permits and completed projects. Based on this sample, the median share of on-site affordable units as a percentage of total units generally ranges from approximately 8% to 12%. This reflects typical project configurations where developers provide the minimum required affordable units to qualify for a 50% density bonus and may meet remaining inclusionary requirements through in-lieu fees.

Under this approach, affordable units are calculated as a percentage of the base project, while State Density Bonus units are not required to be affordable. As a result, when bonus units are included in the total unit count, the overall share of on-site affordable units decreases relative to the base requirement. Accordingly, a 10% assumption represents a reasonable midpoint for estimating on-site affordable housing production under current market and regulatory conditions and is consistent with observed development patterns in Berkeley.

Consistent with the reduction in overall residential capacity compared to the Higher Density Alternative that was presented to the City Council in November 2025, the proposed Mixed-Use Opportunity Area would result in a corresponding decrease in the estimated number of affordable units. Compared to the Higher Density Alternative, the Mixed-Use Opportunity Area approach would result in a reduction of approximately 3 affordable units.

Development projects along the corridors, both inside and outside the Mixed-Use Opportunity Areas, may also contribute affordable housing in-lieu fees to the Affordable Housing Trust Fund. Affordable units developed as a result of these in-lieu fees are not included in Table 1.

Table 1: Comparison of Projected Number of Units Over Existing Conditions

	College Avenue (C-E)	Solano Avenue (C-SO)	North Shattuck (C-NS)	Total Berkeley Corridors
Total Projected Units				
7 Stories Across All Three Corridors	215 units	682 units	1,132 units	**2,029 units**
Higher Density Alternative (2025)	140 units	578 units	1,040 units	**1,758 units**
Mixed-Use Opportunity Areas	143 units	528 units	1,080 units	**1,751 units**
On-site Affordable Units (10% of total projected units)*				
7 Stories Across All Three Corridors	22 units	68 units	113 units	**203 units**
Higher Density Alternative (2025)	14 units	58 units	104 units	**176 units**
Mixed-Use Opportunity Areas	14 units	53 units	108 units	**175 units**

While the Higher Density Alternative rezoned all parcels in each corridor, staff analysis concluded that only a limited number of sites would be redeveloped; even with the Higher Density Alternative upzoning, most parcels would not redevelop. The parcels included in the Mixed-Use Opportunity Areas were among those identified as most likely to redevelop in the Higher Density Alternative.

The Mixed-Use Opportunity Areas approach provides an additional story of allowable development compared to the Higher Density Alternative, hence the slightly larger unit totals in the C-E and C-NS zoning districts.

In the C-SO zoning district, the Higher Density Alternative designated all parcels located between Ensenada and Colusa Avenues as likely to be redeveloped with upzoning. These parcels are not designated as Mixed-Use Opportunity Areas. As a result, the unit totals for the C-SO zoning district are slightly lower in the Planning Commission

recommendation than the Higher Density Alternative, even with the additional permitted story of development.

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ADOPTION OF ZONING ORDINANCE AND GENERAL PLAN AMENDMENTS TO ENCOURAGE HOUSING ALONG COLLEGE AVENUE, SHATTUCK AVENUE AND SOLANO AVENUE

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 1, 2026 at 6:00 P.M. a public hearing will be conducted to consider the Department of Planning and Development's proposed amendments to the City's Zoning Ordinance (Title 23), Zoning Map, and General Plan Amendment to increase housing capacity along higher resource areas such as Solano Avenue, Shattuck Avenue, and College Avenue, consistent with the City's Housing Element and Affirmatively Furthering Fair Housing (AFFH) obligations, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update.

The recommended Zoning Ordinance and Map amendments require conforming edits to the General Plan before they can be adopted by the City Council. The proposed Plan amendments include revisions to the Neighborhood Commercial Area land use description and designations, as well as technical edits to reflect the recommended Zoning Ordinance amendments.

Proposed amendments affect the following Chapters of Title 23: 23.204 (Commercial Districts), 23.302 (Supplemental Use Regulations), 23.322 (Parking and Loading), 23.404 (Common Permit Requirements), 23.502 (Glossary) and the Zoning Map.

LOCATION: The proposed Zoning Ordinance amendments would apply to parcels currently located in the Elmwood Commercial (C-E), Solano Avenue Commercial (C-SO), and North Shattuck Commercial (C-NS) zoning districts. The amendments would also apply to APN 52-1567-62-12, a parcel located adjacent to the College Avenue post office, currently zoned Residential Multi-Unit 2 (R-2), and four parcels adjacent to the Andronico's supermarket on Solano Avenue (APNs 61-2611-25-4, 61-2611-4, 61-2611-25-3, and a portion of APN 61-2611-28-1), currently zoned Residential Multi-Unit 1 (R-1).

The hearing will be held on December 1, 2026, 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 19, 2026. **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 Principal Planner Justin Horner at jhorner@berkeleyca.gov. 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 20, 2026 – The Berkeley Voice

Public Hearing required by BMC 23.404.040, 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 19, 2026.

_____

Mark Numainville, City Clerk
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Office of the City Manager

INFORMATION CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: 2026 Climate Action & Resilience Update

INTRODUCTION

The annual Climate Action & Resilience Update is an opportunity to recognize Berkeley's leadership and local action and renew commitments towards reaching its ambitious climate goals.

The attached report describes key accomplishments and provides examples of recent climate action and resilience program implementation efforts, particularly since April 2025, when this report was last updated for City Council. The work profiled occurs across City divisions and in collaboration with the community to reduce greenhouse gas (GHG) emissions and advance equity. These actions help to create healthier, safer, and more resilient homes, infrastructure, parks, and other community assets for current residents and future generations. Equitable climate action and resilience efforts elevate the voices and priorities of communities that have been marginalized, to ensure that policies and programs benefit those most impacted by climate change.

CURRENT SITUATION AND ITS EFFECTS

Berkeley's progress on climate action and resilience advances the City's Strategic Plan goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

This 2026 Update focuses on implementation – it describes building upgrades, new pedestrian and bicycle infrastructure, food waste recovery, equitable community engagement, and other actions that have been achieved since last year's Update. Some of the major achievements since the 2025 Update include:

- Completion of the **Climate Equity Fund Home Electrification Retrofits Pilot** and **Just Transition Residential Electrification Pilot** programs, which provided electrification upgrades for income-qualified multifamily and single-family homes. The Just Transition pilot, a direct-install program, also included high-road labor standards to grow the residential decarbonization workforce and ensure workers benefit economically from electrification construction projects.

- Launch of the groundbreaking **Building Emissions Energy Savings Ordinance Time of Sale** program that requires upgrades for small residential buildings at time of sale to reduce greenhouse gas emissions and increase resilience in existing buildings.
- City Council adoption of the **All-Electric Standards Resolution** (No. 72,336-N.S.), affirming that public funds shall not be used to install new gas infrastructure in any municipal facility, except in limited circumstances in which City Council grants an exception.
- Opening of the new, **all-electric, LEED Gold certified Willard Park Clubhouse**.
- Installation of over **1,500 new energy-efficient LED lamps** in ceiling fixtures on all floors of the Civic Center Building, providing estimated annual savings of $30,000.
- Completion of the **citywide daylighting project**, which painted 1,680 curbs, making the streets safer for everyone.
- Installation of **11 new bike share stations** in previously underserved areas, and adoption of the **2026 Berkeley Bicycle Plan**, which recommends a network of safe and comfortable bikeways designed to serve all types of people riding bicycles in Berkeley.
- State certification of the **Berkeley Pier-Ferry** project as critical to meeting statewide climate goals.
- Delivery of **zero waste and food recovery outreach** to 1,346 people and 97 businesses, and the **diversion of over 800,000 pounds of edible food** from the landfill.
- Hosting of Green@Home Tours and Sun Day **community events** that engaged over 800 residents and provided a variety of sustainability, clean energy, and climate resources.
- Development of a new **General Plan Draft Environmental Justice Element** and updated **Draft Disaster Preparedness & Fire Safety Element** through a two-year collaboration with the community.
- Installation of **urban greening projects**, including over 1000 **native grasses** and **trees**, and several **pollinator gardens** to provide habitat for birds, insects, and animals and access to natural spaces in urban environments.

BACKGROUND

The City of Berkeley is a long-time climate leader and must remain steadfast to reach its net-zero carbon and Fossil Fuel Free City commitments by 2045. Berkeley was one of

the first cities to adopt a Climate Action Plan (2009), followed by the Resilience Strategy (2016) to advance preparedness and equity as it adapts to a changing climate. After declaring a Climate Emergency in 2018, the City Council adopted its current climate goals, including becoming a Fossil Fuel Free City, and created the Climate Equity Fund and Just Transition Pilot program to provide building and transportation electrification opportunities for income-qualified residents.

GHG emissions in Berkeley declined 41% between 2023 and the 2000 baseline, despite a 16% increase in Berkeley's population. This decrease should be celebrated, but more local actions, along with regional, state, and federal efforts, will be needed to achieve Berkeley's goal of net-zero carbon emissions by 2045.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This report provides a 2026 update on the City's implementation activities and progress on meeting Berkeley's climate goals. The City's Climate Action Plan, Resilience Strategy, Local Hazard Mitigation Plan, Strategic Plan, and General Plan are key policy documents that contribute to advancing the community towards a healthy, safe, and resilient future. The Berkeley Electric Mobility Roadmap and Berkeley Existing Buildings Electrification Strategy guide implementation of some of the recent climate action and resilience program efforts highlighted in this report.

POSSIBLE FUTURE ACTION

This report provides Council with a summary of recent climate action implementation activities, and an overview of planning efforts and other planned activities. The successful conclusion this year of the Climate Equity Fund projects and Just Transition Program are examples of pilot programs that could be expanded with additional funding to increase equitable GHG emissions reductions. The City also seeks to amplify and leverage efforts of regional and state agencies to advance climate goals.

Mitigation of Berkeley's GHG emissions and adapting to the impacts of climate change are interrelated. Continued investment to reduce community-wide emissions and enhance equitable climate adaptation and resilience will help reduce the costs of addressing the impacts of climate change in the future.

Berkeley's continued commitment and investment in implementing policies and programs that reduce GHG emissions and improve community resilience are critical. The United States withdrew from the Paris Climate Agreement on January 27, 2026, and federal programs supporting electrification and other transitions away from fossil fuels have been dismantled. As a result, local governments, regional agencies, and states play an even more important role in climate action. Berkeley's leadership, innovation, and collaboration are vital to powering the climate progress needed at this time.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The climate actions described in this report are funded by existing grants, enterprise funds, General Fund allocations, and bonds. Staff continue to seek additional grants and other sources of funding to accelerate existing efforts. Continued progress toward climate goals will require additional resources to fund projects and programs, particularly for low-income and other marginalized communities.

CONTACT PERSON

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Attachments:
1: 2026 Climate Action & Resilience Update

Attachment 1

City of Berkeley
2026 Climate Action & Resilience Update



Prepared by the Office of Energy & Sustainable Development,
Department of Planning and Development
December 2026

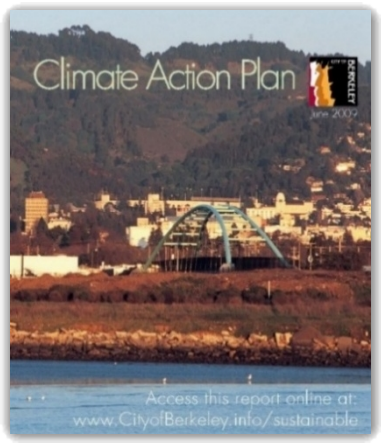
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INTRODUCTION

The annual Climate Action and Resilience Update is an opportunity to recognize Berkeley's local action and accomplishments and renew commitments towards reaching the community's ambitious climate goals.



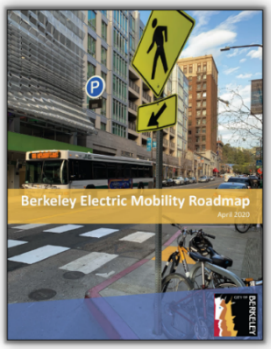
The City of Berkeley is a long-time climate leader and must continue to innovate, collaborate, and identify new funding sources to reach its net-zero carbon and Fossil Fuel Free City commitments by 2045. Across City departments and throughout the Berkeley community, people are committed to tackling the hard issues of climate change. From individual acts of sustainability in homes and commutes to the City's major investments in clean energy and policy, Berkeley and its residents are working towards a more climate-aware and resilient future.

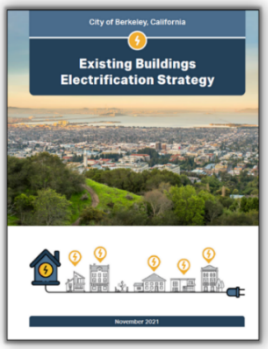
Berkeley was one of the first cities to adopt a Climate Action Plan (2009), followed by the Resilience Strategy (2016) to advance preparedness and equity to adapt to a changing climate. After declaring a Climate Emergency in 2018, the City Council adopted its current climate goals and created the Climate Equity Fund and Just Transition Pilot program, with seed funding to provide building and transportation electrification opportunities for income-qualified residents.

The City adopted additional climate goals that exceed the Climate Action Plan's original target of reducing greenhouse gas emissions 80% below 2000 levels by 2050. Berkeley's current goals include:

- Fossil Fuel Free Berkeley (2018): City Council adopted a Climate Emergency Declaration and a goal of becoming a Fossil Fuel Free City.
- Net-Zero Carbon (2018): Through Executive Order B-5518, the California Governor set a statewide goal to achieve net-zero carbon (carbon neutrality) by 2045. Net-zero carbon is achieved through reducing greenhouse gas emissions as much as possible and by using carbon removal strategies to balance the remainder.
- Race to Zero (2021): City Council adopted a resolution for the Cities Race to Zero Campaign to establish a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in carbon dioxide equivalent CO_2e, committing to reduce emissions 60.5% from 2018 levels by 2030. This resolution also memorialized Berkeley's commitment to achieving net-zero carbon emissions by 2045.

Goals set the City's direction, but the real impact comes from how they translate into action. The Berkeley Electric Mobility Roadmap (2020) and Berkeley Existing Buildings Electrification Strategy (2021) guide implementation of some of the recent climate action and resilience program efforts highlighted in this report. Climate work is complex and requires collective effort. The work profiled in this report occurs across City divisions and in collaboration with the community to reduce greenhouse gas emissions, advance equity, and protect against the current and future impacts of climate change. These actions help to create healthier, safer and more resilient homes, infrastructure, parks, and other community assets for current residents and future generations.





Major implementation achievements since the 2025 update include:

- Completion of the **Climate Equity Fund Home Electrification Retrofits Pilot**[1] and **Just Transition Residential Electrification Pilot**[2] programs, which provided electrification upgrades for income-qualified multifamily and single-family homes. The Just Transition pilot, a direct-install program, also included high-road labor standards to grow the residential decarbonization workforce and ensure workers benefit economically from electrification construction projects.
- Launch of the groundbreaking **Building Emissions Energy Savings Ordinance Time of Sale** program[3] that requires upgrades for small residential buildings at time of sale to reduce greenhouse gas emissions and increase resilience in existing buildings.
- City Council adoption of the **All-Electric Standards Resolution** (No. 72,336-N.S.)[4], affirming that public funds shall not be used to install new gas infrastructure in any municipal facility, except in limited circumstances in which City Council grants an exception.
- Opening of the new, **all-electric, LEED Gold certified Willard Park Clubhouse**.

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[1] Climate Equity Fund Home Electrification Retrofits Pilot: https://berkeleyca.gov/sites/default/files/Climate-Equity-Fund-Resilient-Home-Retrofits-Pilot-Final-Report.pdf

[2] Just Transition Residential Electrification program: https://berkeleyca.gov/construction-development/green-building/building-electrification

[3] Building Emissions Savings Ordinance Time of Sale program: https://berkeleyca.gov/construction-development/green-building/building-emissions-saving-ordinance-beso/time-sale-energy

[4] All-Electric Standards Resolution: https://berkeleyca.gov/sites/default/files/All-Electric-Standards-Resolution-72336.pdf

- Installation of over **1,500 new energy-efficient LED lamps** in ceiling fixtures on all floors of the Civic Center Building, providing estimated annual savings of $30,000.
- Completion of the **citywide daylighting project**, which painted 1,680 curbs, making the streets safer for everyone.
- Installation of **11 new bike share stations** in previously underserved areas, and adoption of the **2026 Berkeley Bicycle Plan**[5], which recommends a network of safe and comfortable bikeways designed to serve all types of people riding bicycles in Berkeley.
- State certification of the **Berkeley Pier-Ferry**[6] project as critical to meeting statewide climate goals.
- Delivery of **zero waste and food recovery outreach** to 1,346 people and 97 businesses, and the **diversion of over 800,000 pounds of edible food** from the landfill.
- Hosting of Green@Home Tours and Sun Day **community events** that engaged over 800 residents and provided a variety of sustainability, clean energy, and climate resources.
- Development of a new **General Plan Draft Environmental Justice Element** and updated **Draft Disaster Preparedness & Safety Element** through a two-year collaboration with the community.[7]
- Installation of **urban greening projects**, including over 1000 **native grasses** and **trees**, and several **pollinator gardens** to provide habitat for birds, insects, and animals and access to natural spaces in urban environments.

These achievements and other recent climate action and resilience program efforts are described in detail in the five sections of this report:

- **Buildings & Infrastructure**
- **Transportation**
- **Waste**
- **Community Engagement**
- **Adaptation & Resilience**

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[5] Berkeley Bicycle Plan: https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan

[6] Berkeley Pier-Ferry Project: https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project

[7] Draft General Plan Environmental Justice and Safety Elements: https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/prepared-safe-and-healthy

MEASURING PROGRESS

This 2026 Update focuses on implementation – it describes building upgrades, new pedestrian and bicycle infrastructure, food waste recovery, and other actions that have been achieved since last year's Update. These activities support health, safety, and quality-of-life benefits while reducing the community's greenhouse gas (GHG) emissions, enhancing resilience, and improving community connections. This Update includes summaries, data, and links to reports on these recent programs in the sections that follow.

Greenhouse gas emissions have decreased by 41% since the 2000 baseline.

These programs will also influence future GHG emissions inventories and metrics. City staff calculate a community GHG emissions inventory every other year to understand which sectors and fuels contribute to emissions in Berkeley, track progress toward climate goals, provide data to prioritize programs and policies, and meet Berkeley's commitment to the Global Covenant of Mayors.

The GHG emissions inventory will be updated next year, using the most recent available data. The 2025 GHG inventory (based on 2023 data) showed that overall greenhouse gas emissions declined by 41% since the 2000 baseline, despite a 16% increase in Berkeley's population[8]. This decrease should be celebrated, but more local actions, along with regional, state, and federal efforts, will be needed to achieve Berkeley's goal of net-zero carbon emissions by 2045.

See Figure 1 for more information on the sources and quantities of GHG emissions within Berkeley since 2000, and the downward trend. Transportation emissions are the largest category of GHG emissions in Berkeley and often make up a majority of Berkeley's total GHG emissions. Natural gas and electricity used in buildings make up the bulk of the remainder, but emissions from the electricity sector have been mostly eliminated by City Council's action to adopt Ava Community Energy's Renewable 100 electricity product as the default electricity for Berkeley homes and businesses, phased in during 2022.

[8] GHG inventory methodology for the transportation sector changed in 2018, so it is challenging to conclusively state the decrease in emissions. For more information on methodology, please see Appendix 1: Berkeley Greenhouse Gas Inventory (2022 & 2023)

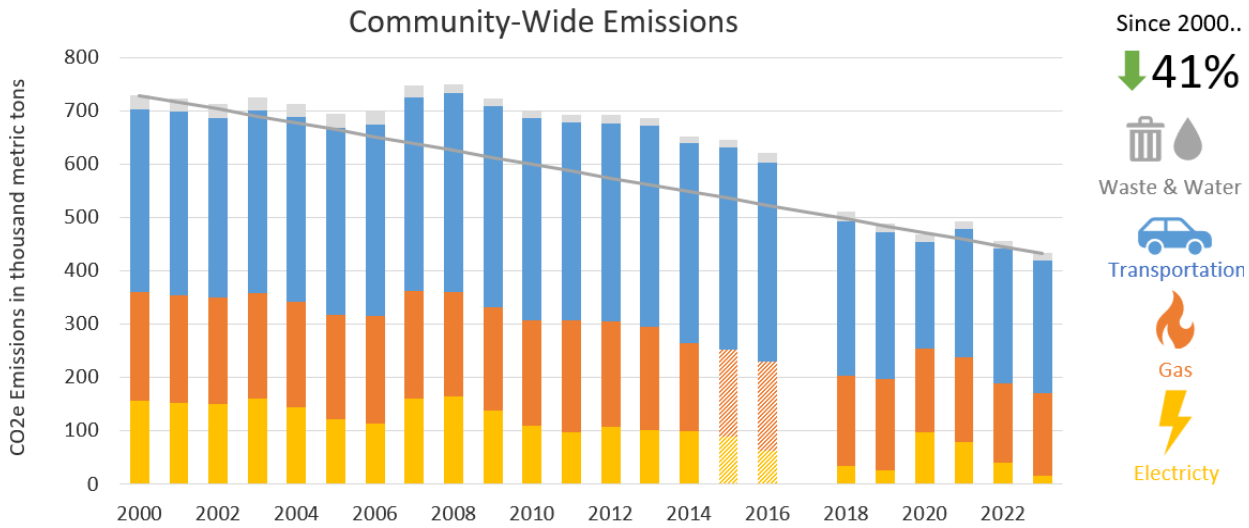


Figure 1: Berkeley GHG Emissions Inventories including Sectors (2000-2023)

Figure 2 shows that transportation was Berkeley's largest source of 2023 GHG emissions, accounting for 58% (249,028 $mtCO_2e$), followed by the building sector at 39% (168,453 $mtCO_2e$), with electricity accounting for only 4% of the total. Taking trips on foot, by bike, or by transit, and using vehicles fueled by clean electricity rather than gasoline or diesel, reduces transportation GHG emissions. Improving energy efficiency and shifting building appliances and processes from natural gas to clean electricity are key to further reducing building GHG emissions.

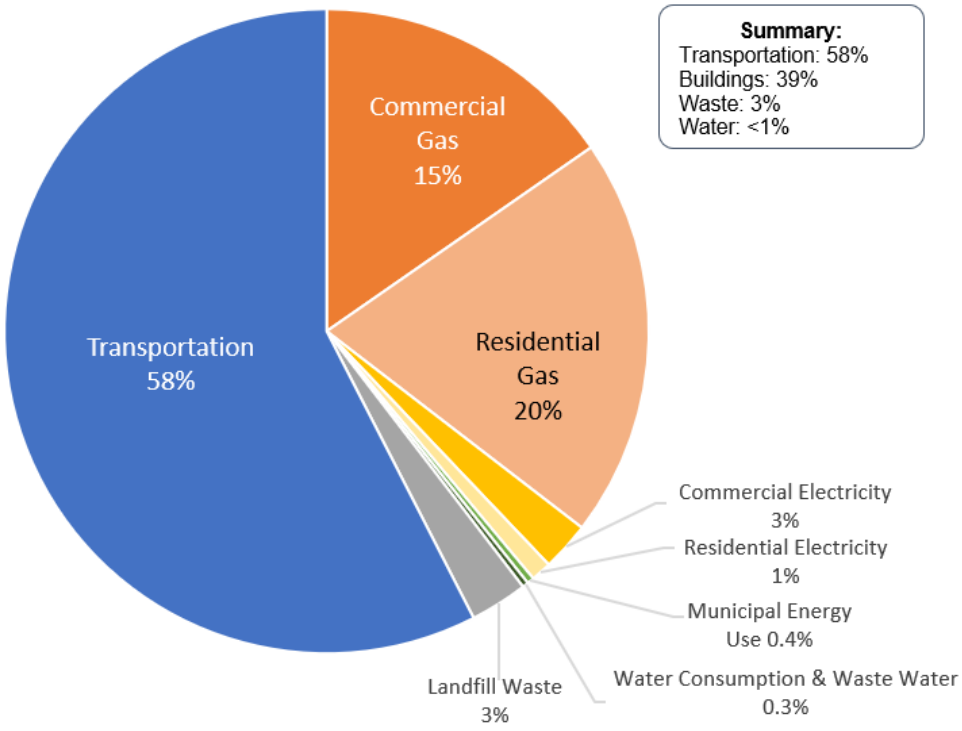


Figure 2: 2023 Berkeley GHG Emissions Inventory, by Sector and Fuel

For more information on Berkeley's GHG emissions inventory, see *Appendix 1: 2023 Annual Greenhouse Gas Inventory*. In addition, the Bay Area Air District published the Bay Area's first regional Climate Action Plan in March 2026. This Bay Area Regional Climate Action Plan[9] includes a regional GHG inventory and is designed to align, leverage, and accelerate state and local climate action and address cross-cutting issues like funding, financing, and workforce development.

Inventories help to understand the drivers and sources of climate change, but GHG emissions are difficult to conceptualize. As part of the Prepared, Safe, and Healthy Berkeley project[10], the City worked with community members to identify meaningful metrics to report on Berkeley's progress in advancing climate resilience. The areas that community members identified as priorities include:

- Belonging, Well-Being and Social Stability: measuring whether people feel safe, included, and rooted in the City, and how people's basic needs and dignity are met.
- Access to Essential Resources: measuring whether the physical environment, both built and natural, supports community health and resilience
- Community Capacity & Government Responsiveness: measuring the City's ability to engage the community, especially communities that have been historically marginalized.

The City is working to measure, share, and update these metrics as we continue implementing programs and policies that address our major sources of GHG emissions and work with the community to improve Berkeley's resilience.

[9] Bay Area Regional Climate Action Plan: https://www.baaqmd.gov/en/plans-and-climate/climate-planning/bay-area-regional-climate-action-planning-initiative

[10] City of Berkeley Prepared, Safe, and Healthy Berkeley project: https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/prepared-safe-and-healthy

CLIMATE ACTION & RESILIENCE PROGRAM IMPLEMENTATION

Key accomplishments and examples of recent climate action and resilience program implementation efforts, particularly since April 2025 when this report was last updated for the City Council, are described below. Equitable climate action and resilience efforts elevate voices and priorities of communities who have been marginalized to ensure that policies and programs benefit those most impacted by climate change.

BUILDINGS AND INFRASTRUCTURE



To meet the goals of becoming a net-zero carbon and Fossil Fuel Free City by 2045, buildings and homes throughout the Berkeley community must become more energy efficient and powered by clean electricity rather than natural gas. The City is working with the Berkeley community to reduce energy use, promote cleaner energy, and equitably transition all buildings and infrastructure to clean electricity.

NEW BUILDING DECARBONIZATION

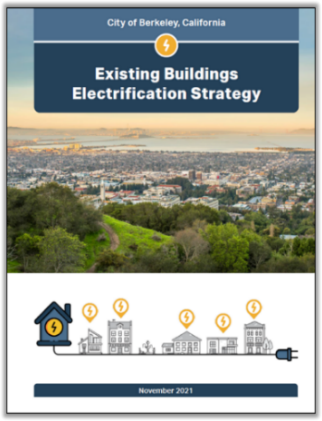
To meet Berkeley's climate goals, new buildings should be all-electric, using clean electricity for water heating, space heating and cooling, cooking, laundry, and other processes. This is not currently required by regulation, but is encouraged, as regulatory opportunities are explored.

Between January 2020 and January 2024, Berkeley prohibited the inclusion of natural gas infrastructure in new buildings. The ordinance was repealed in June 2024 after a Ninth Circuit Court of Appeals ruling that the federal Energy Policy and Conservation Act (EPCA) preempted it. Berkeley and other communities within the Ninth Circuit are subject to this ruling.

However, Berkeley's natural gas infrastructure prohibition spurred other local governments and states to take similar action to require all-electric new construction, and others are getting different results when challenged in district courts. In addition, in June 2026, the Second Circuit Court split from the Ninth Circuit's Berkeley decision and said that New York City's Local Law 154 and New York State's Energy Law, which ban gas appliances in most new buildings, are not preempted by EPCA. These dissenting Circuit Court decisions may prompt the Supreme Court to weigh in.

Meanwhile, the City of Berkeley is also looking at reach code opportunities (local amendments to the 2025 Energy Code) that increase energy efficiency and encourage electrification in new construction, within the allowable exceptions of AB 130 (2025) for residential construction.

EQUITABLE BUILDING DECARBONIZATION



The City's equitable building decarbonization work is guided by Berkeley's Existing Buildings Electrification Strategy[11] (2021), which includes a set of "Equity Guardrails" that serve as minimum requirements to equitably advance a policy, program, or project. These guardrails were developed from targeted outreach with resilient communities that have been marginalized, to better understand and elevate their priorities and needs. They include:

- Maximize Access to Health, Safety & Mobility Benefits
- Maximize Access to Economic Benefits
- Maximize Ease of Participation
- Promote Housing Affordability & Anti-Displacement

Recent highlights from programs to equitably decarbonize and upgrade existing homes of lower income residents include the Climate Equity Fund and Just Transition Residential Electrification Pilot.

CLIMATE EQUITY FUND – HOME ELECTRIFICATION RETROFITS PILOT

In 2021, City Council provided funding for building decarbonization improvements for low-to-moderate income residents' homes.

Three agencies were awarded a total of $250,000 to provide building electrification upgrades to increase resilience, support occupant health and reduce GHG emissions. The Climate Equity Fund helped attract additional investment in building decarbonization for low-to-moderate income serving properties while helping the City build capacity and support high-quality jobs for workers and contractors.

The Climate Equity Fund supported the following electrification upgrades:

- Casa Joaquin Murrieta (Greenlining Institute's student housing, for 40 low-income, first-generation UC Berkeley students of color): Upgrades included a ducted heat pump system with new high efficiency air handlers and a new central heat pump water heater.
- Walnut House Cooperative (22-unit limited-equity cooperative multifamily building): Upgrades included a new central heat pump water heater to replace an old, gas boiler.

[11] City of Berkeley Existing Buildings Electrification Strategy: https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-existing-buildings-electrification-strategy

- **Single-family, income-qualified home**: Upgrades included heat pump HVAC system and smart thermostats.
- **Tenth Street Apartments** (Northern California Land Trust 8-unit subsidized affordable housing)*:* Upgrades include a fully electric design for all eight units, across two buildings, an in-unit heat pump water heater, and insulation in both buildings.



Walnut House Coop heat pumps for the centralized heat pump water heater system, bringing hot water to each of the 22 units

The Climate Equity Home Electrification Retrofits Pilot Final Report[12], published in September 2026, provides more detail on the benefits achieved through this pilot, as well as the lessons learned about project pipelines, building complexities, braiding resources, and high-road workforce support.

[12] Home Electrification Retrofits Pilot Final Report: https://berkeleyca.gov/sites/default/files/Climate-Equity-Fund-Resilient-Home-Retrofits-Pilot-Final-Report.pdf

BAY AREA HIGH ROAD TRAINING PARTNERSHIP FOR GOOD, GREEN JOBS

The City of Berkeley has partnered with Rising Sun Center for Opportunity's Bay Area Residential Building Decarbonization High Road Training Partnership (HRTP) since its beginning in 2021. The HRTP works to create high-quality, clean energy jobs in the small residential building decarbonization sector that are accessible to women, people of color, and other underrepresented groups. The partnership includes local governments, workforce and training nonprofits, labor unions, contractors, and regional agencies across the Bay Area. Together, the HRTP developed a labor standards toolkit, contractor support guide, public programs best practices guide, and policy recommendations that promote equity, job quality, and job access, which are available on Rising Sun's website[13].

JUST TRANSITION RESIDENTIAL ELECTRIFICATION PILOT PROGRAM



To ensure income-qualified residents and construction workers benefit from the transition off of fossil fuels, the City Council approved a resolution to develop a Just Transition Residential Electrification Pilot Program (2022) with a budget of $1,500,000. The program aggregated electrification and resilience installations for low-to-moderate income households (at or below 120% of the Area Median Income). Building on the HRTP, the Just Transition program required that upgrades be completed by pre-qualified contractors who met high road labor standards to ensure residential electrification construction work also provides equitable benefits to workers. Through a competitive process, the City selected Rebuilding Together East Bay Network as the program implementer.

Concluding in July 2026, project achievements include:

- Leveraged $160,000 from other programs towards home electrification
- Worked with five high road union and non-union contractors, including three women- or minority-owned contractors
- Provided in-depth support and training for contractors
- Created playbooks to replicate this work in future programs

The Just Transition Pilot provided 158 upgrades in 37 income-qualified homes.

[13] Rising Sun Center for Opportunity High Roads Training Partnership: https://risingsunopp.org/policy/

The final report, administrator playbook, and additional data and resources can be found on the City's website.[14]

AVA HEALTH-E COMMUNITIES PILOT

Another equitable decarbonization program, Ava Community Energy's Health-e Communities Pilot, helped low-income customers, including 11 in Berkeley, replace gas stoves with all-electric induction stoves at no cost[15]. Ava completed 162 total installations between October 2024 and September 2025 and conducted indoor air quality monitoring before and after each installation to measure changes in indoor air pollution. Results showed that nitrogen dioxide (NO_2) levels dropped in nearly every home, with median concentrations decreasing by 70%. NO_2 is a well-established respiratory irritant linked to asthma and other adverse health outcomes.

BUILDING EMISSIONS SAVING ORDINANCE

The goal of Berkeley's Building Emissions Saving Ordinance (BESO) is to reduce energy and greenhouse gas emissions in Berkeley's existing buildings, reductions that can pair with lower utility bills and improvements in building comfort and safety. BESO consists of a Time of Sale Program, triggered when a home is bought and sold, and a Large Building Program. BESO requirements help bring transparency about building energy use, and 2026 marked the beginning of innovative Time of Sale upgrade requirements.

FIRST ERA OF BESO: 2015-2025

From 1987 to 2015, the Residential Energy Conservation Ordinance (RECO) was Berkeley's main policy for reducing energy use in existing buildings. RECO required homes to complete 11 minimal energy efficiency measures at the time of sale, transfer, or major renovation. In 2015, RECO was replaced by BESO, which changed the requirement from prescriptive measures to comprehensive whole-home assessments to decrease emissions from existing buildings.

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[14] Just Transition Residential Electrification Pilot: https://berkeleyca.gov/construction-development/green-building/building-electrification

[15] Health-e Communities Pilot Final Report: https://avaenergy.org/wp-content/uploads/2026/08/Health-e-Communities-Pilot-Evaluation-and-Final-Report.pdf

The first iteration of BESO's Time of Sale program ran from 2015 to 2025. During those 10 years, buildings under 25,000 square feet were required to complete a comprehensive energy assessment at time of sale, conducted by a registered energy assessor. The assessment included a report on the building's current condition and provided recommendations to improve energy performance. Over time, the assessments' focus expanded from just energy efficiency to include electrification recommendations to address significant emissions from natural gas space and water heating. Sellers were required to disclose their energy assessment reports to all potential buyers.

Successes of 2015-2025 BESO Time of Sale program include:

- **91% compliance rate in 2025**
- **3,915 assessments completed for single family homes and duplexes**
- **945 assessments completed for multifamily and commercial buildings**

NEW 2026 BESO TIME OF SALE RESILIENCE UPGRADE REQUIREMENTS

Despite these successes, energy assessments alone proved insufficient to drive the pace of building upgrades needed to meet the City's climate goals: assessment recommendations were rarely acted upon, prompting the City to pursue mandatory upgrade requirements. In December 2020, Berkeley City Council directed staff to develop resilience upgrade requirements to further align BESO with the City's electrification and community resilience goals. From 2023 to 2024, staff worked closely with various stakeholders to develop a policy proposal. In February 2025, Council adopted the proposed amendments to BESO, including first-of-its-kind upgrade requirements for small residential buildings at time of sale.

The new BESO Time of Sale requirements for single-family homes and duplexes launched January 1, 2026. These requirements will expand to include three- and four-unit buildings in 2028.

As in the earlier iteration of BESO, sellers must complete an energy assessment before listing and disclose the home energy score on the MLS (multiple listing service).

Additionally, resilience upgrades must be completed before the sale or deferred to the buyer to complete within two years after the sale. Owners choose from a list of approved upgrades that reduce energy use and emissions and improve health, comfort, and resilience. Each approved upgrade has a corresponding credit value based on emissions savings, cost, and other resilience metrics. To be fully compliant, a home must complete one or more qualifying upgrades to earn six total credits. If upgrades are deferred to the buyer, the buyer and seller submit a *Resilience Upgrade Deposit* to the City. The City refunds the deposit to the buyer once they complete the upgrades to help cover some of the upgrade costs.

To prepare for the launch of the new Time of Sale requirements, BESO staff conducted extensive outreach throughout 2025 and 2026 to hundreds of real estate agents and title companies. Staff additionally presented on the requirements to several other local governments in California, other states, and Canada. Once launched, this groundbreaking program received coverage from local and national news outlets.



City staff present the new BESO Time of Sale requirements to the BRIDGE Association of Realtors


KQED

NEWS

Berkeley Policy Aims to Cut Pollution From Homes, and Targets the Moment You Sell (or Buy)

The new policy requires that one- to four-unit buildings undergo upgrades that reduce planet-warming emissions around the time a structure is sold.

KQED news headline about the new BESO Time of Sale program

Successes of the new Time of Sale program since its launch on January 1, 2026, through September 30, 2026, include:

- **131 Certificates of Compliance issued to properties that completed resilience upgrades within five years prior to sale or had a heat pump**
- **287 resilience upgrade deposits received, totaling $1,435,000. New homeowners can use these deposits to complete resilience upgrades.**
- **12 buyers completed resilience upgrades and received their Certificate of Compliance and $5,000 deposits back**

BESO LARGE BUILDING PROGRAM

The BESO Large Building Program (buildings over 25,000 square feet) requires annual energy benchmarking reports and energy assessments on a five-year recurring cycle for large multifamily and commercial buildings.

In late 2025, staff conducted extensive targeted outreach to noncompliant buildings to increase benchmarking compliance, improving compliance by eight percentage points for the 2025 reporting year.

Successes of the BESO Large Building Program include:

- **403 energy benchmarks submitted in 2025, achieving 79% compliance**
- **392 energy benchmarks submitted in 2026 (as of September), achieving 75% compliance**
- **144 large building energy assessments completed as of September 2026**

BUILDING PERFORMANCE STANDARDS LARGE BUILDING PROGRAM

Building performance standards (BPS) establish building-level requirements, such as minimum GHG emissions reduction standards, by a specified date. These standards are generally applied to larger buildings, including multifamily residential and commercial buildings, to have the greatest impact on the largest energy users.

In 2023, California passed SB 48 (Building Energy Savings Act). The bill required the Energy Commission to develop a strategy for using building energy usage data to track and manage energy use and GHG emissions from covered buildings, helping the state meet its emissions and energy goals. The Energy Commission released the draft California Building Energy Performance Strategy Report[16] in July 2026. The report recommends that the Legislature establish a statewide building performance standard for buildings over 50,000 square feet, the same size threshold used by the state's existing statewide benchmarking program.

The report recommends that a statewide BPS apply to all buildings over 50,000 square feet across California, even in jurisdictions that already have their own benchmarking program for large buildings. This is intended to ensure that building owners who own or manage buildings in multiple jurisdictions don't have to comply with a patchwork of local policies and to ensure statewide consistency. Staff will continue to monitor the state's progress on a statewide BPS policy. Given the state's recommendation, staff may wait until a statewide program is developed before creating a BPS program for smaller buildings in Berkeley, to ensure our policy aligns with the state's approach.

TRANSITIONING FROM FOSSIL FUELS

Heat pumps use clean electricity, are more efficient than gas counterparts, reduce building GHG emissions, and offer other benefits, including greater comfort and better indoor and outdoor air quality. Several policy and marketplace factors are accelerating the transition off fossil fuels. These include incentives, local and regional policies (i.e., BESO Time of Sale upgrades described above and new Air District Appliance rules described below), and innovative neighborhood zonal decarbonization pilots.

BUILDING ELECTRIFICATION INCENTIVES

Funding for building electrification incentives has been inconsistent as anticipated federal sources have vanished, and state and regional sources have become oversubscribed. Despite the variable funding, Berkeley property owners have taken advantage of incentive programs[17] for heat pump water heaters (HPWH) and heat pump HVAC systems (HP HVAC) when available, including TECH Clean California and BayREN.

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[16] Draft California Building Energy Performance Strategy Report: https://www.energy.ca.gov/sites/default/files/2026-08/CEC-400-2026-007-CMD.pdf

[17] For more information on rebates and incentives for electrification, please see *The Switch Is On* (https://switchison.org/) and the City of Berkeley's *Building Electrification* (https://berkeleyca.gov/construction-development/green-building/building-electrification) and *Financing Green Building Improvements* (https://berkeleyca.gov/construction-development/green-building/financing-green-building-improvements) webpages.

TECH Clean California[18] is a statewide initiative, funded by California taxpayers and utility ratepayers, to accelerate the adoption of clean space and water heating technology across California to help meet the state goal of being carbon-neutral by 2045. Although funding has been inconsistent, Berkeley residents have utilized these incentives.

The BayREN Efficiency and Sustainable Energy (EASE) Home Program[19] helps Bay Area residents make their homes healthier, more comfortable, and energy efficient. With a customer co-pay capped at 20% of the project cost, EASE Home makes essential improvements, like insulation, duct-sealing, and induction cooking upgrades, more accessible for moderate-income households.

The Bay Area Multifamily Building Enhancements (BAMBE) Program[20] provides energy- and water-saving upgrades, including electrification measures. In addition to no-cost consulting, the BAMBE program includes additional incentives for buildings in communities experiencing health, heat, or housing burdens.

PROGRAM	IMPLEMENTATION PERIOD	# PROPERTIES UPGRADED	INCENTIVES/ REBATES
TECH Clean California Heat Pump Water Heaters	December 2021 – February 2026	201 homes	$655,682
TECH Clean California Heat Pump HVAC	December 2021 – February 2026	474 homes	$974,986
BayREN EASE Home (single family)	August 2025 – September 2026	12 completed; 9 in progress	$60,183
BayREN BAMBE (multifamily)	January 2014 – September 2026	1230 units	$1,344,505

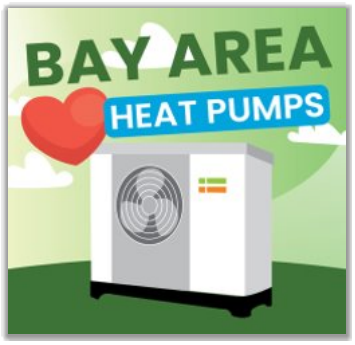
[18] TECH Clean California: https://techcleanca.com/

[19] BayREN EASE Home Program: https://www.bayren.org/ease-home

[20] Bay Area Multifamily Building Enhancements (BAMBE) program: https://www.bayren.org/programs-rebates/bambe-program

BAY AREA AIR DISTRICT APPLIANCE RULES

Building appliances like furnaces and water heaters are a major source of nitrogen oxide (NOx) pollution in the Bay Area that can harm public health and the environment. To improve regional air quality, the Bay Area Air District adopted amendments in March 2023 and November 2026 that establish zero-NOx emissions standards for gas furnaces (Rule 9-4) and water heaters (Rule 9-6).[21] These rules phase in requirements for zero-NOx appliances, such as heat pump water heaters and HVAC systems, to be sold and installed in the Bay Area. Berkeley has joined *Sprint to 9-6*, a regional collaboration of over 60 entities, including local and county governments, community advocates, technical organizations, PG&E, Bay Area Community Choice Aggregators, municipal utilities, and regional and statewide agencies such as BayREN and the California Air Resources Board, helping the Air District prepare for the roll-out of Rule 9-6 by highlighting and scaling local best practices to reduce barriers and ensure successful implementation. Efforts include:



- Developing common messaging and materials to reach homeowners, renters, property owners, real estate professionals, and equity communities
- Streamlining permitting and inspections
- Exploring Bay Area-wide bulk purchasing and financing options
- Growing the workforce by offering monthly training in multiple languages for contractors

Implementation of the Air District's Building Appliance Rules, which will begin on January 1, 2028, will accelerate the Bay Area's transition from fossil fuels and have significant implications for similar policies statewide.

[21] Bay Area Air District Zero NOx rules: https://knowthefacts.baaqmd.gov/

NEIGHBORHOOD DECARBONIZATION PILOTS

Neighborhood decarbonization, also known as zonal decarbonization, includes efforts to electrify all the buildings sharing a gas pipeline, rather than replacing aging gas infrastructure. Under California Senate Bill (SB) 1221, a gas utility may, instead of replacing a gas line due for replacement, use the money saved to offer participating properties zero-emission alternatives, such as electrifying all properties served by that line. SB 1221 may designate up to 30 neighborhood pilot projects statewide. The California Public Utilities Commission (CPUC) has identified several Berkeley census tracts that may be eligible for this program. On September 15, 2026, Council adopted Resolution No. 72,431-N.S. to support a neighborhood decarbonization pilot project in Berkeley[22].

CLEAN ENERGY TRANSITION

As more buildings transition off fossil fuels, the City is ensuring that its electricity comes from clean, renewable sources by participating in Ava Community Energy (Ava)[23].

In 2016, Berkeley City Council voted to join Ava. In 2019, Berkeley City Council voted to switch municipal facilities to Ava's Renewable 100 (R100) electricity service, sourced from 100% wind and solar facilities. In 2021, City Council then voted to set R100 as the default service for residential (starting in March 2022) and commercial (starting in October 2022) customers. As of September 2026, 89% of Berkeley accounts are receiving R100 electricity service.

89% of Berkeley's residential and commercial customers receive 100% renewable electricity service sourced from solar and wind power.

Berkeley Customers by Sector	Total Accounts	Renewable 100	Bright Choice
Residential (excluding CARE)	44,582	93%	7%
Residential (CARE)	6,125	41%	49%
Non-Residential	4,928	95%	5%
All Accounts	55,635	89%	11%

[22] City Council Resolution 72431, Supporting a Neighborhood Decarbonization Pilot Project in Berkeley: https://berkeleyca.gov/sites/default/files/2026-09-15%20Item%2013%20Supporting%20a%20Neighborhood.pdf

[23] Ava Community Energy: https://avaenergy.org/

RISING UTILITY COSTS & ELECTRIFICATION

In recent years, both commercial and residential PG&E electricity rates have increased significantly. According to the Public Advocates Office of the California Public Utilities Commission, average residential electricity rates increased 104% between January 2015 and April 2025[24]. The high cost of electricity underscores the importance of energy efficiency and building envelope upgrades to reduce overall energy usage, as well as solar and battery installations to offset grid electricity and higher time-of-use pricing. All-electric equipment improves indoor air quality and comfort, reduces GHG emissions, and increases safety.

Staff are working with member organizations such as the Local Government Sustainability Energy Coalition, Local Government Climate Alliance, and Green Cities California to understand the causes and potential opportunities for issues such as electricity affordability and interconnection timelines.

MUNICIPAL BUILDING DECARBONIZATION

For many years, City staff have been implementing energy efficient upgrades to municipal facilities and infrastructure including park and street lighting, traffic signals, pools, and irrigation pumps. Facility and infrastructure upgrades, in particular streetlight conversions (from high pressure sodium to LEDs) and building lighting conversions (first to fluorescents and more recently to LEDs), have significantly reduced electricity consumption and utility bill costs for the City. Additionally, the City has installed several high efficiency heat pumps in many buildings and converted from gas to electric kitchens in the two senior centers, improving air quality and increasing comfort in municipal buildings.

A few notable achievements since the 2025 report include:

- On June 16, 2026, City Council adopted an All-Electric Standards Resolution (No. 72,336-N.S), affirming that public funds shall not be used to install new gas infrastructure in municipal facilities, except in limited circumstances when City Council grants an exception[25].

[24] Public Advocates Office 10-year average residential electricity rate change: https://www.publicadvocates.cpuc.ca.gov/press-room/reports-and-analyses/2025-q1-electric-rates-report

[25] All-Electric Standards Resolution: https://berkeleyca.gov/sites/default/files/All-Electric-Standards-Resolution-72336.pdf

- The **Central Library** received **technical assistance**, **engineering support**, and **funding** through **Ava's Building Efficiency Accelerator Program** (2024-2026). The recommended lighting retrofits and air handler supply air temperature optimizations are saving over $35,000 in annual utility bills.

- Opening of the renovated, **all-electric, LEED Gold certified Willard Park Clubhouse**[26] (June 2025): In addition to the LEED Gold certification, the Clubhouse is all-electric. The Clubhouse uses smart building systems to efficiently manage radiant floor heating, cooling, fans, and operable windows to keep the space comfortable. Bird-safe, multi-pane glass reduces heat gain and noise, supporting natural comfort strategies and lowering energy use. Low-flow fixtures, bay-friendly landscaping, and an efficient irrigation system help conserve water. The Clubhouse, with its solar panels and batteries, is a net-zero energy building, meaning it produces enough electricity to operate its systems. This provides the City with considerable utility bill savings and allows the building to operate for at least 12 hours, even if the grid is down.



All-electric, LEED Gold Certified Willard Clubhouse

[26] Willard Clubhouse Project: https://berkeleyca.gov/your-government/our-work/capital-projects/willard-park-clubhouse-and-restroom-replacement-project

- Civic Center Lighting Retrofit (November 2025): Over 1,500 new energy-efficient LED lamps were installed in ceiling fixtures on all six floors of the Civic Center building. The lighting upgrades are expected to save the City about $30,000 annually. PG&E provided financing through an on-bill program, where the zero-interest loan is repaid with the expected monthly energy savings from the more efficient lighting. The Civic Center lighting retrofit is one of 14 City on-bill finance projects. Together, these 14 projects save approximately 628 megawatt-hours annually, resulting in over $200,000 in annual utility bill savings.

- Judge Henry Ramsey Jr. South Berkeley Senior Center Lighting Retrofit (July 2025): Nearly 400 high-efficiency LED lights were installed throughout the building, replacing older fluorescent lighting with failing ballasts. The new lights, which more closely resemble daylight, improve visibility and reduce glare for staff and seniors.



(Left) South Berkeley Center before the lighting retrofit. (Right) After the lighting retrofit.

MUNICIPAL SOLAR + STORAGE



Newly installed solar panels on the roof of Live Oak Recreation Center

The City of Berkeley, along with Hayward, Fremont, and Livermore, partnered with Ava to procure and install solar + storage systems at critical municipal facilities through a Power Purchase Agreement. These systems will provide increased energy resilience and clean back-up power. Solar and back-up battery storage have been installed at the Live Oak Recreation Center, and a solar canopy over the employee parking lot at the Corporation Yard is planned for installation next year.

TRANSPORTATION

The City strives to expand opportunities for people to safely walk, bike, take public transit, and electrify mobility options. As transportation is the largest source of Berkeley's greenhouse gas emissions, this work advances the City's climate goals while improving public health and supporting Vision Zero to eliminate traffic deaths and serious injuries.



The City has taken a leadership role in facilitating transit-oriented development, including zoning reform and the Ashby and North Berkeley BART Station development projects, to create housing opportunities near transit, jobs, and other amenities. Siting housing near transit hubs and corridors for Berkeley's growing population reduces private automobile travel and its associated GHG emissions and other air pollutants.

On the right, landscaped traffic diverters with bikeway pavement markings on the Milvia Street Bicycle Boulevard

ACTIVE TRANSPORTATION

The Public Works Transportation Division leads the City's efforts to increase access and improve safety to a variety of mobility options beyond the automobile. In 2023, 34% of trips taken within Berkeley used sustainable modes of transportation (walking, biking, and public transit). Recent efforts include improving pedestrian and bike safety and bus accessibility.

NEIGHBORHOOD TRAFFIC CALMING PROJECTS

In 2025-26, the Public Works Department worked with community members to deliver key traffic-calming projects that improved road safety and made walking, biking, and other non-driving modes more attractive ways to get around Berkeley. Projects were implemented in several neighborhoods including Berkeley Hills, Claremont-Elmwood, North Berkeley, and Westbrae / Northwest Berkeley.

The projects included a variety of improvements to increase safety for cyclists and pedestrians, including new stop signs, updated markers, painted bulbouts, high-visibility and raised crosswalks, hardened centerlines, bollards, and speed cushions.





Left: Landscaped traffic circle at Woolsey St & Eton Ave

Above: Overview of the traffic circle at Woolsey St & Eton Ave

CITYWIDE DAYLIGHTING PROJECT

In 2026, the City of Berkeley completed "daylighting" all 1,680 intersections in the city -- painting red curbs on the approach side of every crossing. This makes it safer for people to walk and bike. Daylighting gives drivers more visibility of crosswalks and those traveling by foot, wheelchair, bicycle, or other wheeled devices.

Berkeley's completion of the Daylighting Project makes it one of the first cities of its size in California to comply with AB 413, the state daylighting law.

Berkeley improved 1,680 intersections through daylighting.

UNIVERSITY WEST BUS STOPS AND SAFETY PROJECT

In 2025, Public Works completed the University West Bus Stops and Safety project, improving pedestrian crossings and bus stops at the University Avenue intersections with Bonar and Acton Streets. Identified as priority safety locations in the 2021 Berkeley Pedestrian Plan, these crossings now offer a safer environment for people walking across this busy corridor. Four bus stops now have new solar-powered shelters, new benches, and widened sidewalks, creating a more reliable and comfortable waiting space for transit riders.



Upgraded bus stop with new solar-powered bus shelter and bus bulb-out at the southeast corner of University Avenue and Acton Street

BERKELEY BICYCLE PLAN

On June 16, 2026, after a robust public engagement process, City Council approved the 2026 Berkeley Bicycle Plan[27]. The purpose of the Berkeley Bicycle Plan is to make Berkeley a model bicycle-friendly city where biking is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and bicycling abilities. The Plan recommends a core network of "Low Stress" bikeways, a continuous and connected system of safe and comfortable bikeways that serve all types of people riding bicycles in Berkeley. The Bicycle Boulevard Design Guide, included in the 2026 Bicycle Plan, will support the City and other agencies in streamlining consistent design and project delivery on Berkeley's Bicycle Boulevards.



[27] Berkeley Bicycle Plan: https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan

PARKER-ADDISON BIKEWAY PROJECT

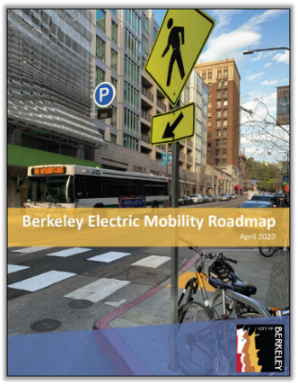
In 2025, Public Works completed the Parker-Addison Bikeway project, which fills a critical gap in Berkeley's citywide bicycle network. The new bikeway connects San Pablo Park directly to Strawberry Creek Park and the adjacent West Street Pathway, while establishing a new corridor along Parker Street toward the Ninth Street Bicycle Boulevard. Cyclists traveling through the improved corridor now experience lower traffic stress and a safer, more connected route.





Parker-Addison Bikeway Project – New Cycle Track on Dwight Way

ELECTRIC MOBILITY



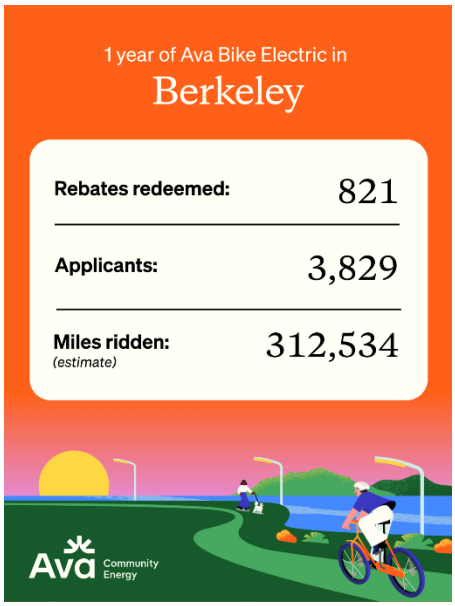
The Berkeley Electric Mobility Roadmap (2020)[28] identifies goals, strategies, and actions to create a fossil fuel free transportation system. The Roadmap supports the City's ongoing efforts to increase walking, biking, and public transportation, and helps to ensure equitable access to the benefits of clean transportation.

The projects highlighted below reflect progress in achieving the four Electric Mobility Roadmap Goals:

1. Ensure Equity in Access to Electric Mobility
2. Improve Alternatives to Driving
3. Achieve Zero Net Carbon
4. Demonstrate City Leadership

[28] City of Berkeley Electric Mobility Roadmap: https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-electric-mobility-roadmap

AVA BIKE ELECTRIC



In July 2025, Ava Community Energy (Ava) launched the Ava Bike Electric incentive program[29] that aims to provide access to e-bikes, reduce carbon emissions, and support local businesses. Ava customers, including Berkeley residents, can apply through a monthly lottery for an instant rebate of $400-$1500 off a new e-bike, redeemable at local bike stores (including six Berkeley stores). Income-qualified residents are eligible for higher rebates. The program has been very successful, and the Ava Board of Directors voted this summer to extend the one-year program through December 2027. Last year, the City assisted with outreach and promotion, and Berkeley had some of the highest uptake throughout Ava's territory. As of July 2026, 821 Berkeley households redeemed rebates, resulting in over 300,000 miles ridden in the first year of the program. In Berkeley, income-qualified residents have redeemed over 25% of the rebates.

Ava's Bike Electric program built on the local success of Berkeley's pilot Electric Bike Equity Project (BEEP), which concluded in September 2024. With $250,000 from the City's Climate Equity Fund, local non-profit Waterside Workshops, with assistance from GRID Alternatives, distributed 56 e-bikes to income-qualified households, benefiting 134 Berkeley residents (with additional support from a UC Berkeley Chancellor's grant). BEEP also included a youth education and workforce development program to service e-bikes and provide job training opportunities. Please visit the BEEP webpage[30] and see the BEEP Final Report[31] for more information.

[29] Ava Bike Electric: https://avaenergy.org/go-electric/e-bikes/bike-electric/

[30] Berkeley Electric Bike Equity Project: https://watersideworkshops.org/street-level-cycles/berkeley-e-bike-equity-project/

[31] City of Berkeley, Berkeley Electric Bike Equity Project Final Report: https://berkeleyca.gov/sites/default/files/BEEP-Final-Report-February-2025.pdf

ELECTRIC MICROMOBILITY

City Council adopted a resolution (2021) to establish a shared electric micromobility permit program for operators to provide Berkeley residents and visitors with sustainable commute options using electric scooters and e-bikes. To ensure equitable access to electric scooters and e-bikes, operators must deploy at least 50% in designated equity priority areas and provide both income-qualified programs and accessible options, such as seated-scooters. In June 2026, the City approved two shared mobility operators (Veoride and Lime) to provide 475 stand-scooters and 525 seated-scooters in Berkeley.

A total of 1,202,849 trips, representing 1,206,532 miles, were taken on shared electric scooters and bicycles, since the program launched in 2022 through December 2025.



SHARED MOBILITY DEVICES	NUMBER IN FLEET
Stand-scooters	475
Seated-scooters	525
TOTAL SCOOTERS	**1,000**
Pedal bikes	391
E-Bikes	221
TOTAL BIKES	**612**

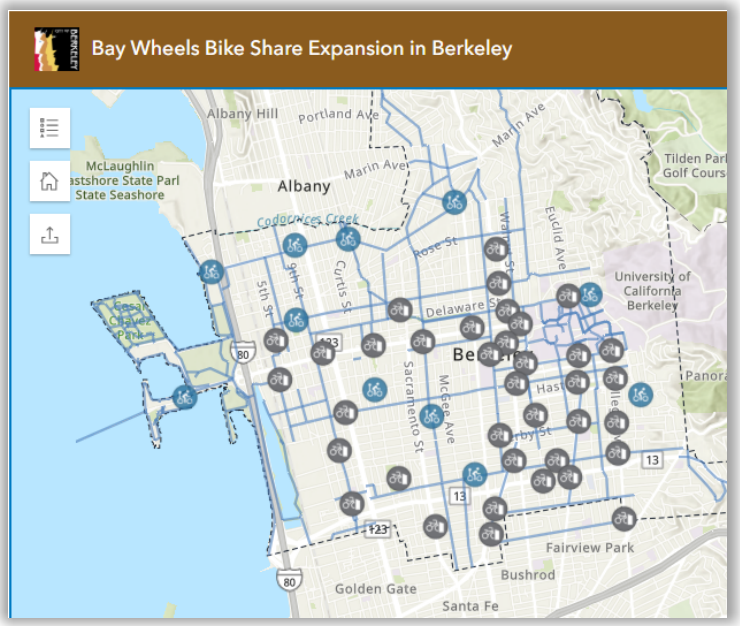
Uptake of shared mobility programs in Berkeley has increased dramatically over the past two years. The number of trips ridden on shared electric scooters and bicycles increased by 97% between 2024 and 2025.

YEAR	TRIPS	TOTAL MILES
2024	241,508	210,265
2025	475,370	423,144

ELECTRIC BICYCLE SHARE EXPANSION

In 2025, through a partnership with the Metropolitan Transportation Commission (MTC), the Lyft Bike[32] (formerly Bay Wheels) bike share program (operated by Lyft) added 221 e-bikes to the existing fleet of 391 pedal bikes in Berkeley, for a total of 612 bikes. In 2026, Lyft Bike installed 11 new bike share docking stations to the existing 37 stations, for a total of 48 docking stations[33]. Supporting the City's transportation equity goals, the Lyft Bike Bikeshare for All[34] program provides discounted memberships for income qualified residents.

Berkeley's 48 docking stations support 612 shared bikes.



The blue dots represent the 11 new bike share stations, and the grey dots represent the existing 37 stations

[32] Metropolitan Transportation Commission Lyft Bike Bikeshare Program: https://mtc.ca.gov/operations/traveler-services/bay-area-bike-share-program

[33] Bike Share Expansion: https://berkeleyca.gov/your-government/our-work/capital-projects/bike-share-expansion

[34] Lyft Bike Bikeshare for All: https://lyftbikes.com/bike-share-for-all

BERKELEY PIER-FERRY PROJECT

The City is working with the Water Emergency Transportation Authority (WETA) on a plan to reconstruct the currently closed Berkeley Pier at the Berkeley Marina and to add all-electric, emission-free ferry service between Berkeley and San Francisco[35]. On September 16, 2026, Governor Newsom certified the Pier-Ferry project for judicial streamlining under Senate Bill (SB) 149, which expedites the delivery of critical climate infrastructure essential to California's climate and sustainability goals. The Pier-Ferry project is currently in the design and environmental phase; the City is collaborating with WETA on detailed design, environmental analysis, and permitting.



Renderings of the Berkeley Pier-Ferry project

ELECTRIC VEHICLE CHARGING

The City continues to promote the use of electric vehicles (EVs) and facilitate the installation of EV charging stations by offering streamlined permitting, educating property owners about EV charging and grant opportunities, and providing EV charging on municipal property. Based on field verification in October 2023, there are currently 129 publicly available EV charging ports in Berkeley (Level 2 and Direct Current Fast Chargers, or DCFC) in addition to at least 75 EV charging ports installed by businesses for their employees, or at multifamily apartment buildings. The City is partnering with Ava to develop public DCFC Hubs at two locations in Berkeley. In addition, local amendments to the 2025 CALGreen require levels of EV charging in new buildings in Berkeley which exceed state requirements.

[35] Berkeley Pier-Ferry project: https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project

CLEAN VEHICLE ADOPTION RATE

Berkeley has a high adoption rate of all-electric and plug-in hybrid vehicles. In 2025, 15.4% of all vehicles registered in Berkeley were all-electric, plug-in hybrid, or fuel cell vehicles, compared to 7.5% statewide. Figure 3 demonstrates Berkeley's clean vehicle registrations over time.

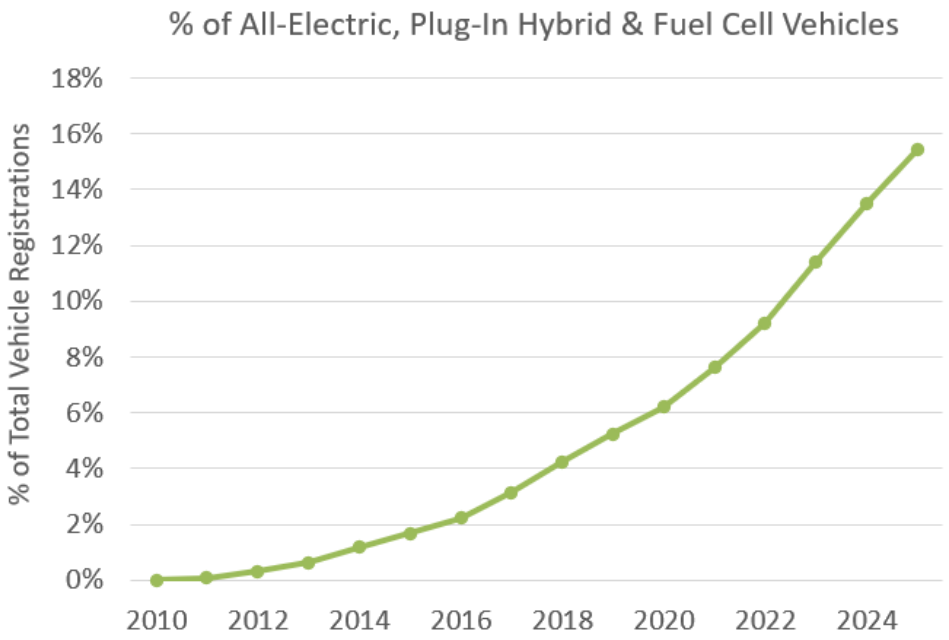


Figure 3: Clean Vehicle Adoption Rate by Year

CITY FLEET ELECTRIFICATION

Staff worked with Ava to conduct a municipal fleet electrification assessment, including a plan for EV deployment and associated charging infrastructure through 2030. The City is currently working to add EV charging for fleet vehicles at the Corporation Yard and has continued to increase the number of EVs in the municipal fleet to meet City goals and comply with the State of California's Advanced Clean Fleets regulation.



On the right, City staff showcasing a Ford F-150 Lightning electric pick-up truck at a community event

As of September 2026, the City's municipal fleet has 589 total vehicles, including heavy equipment and bicycles, with these electric models:

ELECTRIC VEHICLE TYPE	NUMBER IN FLEET
Sedan (Chevy Bolt)	35
Police Vehicles (Chevy Blazer)	2
SUV (Ford Mach-E)	9
Van	2
Pickup Truck	19
Utility Terrain Vehicle (Polaris Ranger)	1
Three-wheeled Scooter (Parking Enforcement)	2
Electric Bicycle	10
TOTAL	**80**

Additionally, the City operates an electric tractor, a boat, and two lifts.



Vita Power Seal electric boat



Monarch MK-V electric tractor

Looking ahead to 2027, the City is expected to receive 10 additional EV pickup trucks, allowing for the retirement of 10 gas vehicles from the fleet. The City is also in the process of procuring an electric car to retire a gas police car.

CITY ELECTRIC BIKE FLEET LAUNCH

In 2026, the City added e-bikes to the fleet for staff to use. City staff can now borrow an e-bike from the City's fleet to travel to meetings, attend site visits, and otherwise conduct City business.



City staff showcasing fleet e-bikes at a community event

WASTE

The City of Berkeley's Public Works Zero Waste Division leads multiple cross-departmental efforts to reduce waste, increase recycling and composting, and support food recovery at City facilities and in the community. Highlights include:



City of Berkeley organics collection truck

SENATE BILL 1383 (SB 1383)

California State Senate Bill 1383 (2016) is designed to reduce the statewide landfill disposal of organic waste like food scraps, yard trimmings, and paper products[36]. In CA, organic waste in landfills emits 20% of the state's methane, a super climate pollutant. SB 1383 requires a 75% reduction in organic waste by 2025 from a 2014 baseline and a 20% increase in recovery of edible food. To comply with SB 1383, local jurisdictions must implement additional waste reduction programs and enhanced reporting and enforcement protocols. As part of the City's Zero Waste Division SB 1383 outreach, staff educates city employees, residents, and businesses; monitors contamination; and manages an edible food recovery program.

Berkeley has 74 Edible Food Generators (i.e., restaurants and grocery stores) that donate excess edible food and eight food recovery organizations. Over 800,000 pounds of edible food were recovered last year.

[36] SB 1383 Short-Lived Climate Pollutant Reduction Strategy: https://calrecycle.ca.gov/organics/slcp/

City AmeriCorps fellows provided 1,346 in-person conversations about zero waste and food recovery, and diverted 13,285 lbs. of food from the landfill.

The City hosted two full-time California Climate Action Corps (CCAC) fellows for the 2025-26 program year, at no cost to the City. The two CCAC fellows served in the Zero Waste Division to support SB 1383 implementation, including training City staff on proper sorting, hosting information tables at community events, and conducting outreach to Berkeley restaurants to increase food waste collection and food recovery efforts.



CA Climate Action Corps fellows at an outreach event

Zero Waste Ambassador Program

This past year the two CCAC fellows also piloted a Zero Waste Ambassador program to train residents as peer educators to increase proper sorting and SB 1383 compliance. Many of the ambassadors were college students living in multifamily buildings, where outreach can be more challenging. The successful semester-long pilot enrolled 18 ambassadors who participated in classroom and hands-on training sessions.

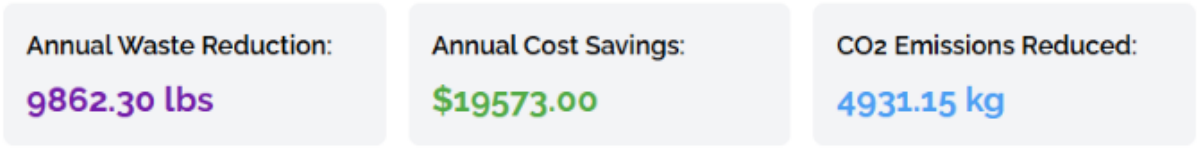
SINGLE USE DISPOSABLE (SUDS)

The City's Single Use Foodware and Litter Reduction Ordinance, also known as SUDs (Berkeley Municipal Code, Chapter 11.64)[37], requires businesses selling prepared food for both on-site dining and takeout to follow guidelines to reduce their usage of single-use disposables, including providing reusable foodware, color-coded recycling and compost bins, and compostable takeout containers.

Zero Waste staff and CCAC fellows conducted outreach to local food-serving businesses, offering free technical assistance and up to $500 from StopWaste to purchase reusable foodware containers. During their 2025-26 service year, the CCAC fellows provided on-site technical assistance and mini grants to 19 businesses, with 97 businesses receiving outreach and education.

Additionally, in 2024-25, 13 businesses received ReThink Disposable[38] mini grants to convert to reusable foodware for on-site dining and Okapi[39] signed up four businesses to participate in reusable take-out cup pilots reusable foodware for on-site dining.

Awarding mini grants to switch to reusables is estimated to have increased diversion by almost 10,000 pounds per year.



Impact of 13 Re-Think Disposable mini grants

[37] City of Berkeley Single-Use Foodware Rules: https://berkeleyca.gov/doing-business/operating-berkeley/food-service/single-use-foodware-rules

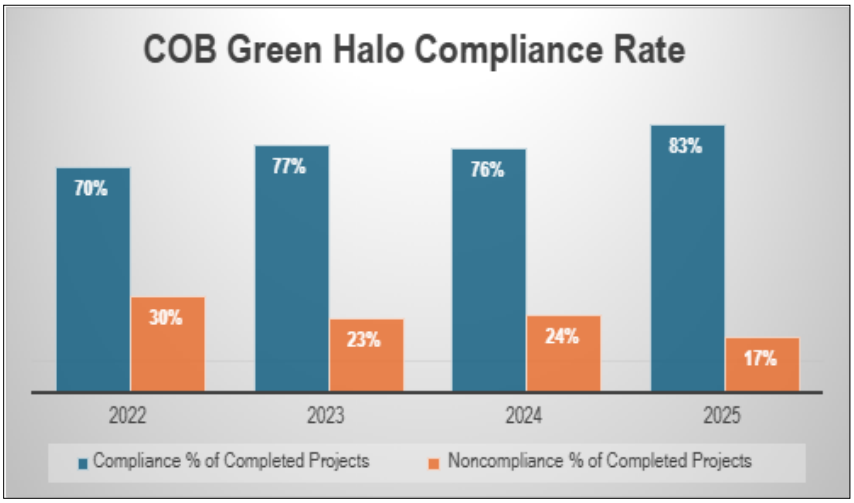
38 ReThink Disposable: https://cleanwaterfund.org/campaign/rethink-disposable

39 Okapi Reusables: https://www.okapi-reusables.com/

CONSTRUCTION & DEMOLITION DEBRIS DIVERSION

The City requires construction projects to reuse or recycle construction and demolition debris at a rate that exceeds State requirements (Berkeley Municipal Code, Chapter 19.37). Zero Waste staff now participate in the plan check process for new construction projects, to help architects and contractors understand and comply with Zero Waste requirements before breaking ground on new developments and renovations. Projects are tracked through Green Halo.

From August 2024 to January 2026 staff reviewed 717 new construction plans, helping to increase Green Halo compliance.



Green Halo Compliance Rate

ZERO WASTE PSA OUTREACH CAMPAIGN

In 2026, the City began rolling out a variety of public service messages around composting, food waste, reusables, proper sorting, and more at BART stations and on billboards, AC Transit buses, Amazon lockers, gas pump toppers, convenience store and pharmacy posters, and via Google ads. Soon, City of Berkeley collection trucks will display banners.



Banner to be displayed on City collection trucks

Zero Waste staff are producing a series of digital ads and educational videos for event organizers and contractors about the Green Halo program and construction and site-sorting requirements.

These efforts, along with in-person training for all new City employees and a new annual online training course for other City staff, are designed to increase diversion rates.

960 employees have received training on SB1383 and proper sorting.

COMMUNITY ENGAGEMENT

Community engagement and outreach, including programs, training, and events, provide resources to residents, businesses, and municipal employees to advance the City's climate and resilience goals. The City strives to engage a broad cross-section of community members and, through equitable programs, focuses on resilient communities that have been marginalized and are most impacted by climate change.

Recent equitable engagement efforts include the City's partnership with the Community Advisory Committee to elevate the voices of resilient community members to identify the priorities and strategies in the City's General Plan new draft Environmental Justice Element and updated draft Disaster Preparedness and Safety Element (see the *Prepared, Safe, and Healthy Berkeley* project on page 47).

The City's Climate Equity Fund Community Engagement Pilot, which concluded in 2025, informed the development of the Community Advisory Committee. Through the Community Engagement Pilot, the Ecology Center facilitated a partnership of community-based organizations that co-created climate and community engagement best practices and distributed resilience resources to income-qualified residents. The Community Engagement Pilot final report is now available online[40].



City Planning & Development Department staff members talk with a community member at the Central Library as part of the Prepared, Safe, and Healthy Berkeley project

[40] Climate Equity Fund Community Engagement Pilot Final Report: https://berkeleyca.gov/sites/default/files/Ecology-Center-CEPF-Final-Report-Appendices.pdf

EQUITABLE COMMUNITY ENGAGEMENT SERVICES

In April 2025, the City released a Request for Qualifications (RFQ) for On-Call Equitable Community Engagement Services, soliciting written proposals from qualified firms, community-based organizations, nonprofit organizations, or individuals to assist with equitably engaging the Berkeley community, particularly adversely impacted and/or historically disadvantaged members of the community, on various City projects, programs, and/or policies. This RFQ, developed through a citywide multi-departmental collaboration, aims to create a bench of on-call organizations and firms to support a wide array of needs across the City and make our engagement efforts more equitable. In January 2026, City Council passed resolutions to enter into 5-year contracts with nine firms to participate in this on-call bench[41].

SUN DAY BERKELEY

On September 21, 2025, the Office of Energy and Sustainable Development supported *Sun Day Berkeley*[42] in partnership with a dedicated volunteer team of Berkeley residents. Sun Day Berkeley, a new community event, was part of an international celebration of clean energy and local climate action. Approximately 350 community members came to Willard Park and Clubhouse to celebrate, learn, and make new connections. The event featured e-bike test rides, an exhibition hall showcasing local government, nonprofit agencies, and clean energy technology companies, a kids' zone with sun art, a smoothie bike, and solar oven s'mores, an inspiring speaker panel, and a community picnic. Volunteers of all ages – from Berkeley High School, UC Berkeley, the Rotary Club, and more – supported all facets of Sun Day.

[41] On-Call Equitable Community Engagement Services Contract Resolutions: https://berkeleyca.gov/sites/default/files/2026-01/2026-01-27%20Item%2007%20Contracts%20On-Call%20Equitable.pdf

[42] Sun Day Berkeley: https://actionnetwork.org/events/sun-day-community-celebration-berkeley



E-bike test rides with Rad Power and Bay Wheels. Participants learned about the Ava Bike Electric rebate program and Bay Wheels Bikeshare for All discounts at Sun Day.



Community groups such as Rebuilding Together East Bay Network share home repair and electrification resources for seniors and income-qualified residents at Sun Day.

EAST BAY GREEN@HOME TOURS



Building on the success of the virtual home tours (2021-2024), the City now partners with the Bay Area nonprofit Acterra[43] to implement the in-person East Bay Green@Home Tour. The tours spotlight a variety of homes in Berkeley and neighboring cities that have embraced electrification, offering attendees a firsthand look at the benefits of replacing gas-powered appliances with cleaner, more efficient electric alternatives. The tours also showcase other energy- and water-saving features, as well as eco-friendly building materials and practices. Office of Energy & Sustainable Development staff, City AmeriCorps fellows, and Berkeley residents served as greeters at various sites for both the 2025 and 2026 tours. At both events, Berkeley residents made up the largest share of registered attendees, and the Berkeley homes on the tours received the most visits.

The success of the Green@Home Tour program continues to grow:

Tour Date	Tour Sites	Attendees	Total Visits
June 7, 2025	18	156	350
June 6, 2026	21	290	547

"It was amazing seeing real live examples, and how others started their journey. I feel more prepared." (2025 Green@Home Tour attendee)

"The tour made electrification feel more practical and achievable by showing real examples, costs and steps I can take in my own home—super helpful." (2026 Green@Home Tour attendee)

On the right, City staff greets participants at one of the Berkeley homes on the 2026 Green@Home Tour



[43] Acterra: https://acterra.org/

BUSINESS OUTREACH



The Office of Economic Development (OED) leads efforts to help businesses reduce their carbon footprint. Through its quarterly newsletters, presentations, one-to-one meetings with business owners, and outreach to local Business Districts, OED promotes grants, programs and other resources that help businesses upgrade their buildings, operate with environmental responsibility, and comply with City sustainability policies. OED also has a partnership with the Alameda County Green Business program which has enrolled 181 Berkeley businesses, and has supported 108 Berkeley businesses in achieving state-recognized green business certification.

MUNICIPAL EMPLOYEE SUSTAINABILITY & ZERO WASTE TRAINING

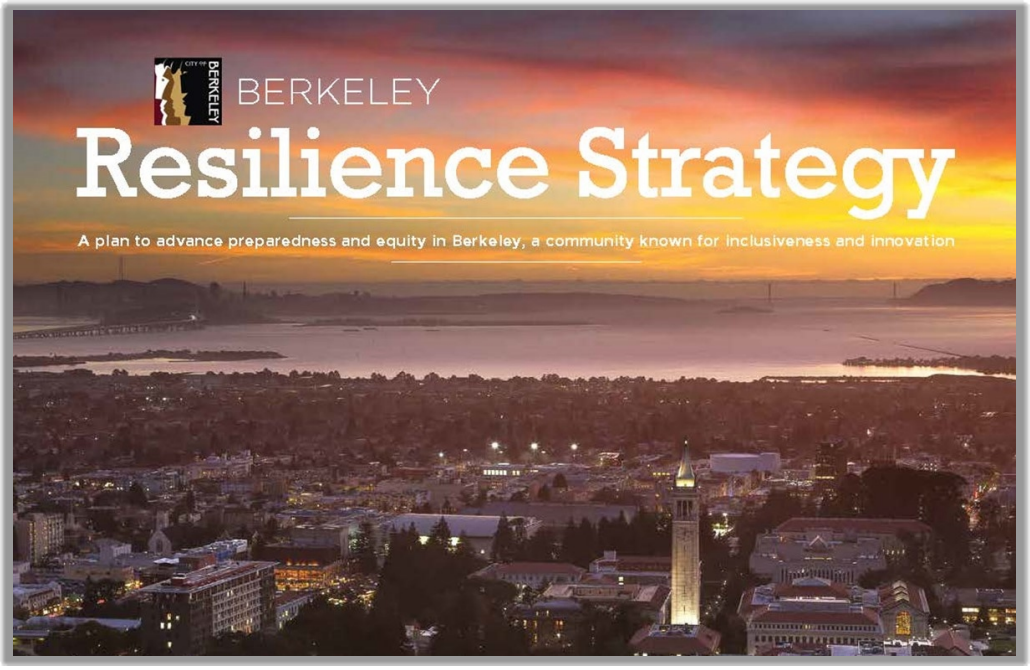
Starting in 2024, the Office of Energy & Sustainable Development, in partnership with the Zero Waste Division, began delivering bi-weekly training to new employees, presenting on Berkeley's climate and environmental leadership and resources to green the office. The training includes an interactive sorting activity to increase recycling and composting at City facilities. Additionally, staff delivered sustainability and zero waste training to current employees during staff meetings and special department events. As of September 30, 2026, 960 employees have participated in this training.

960 employees have received sustainability and zero waste training.

ADAPTATION & RESILIENCE

The City strives to strengthen and prepare the community for shocks and stresses, including adapting to the impacts of climate change. The City's resilience efforts, as outlined in the 2016 Resilience Strategy, include the following goals:

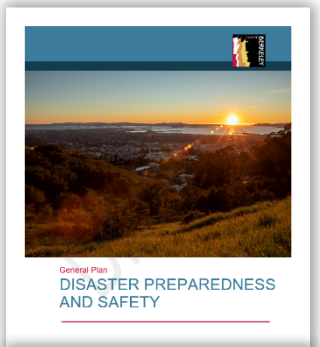
1. Build a connected and prepared community
2. Accelerate access to reliable and clean energy
3. Adapt to the changing climate
4. Advance racial equity
5. Excel at working together within City government to better serve the community
6. Build regional resilience

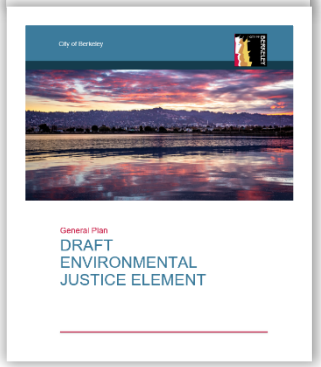


Many City departments, including Planning, Public Works, Parks Recreation and Waterfront, Health, Housing and Community Services, and Fire, are coordinating efforts to enhance resilience and help Berkeley adapt to a changing climate. A summary of programs is provided below.

PREPARED, SAFE, AND HEALTHY BERKELEY PROJECT

The City of Berkeley is updating its General Plan Disaster Preparedness & Safety Element and creating a new Environmental Justice Element. The Disaster Preparedness & Safety Element serves as a roadmap for reducing risk and enhancing resilience across Berkeley, organizing policies and programs into interconnected strategies that address hazard mitigation, emergency preparedness, and long-term recovery. The Disaster Preparedness & Safety Element will include the Local Hazard Mitigation Plan, which was most recently adopted in 2024.





The Environmental Justice Element advances health equity, considers longstanding patterns of environmental harm, and strengthens community resilience. It provides a framework to reduce pollution burdens, improve access to essential services, expand opportunities for meaningful and productive civic participation, and safeguard the cultural identity of communities most affected by historical and ongoing inequities.



Prepared, Safe, and Healthy Berkeley community engagement event at the Ed Roberts Center

The City received a $497,042 grant from the State of California Governor's Office of Land Use and Climate Innovation (LCI) for this project. The Ecology Center, the City's community partner on this project, led equity-driven engagement with a Community Advisory Committee (CAC) comprised of organizations serving resilient communities that have been marginalized and impacted first and hardest by climate change. The team also received a $15,000 grant from the Urban Sustainability Directors' Network to compensate the CAC and create equitable memoranda of understanding (MOUs) for their partnership and time. The project team worked closely with the CAC to co-create the goals, policies, and programs that are included in both the Safety and Environmental Justice Elements. The project team also hosted several community events to gather input and ideas on how the City can create policies that better prepare Berkeley for natural disasters and climate change and reduce exposure to pollution. The City released the Draft Elements in September 2026 for public review. The Draft Elements will be brought to the Planning Commission and then to City Council in early 2027 for consideration and adoption. The Draft Elements, associated CEQA documents, and other project resources are available on the project's website[44].

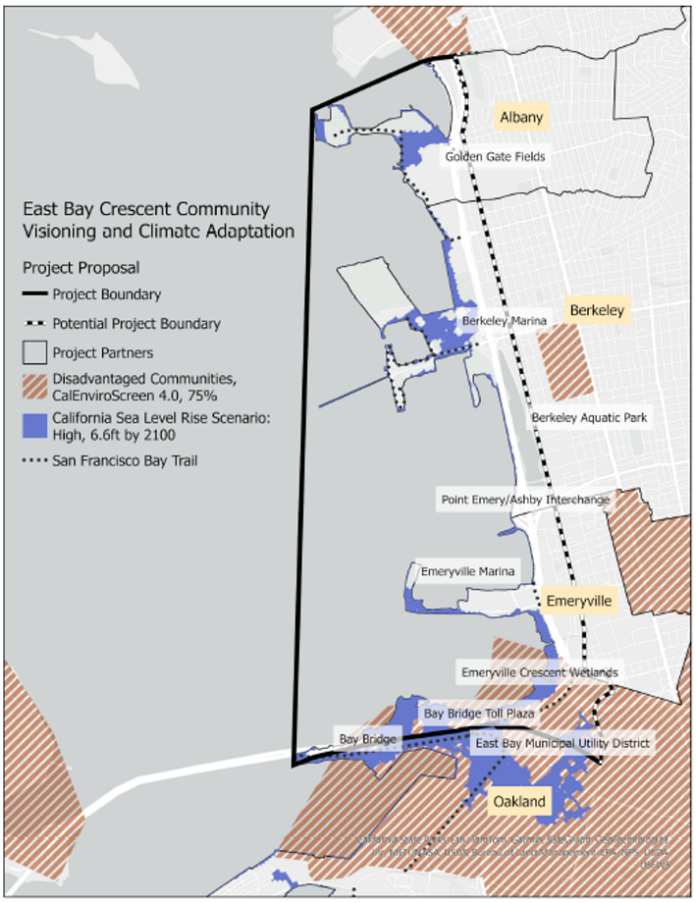


Prepared, Safe, and Healthy Berkeley community engagement event with Food, Faith, & Justice members

[44] Prepared, Safe, and Healthy Berkeley for All: https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/prepared-safe-and-healthy

EAST BAY CRESCENT SB1 GRANT PROJECT

Senate Bill 1 (SB 1) directs the state to fund local and regional governments to develop sea level rise adaptation plans and implementation projects. The California Ocean Protection Council SB 1 Sea Level Rise Adaptation Planning Grant Program awarded the Association of Bay Area Governments (ABAG)/San Francisco Estuary Partnership, in partnership with the Cities of Berkeley, Albany, Emeryville, and Oakland, $2,240,000 over two and a half years for the East Bay Crescent Sub-Regional Vulnerability Assessment and Shoreline Adaptation Planning Project. Of the total grant amount, Berkeley will receive $223,151.



The East Bay Crescent Sub-Regional Vulnerability Assessment and Shoreline Adaptation Planning project will advance sea-level rise adaptation along the shorelines of Albany, Berkeley, Emeryville, and a portion of Oakland, from the Bay Bridge/Radio Beach to Cerritos Creek. This unique multi-jurisdictional collaboration will result in a coordinated approach to adaptation in the area. Key components include development of a Working Group and Equity Committee that will result in a vulnerability assessment, with sub-regionally coordinated, but distinct, shoreline adaptation plans for the City of Albany, Berkeley, and Emeryville that adhere to the state-required San Francisco Bay Conservation and Development Commission's (BCDC) Regional Shoreline Adaptation Plan guidelines. The project begins in Fall 2026.

SEA LEVEL RISE

In 2019, the City completed the Draft Sea-Level Rise Assessment Study as required by Assembly Bill 691. Preliminary findings indicate that three locations at the Berkeley Waterfront may experience periodic flooding by 2050 during a 100-year storm and King tide. The East Bay Crescent SB1 project (described above) will provide additional sea level rise analysis and planning efforts.

GROUNDWATER RISE

Shallow groundwater in coastal communities will rise as sea levels rise, increasing the risk of flooding communities from below. The City participated in a project funded by a 2020–2022 California Resilience Challenge grant, led by the San Francisco Estuary Institute Aquatic Science Center. The final report[45] provides groundwater mapping for existing and future conditions, suggestions on how to use this dataset for planning purposes, recommendations for additional modeling and assessments, and potential next steps. The City built upon this work by evaluating the impact of shallow groundwater rise and sea level rise on toxic materials stored underground, through an analysis[46] conducted as part of the Prepared, Safe, and Healthy Berkeley Project. The East Bay Crescent SB1 project (described above) will provide additional sea level rise analysis and planning efforts.

WILDFIRE MITIGATION

In 2025, the City established Effective Mitigations for Berkeley's Ember Resilience (EMBER), a wildfire mitigation initiative aimed at reducing the risk of home ignition from wildfire embers, particularly in areas prone to wind-driven embers. The ordinance establishes new fire safety standards, including a Zone 0 buffer around homes where no combustible materials are allowed within five feet of the structure. This initiative is part of a broader effort to enhance fire safety and resilience in Berkeley's neighborhoods, especially those on the urban-wildland interface (WUI). The Fire Department's WUI Division assumed a leadership role in wildfire mitigation and readiness that extended well beyond Berkeley, including the development and adoption of EMBER, the advancement of Zone 0 standards[47], supporting original research and testing, and extensive community engagement that positioned the City at the forefront of evidence-based wildfire mitigation.

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[45] San Francisco Estuary Institute: Shallow Groundwater Response to Sea Level Rise: https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise

[46] Ground Water Analysis: https://berkeleyca.gov/sites/default/files/2026-06/Ground%20Water%20Analysis%20Report%202025-02.pdf

[47] Zone 0 Standards: https://berkeleyca.gov/sites/default/files/documents/2025-12-02%20Item%2041%20Adoption%20of%20and%20Amendments.pdf



Mailer sent to Berkeley Zone 0 residents

COMMUNITY AND NEIGHBORHOOD RESILIENCE

The Berkeley Ready program has continued to engage in many community-facing efforts. Staff offered four rounds of Community Emergency Response Team classes, five Fire Safety classes, 16 Evacuation Planning classes, and 10 basic disaster preparedness classes. Classes were offered at libraries, in neighborhoods, online, and at special events. Staff also secured a Neighbor-to-Neighbor AmeriCorps grant, hosting two full-time fellows to work on building neighborhood connections and volunteer capacity. Throughout their year of service, fellows strengthened neighborhood connections through social events and equipped local neighborhood leaders to advance disaster preparedness and community resilience. Staff are now offering regular trainings for neighborhood leaders to bring back disaster preparedness information and opportunities for social connection and volunteering to their communities.

NEW EMERGENCY OPERATIONS CENTER AND STAFF TRAINING

In 2026, the City of Berkeley opened its new Fire Department headquarters, which also serves as the City's primary Emergency Operations Center (EOC). The facility offers expanded technical capabilities and more space for staff to work together in person during emergency activations, supporting communication, coordination, and decision-making across departments. Alongside this investment in infrastructure, the City has trained 104 staff members to serve in the EOC during disasters. Together, the new facility and trained personnel strengthen Berkeley's capacity to coordinate emergency operations, respond to community needs, and support recovery.

TREE CANOPY EQUITY

The City of Berkeley's Urban Forestry Unit manages a vibrant urban forest of approximately 40,000 trees along streets, in parks, and in medians. This management includes preserving and maintaining our existing resource and planting and growing the next generation of trees.

Measure Y (2024) increased the Parks Tax and allowed the Parks Recreation and Waterfront (PRW) Department to add two full-time staff to form a tree-planting crew. This enables consistent planting, watering, and young-tree care for our growing urban forest.
New street trees are planted primarily via direct resident requests. All site preparation, materials, and labor occur at no direct cost to the residents. Park and median tree planting are ongoing, inspired by areas of need or in tandem with other PRW capital improvement projects.

The Urban Forestry Unit offers three to five volunteer planting events each year to further increase new tree planting efforts and involve the community while planting trees in park spaces.





(Left) A community volunteer helps plant a new tree along the Aquatic Park lagoon; (Right) Arbor Day volunteer tree planting at the Berkeley Waterfront

In addition, the Urban Foresty Division manages multiple grant funded projects:

- $1 million, US Forest Service grant to plant 1,000 trees (2024-2027). 800 trees have been planted; the remainder will be planted by January 2027.
- $500,000 California Natural Resources Agency grant to plant 700 trees in streets and parks within 1.5 miles of I-580 (2026-2028). Project to begin November 2026.
- $186,000 from Alameda County Transportation Commission to replant 100 recently removed trees from Union Pacific Railroad property on the east side of Aquatic Park (2026-2028). This major project will include planting over 1,000 new native trees, shrubs, and pollinator plants along the east side of the park. The project is currently in the planning and public process phase.

POLLINATOR GARDENS

Pollinator gardens support bees and other insects and provide habitat and food for birds, reptiles and amphibians. Pollinator gardens also conserve water and sequester carbon from the atmosphere, while providing access to natural spaces in urban environments. Since 2020 several Berkeley parks and medians have been renovated in collaboration with the community to create space for native pollinator gardens and corridors.

Below are two of the larger projects installed this year:





(Left) ***South Cove West Parking Lot & Bioswale Installation****: 907 California native plants and grasses were installed, and seven new trees were planted;* ***Dock Landscaping Improvements for Opening of new Capital Improvement Project****: (Right) 182 California native plants and grasses were installed, and eight new trees were planted.*

Looking ahead, the City plans to install 198 new native plants and grasses in the Skates on the Bay Parking Lot Bioswale project (scheduled install Fall 2026) and to install 82 native plants and grasses in 201 University Avenue Marina Operations Office Landscape Improvements (scheduled install Fall/Winter 2026-27).

BAY AREA CLIMATE ADAPTATION NETWORK (BAYCAN)

Berkeley is a founding member and participates in the Executive Committee of the Bay Area Climate Adaptation Network (BayCAN), a network of local government staff helping coordinate an effective and equitable response to the impacts of climate change. BayCAN works to share best practices, develop opportunities for collaboration and program implementation, and secure funding and resources for equitable climate adaptation.

CONCLUSION

The City, in partnership with the community, has many accomplishments to celebrate since the 2025 update – home electrifications, high road jobs, lighting retrofits, safety improvements for pedestrians and cyclists, expanded bike share and shared mobility options, less food and foodware in the waste stream, community engagement events, wildfire mitigation, new trees and pollinator gardens, and more. These actions improve Berkeley's well-being and resilience and help achieve the goal to become net-zero carbon by 2045.

Berkeley's continued commitment and investment in implementing policies and programs that reduce GHG emissions and improve community resilience are critical. The United States withdrew from the Paris Climate Agreement on January 27, 2026, and federal programs supporting electrification and other transitions away from fossil fuels have been dismantled. As a result, local governments, regional agencies, and states play an even more important role in climate action. Berkeley's leadership, innovation, and collaboration are vital to powering the climate progress needed at this time.

APPENDIX 1: BERKELEY GREENHOUSE GAS INVENTORY (2022 & 2023)

Based on the best available data from 2023, the Berkeley community reduced overall greenhouse gas (GHG) emissions by 41% since 2000. There are three important considerations:

- Berkeley's emission reduction and fossil fuel free goals were set in the context of a growing population, so the 2023 emissions reductions were achieved with a 16% increase in population from the 2000 baseline.
- UC Berkeley and the Berkeley Lab are not included in Berkeley's GHG emissions inventory because their campuses are outside of the City's jurisdiction. However, both institutions track their own emissions reduction goals and are engaged community partners in addressing climate change. Learn more about these efforts online.[48]
- The transportation emissions methodology changed starting in 2018. Prior to 2018, the Bay Area's Metropolitan Transportation Commission (MTC), Travel Model One, was used to calculate transportation sector emissions; but that model could not account for changes to yearly commuting patterns or impacts from events like the COVID-19 pandemic. Starting in 2018, transportation data emissions are calculated through Google's Environmental Insights Explorer (EIE) which estimates vehicle miles based on aggregated and anonymized location history data.

To note, the previous greenhouse gas inventory, based on data from 2021, utilized Google EIE data and used national data to estimate the total miles traveled and fuel efficiency by each fuel category (gasoline, diesel, electricity, etc.). For this inventory, staff was able to use local data for Alameda County for the fuel category breakdown. Alameda County data can account for local fuel efficiencies and electric vehicle adoption rates which are above the national average. Due to the change to local data for the fuel category breakdown, the updated emissions inventories for 2018-2021 are lower than what was originally calculated and reported to Council.

Berkeley's community-wide GHG emissions totaled 455,412 metric tons of carbon dioxide equivalent ($mtCO_2e$) in 2022 and 432,806 $mtCO_2e$ in 2023.

[48] UC Berkeley 2024 Sustainability Report https://sustainabilityreport.ucop.edu/2024/locations/uc-berkeley/ and the Berkeley Lab 2024 Sustainability Report https://sustainabilityreport.ucop.edu/2024/locations/lawrence-berkeley-national-lab/

Figure 1 is a pie chart of the 2023 community-wide GHG emissions inventory broken down by sector and fuel. The majority of Berkeley's GHG emissions continue to come from the transportation and building sectors.

The transportation sector was the largest source of 2023 GHG emissions, accounting for 58% (249,028 $mtCO_2e$)[49] and includes vehicles, BART, AC Transit, Amtrak and maritime vessels. The building sector was the second largest source of emissions in 2023 and accounted for 39% (168,453 $mtCO_2e$)[50] of community-wide emissions. Energy usage data for Berkeley buildings, provided by Ava and PG&E, is broken down into residential and commercial (including industrial) buildings — for both electricity use and natural gas (gas) combustion.

Emissions from municipal energy use accounts for 0.4% (1,516 $mtCO_2e$)[51] of the 2023 community-wide GHG emissions. Municipal energy consumption includes city buildings and other uses like streetlights and traffic signals. The remaining 3% (13,808 $mtCO_2e$)[52] of Berkeley's community-wide GHG emissions come from landfilled solid waste, water consumption, and wastewater treatment.

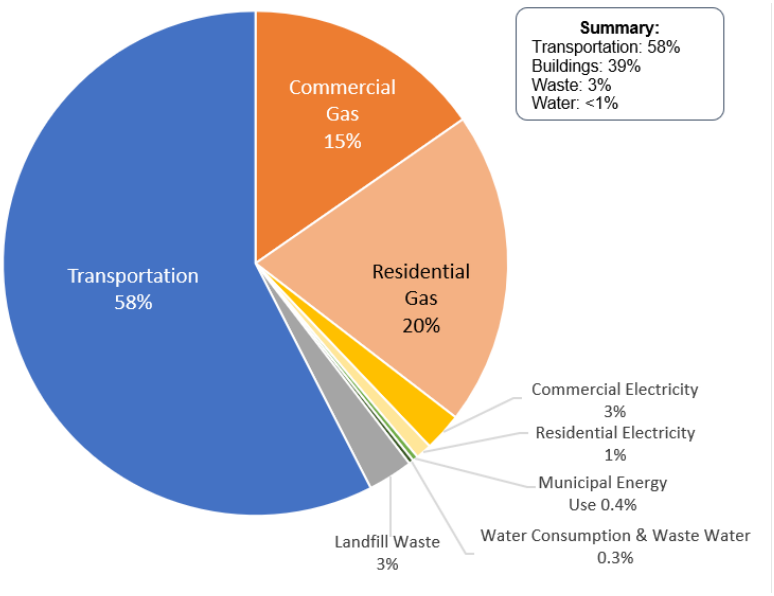


Figure 1: 2023 Berkeley GHG Emissions Inventory, by Sector and Fuel

[49] The transportation sector accounted for 55% (252,377 $mtCO_2e$) in 2022

[50] The building sector accounted for 41% (187,662 $mtCO_2e$) in 2022.

[51] Emissions from municipal energy use accounted for 0.3% (1,293 $mtCO_2e$) in 2022.

[52] Landfilled solid waste, water consumption, and wastewater treatment accounted for 3% (14,080 $mtCO_2e$) in 2022.

To identify and quantify reductions achieved, the most current community emissions from 2023 are compared to the Climate Action Plan (CAP) baseline year of 2000. A historic summary of Berkeley's annual emissions inventories from 2000 to 2023 is provided in **Figure 2**[53].

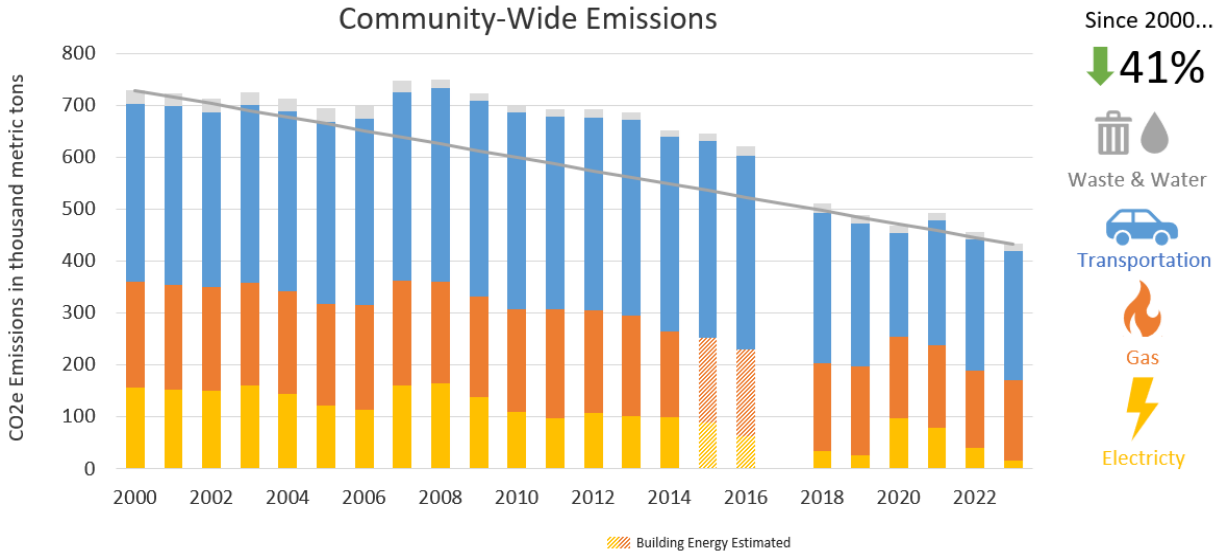


Figure 2: Berkeley GHG Emissions Inventories including Sectors (2000-2023)

Community-wide GHG emissions in 2023 decreased 41% from the 2000 baseline. As mentioned, due to the change in methodology in calculating transportation sector emissions there is a significant drop in emissions in 2018. From 2018 to 2023, community-wide emissions decreased by 15%. Berkeley's original CAP goal of reducing GHG emissions by 80% from 2000 levels by 2050 was superseded by a commitment by the Berkeley City Council to reach net-zero carbon emissions by 2045 or sooner, requiring an additional 59% reduction of GHG emissions over the next 20 years.

BUILDING SECTOR EMISSIONS

Overall GHG emissions from Berkeley's building sector decreased by 10% from 2022 to 2023 and are 53% below 2000 levels. Total community-wide electricity usage has decreased by 36% since 2000. Total community-wide natural gas usage decreased by 6% from 2021 to 2022 and increased by 4% from 2022 to 2023. Community-wide natural gas usage remains 24% below 2000 levels.

[53] Due to data access issues, the City was not provided with energy use data in 2015 and 2016, so building energy usage was estimated using assumptions and is represented with shaded coloring. No inventory was calculated for 2017, so that year of data is omitted.

IMPACTS TO BERKELEY'S BUILDING SECTOR EMISSIONS:

- Transition to Ava Renewable 100 – Starting in 2022, all Berkeley customers were automatically opted-up into Ava's Renewable 100. This transition yielded a 62% decrease in emissions from city-wide electricity usage in 2023 from 2022 as many residents and businesses transitioned to Ava's Renewable 100 plan.
- Ava Bright Choice Electricity Emission Factor – The emission factor for Ava's default electricity product, Bright Choice, remains significantly higher than PG&E's base product, but has decreased 37% since 2020. The Bright Choice product accounts for 12% of Berkeley's 2023 community-wide electricity consumption. Ava is committed to providing 100% emissions-free Bright Choice by 2030.

TRANSPORTATION SECTOR EMISSIONS

Overall GHG emissions from Berkeley's transportation decreased 14% from 2018, the most recent GHG inventory using the new methodology for on-road vehicles. Emissions from on-road vehicles are calculated using total miles traveled provided by Google Environmental Insights Explorer[54]. While total miles traveled by on-road vehicles decreased by approximately 37 million miles (roughly 6%) in 2023 compared to 2018, emissions from on-road vehicles decreased by approximately 40,000 metric tons of CO2e (roughly 14%). The decrease in emissions outpaced the reduction in miles traveled due to the increase of plug-in hybrid and electric vehicles.

LANDFILL SOLID WASTE EMISSIONS

Total community-wide landfill solid waste and overall emissions from the waste sector decreased by 2% in 2023 compared to 2022, placing current waste sector emissions 47% below the 2000 baseline.

[54] Google Environmental Insights Explorer: https://insights.sustainability.google/

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Office of the City Manager

INFORMATION CALENDAR
December 1, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: April 2026 Update to the Shared Electric Micromobility Permit Program (SEMPP) in Response to Council Referrals.

SUMMARY

This Information Report provides an overview of the April 2026 Update (2026 Update) to the Shared Electric Micromobility Permit Program (SEMPP) regulatory framework. The 2026 Update addresses issues identified in two recent Council Referrals led by Councilmembers Lunaparra and Tregub. The 2026 Update increases SEMPP fees to better reflect actual costs and is expected to increase revenue by 29% for the FY2026-2027 permit year.

The 2026 Update also incorporates new regulations around the use of dedicated shared scooter parking zones to improve safety in the public right-of-way. The City is coordinating with SEMPP Permittees (shared scooter companies) and UC Berkeley to install, operate, and maintain, at permittee expense, a minimum of forty new dedicated shared scooter parking zones along the perimeter of the UC Berkeley campus during the FY2026-2027 permit year. Finally, the 2026 Update strengthens existing enforcement language to clarify SEMPP Permittee responsibilities and enhance the City's ability to enforce the SEMPP terms and conditions.

CURRENT SITUATION AND ITS EFFECTS

City staff released an update to the Shared Electric Micromobility Permit Program (SEMPP) terms and conditions and fee structure in April 2026 (2026 Update) as part of the FY2026-2027 SEMPP solicitation. The 2026 Update better reflects the current micromobility conditions in Berkeley and addresses gaps in the regulatory framework. The 2026 Update includes revisions to the SEMPP fee structure, shared scooter parking regulations, and SEMPP Permittee accountability.

The changes implemented in the 2026 Update address the September 30, 2025 Council Referral led by Councilmember Lunaparra. Staff evaluated and updated the SEMPP fee structure to align better with peer micromobility markets and reflect actual staff costs to the City of Berkeley associated with program administration. See **Attachment 1** for the implemented revisions to the SEMPP fee structure. The 2026 Update also addresses the March 10, 2026 Council Referral led by Councilmember Tregub by increasing the

SEMPP fees and Permittee fines, and by adding stronger permit enforcement and accountability language. See **Attachments 2 through 9** for all revisions implemented in the SEMPP terms and conditions in response to the referrals.

The 2026 Update increases the SEMPP fees within the existing fee structure. The existing fee structure consists of an application fee, an annual permit fee, and an annual per device fee. The 2026 Update increased total SEMPP baseline revenue by 29% (See **Table 1** below).

Table 1 SEMPP Fee Comparison

Fee	Original	2026 Update	Percent Change
Application Fee	$1,500	$2,000	33%
Annual Permit Fee	$15,000	$25,000	67%
Annual Per Device Fee	$64	$71	11%
Total Revenue for 2 Permittees and 1,000 devices	**$97,000**	**$125,000**	**29%**

City staff determined that a "per trip" fee that would allow the City to collect a set percentage of each shared scooter trip revenue was not warranted for the FY2026-2027 permit year. Funds collected from per trip fees are typically designed to be used by cities to install public right-of-way infrastructure improvements, such as dedicated shared scooter parking zones. To expedite the installation of parking zones within Berkeley, the 2026 Update requires the SEMPP Permittees to pay for and install new parking zones for the FY2026-2027 permit year, separate from and in addition to permit fees. Charging a per trip fee on top of this financial requirement would place an excessive cost burden on SEMPP Permittees to operate in Berkeley. Moreover, the per device fee is more closely correlated to the staff administrative costs of overseeing the program. City staff will continue to evaluate the need to implement a per trip fee.

The 2026 Update also incorporates new regulations around the use of parking zones to improve safety in the public right-of-way. The new regulations include a requirement for SEMPP Permittees to install, operate, and maintain new parking zones in coordination with the City. The 2026 Update also refines existing language around allowable shared scooter parking, including explicit SEMPP Permittee device deployment restrictions and revised penalties for failing to meet City standards.

The City's goal is to direct permittees to install a minimum of 40 new parking zones, accommodating an average of 360 shared scooters, during the FY2026-2027 permit year. Attachment C of the SEMPP terms and conditions (**Attachment 5 to this report**) allows SEMPP Permittees to install up to 100 parking zones per permit year. A standard parking zone shall have a shared scooter capacity of 6 to 12 scooters, unless otherwise approved by the City. City staff plan to install parking zones using a phased-approach

that first targets the perimeter of the UC Berkeley campus and then moves away from campus towards other high demand areas within the city boundary.

The permittees will begin installing the forty new parking zones in winter 2026-2027. Pending feasibility, these parking zones will be installed along Bancroft Way, Oxford Street, Hearst Avenue, and Piedmont Avenue. In addition to these forty zones, the City and SEMPP Permittees are also coordinating with UC Berkeley staff to install parking zones on the campus side of Bancroft Way, Hearst Avenue, Gayley Road, and on other university properties. Should the initial forty zones demonstrate a significant improvement in shared scooter parking compliance around campus, the City will continue to add parking zones in high-demand shared scooter parking areas across Berkeley. If scooter riders do not overwhelmingly use these new parking zones, then the City will add more zones along the UC campus perimeter and look for other methods to improve parking compliance in future permit years.

Finally, the 2026 Update better defines existing SEMPP Permittee compliance requirements and provides a revised Fine Schedule (**Attachment 4**). These modifications were implemented to strengthen compliance with and enforcement of the SEMPP terms and conditions. Changes include:

- City definitions for “fleet cap” and “ADA-related” parking concerns;
- Adjusting fleet caps as a means of enforcement;
- SEMPP Permittees are now required to include operational data in their quarterly reports to the City;
- Refined requirements and stricter enforcement to resolve resident complaints;
- Better defined and enforced parking limits; and
- Required SEMPP Permittee-led outreach and education initiatives.

The City awarded two SEMPP permits for FY 2026-2027. The permit term is July 1, 2026 to June 30, 2027. **Table 2** below provides an overview of program use, violations and fines from July 1 to October 28, 2026. For comparison, the last three columns of the table represent violations and fines from the previous permit term (FY25-26). The increased number of fines in the current term is primarily a result of an increase in City enforcement resources.

Table 2 Program Status Summary (July 1, 2026 – October 28, 2026)

SEMPP Permittee	Device Cap	Avg Daily Device Deployment	Avg Number of Trips per day	FY 26-27 Violations Incurred To Date[1]	FY 26-27 Total Value of Fines Incurred To Date[1]	FY 25-26 Total Violations Incurred	FY 25-26 Total Fines Incurred	FY 25-26 Total Fines Paid
VeoRide	700	587	1,677	134	$13,000	76	$2,759	$2,759
Lime	300	254	864	15	$1,150	22	$1,200	$1,200

1. Fines are issued quarterly. Final July - September 2026 fines will be issued in October 2026.

BACKGROUND

On September 28, 2021, Council adopted a resolution (Resolution No. 70,051-N.S.) approving the SEMPP. The resolution established the original permit program fees and allowed the City Manager to update the rules, regulations, and fees as needed. On October 12, 2021, Council adopted an ordinance (Ordinance No. 7,786-N.S) adding Berkeley Municipal Code (BMC) Chapter 14.63 and amending Chapter 14.68 to establish the SEMPP.

On September 30, 2025, Council submitted a referral to the City Manager to develop proposed increases to the SEMPP fees. The referral presented peer municipal micromobility fee structure comparisons to support the evaluations. City staff were directed to evaluate adjustments to the following fee categories:

- Application fee;
- Operating fee;
- Fee per vehicle; and
- Fee per ride.

On March 10, 2026, Council submitted a referral to the City Manager to develop recommendations for mitigating unsafe shared micromobility riding, improper parking, or device misuse and to strengthen Berkeley's micromobility framework. City staff were directed to evaluate and recommend updates in the following areas:

- Improving incentives and enforcement;
- Cost recovery fee and penalty structure;
- Right-of-way and accessibility enforcement;
- Stronger accountability measures; and
- Community engagement and education.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improved oversight and enforcement of SEMPP Permittee operations will allow the program to grow while minimizing negative impacts to pedestrian and user safety in the public right-of-way. Increasing the number of Berkeley residents and visitors who utilize shared electric scooters and bicycles as an alternative to single-occupant automobile travel will decrease greenhouse gas emissions. This will help the City achieve the Berkeley Climate Action Plan target of reducing greenhouse gas emissions by 80% below year 2000 levels by 2050.

POSSIBLE FUTURE ACTION

On an annual basis, City staff will evaluate the need to adjust SEMPP fees and fee structure to better meet the needs of the program. Possible adjustments include fee increases and the inclusion of a "per trip" fee.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Staff will incorporate the assessment of the possible future actions noted above into the program's established work plan. This work will be part of City staff's regular program administrative duties, so no additional staff time is expected to be required. Any increased revenue, deposited in General Fund 011, as a result of SEMPP fee adjustments will be used to support program administration and enforcement.

CONTACT PERSON

Mark Helmbrecht, Transportation Division Manager, Public Works Department, 510-981-6403
Jennifer Sajor, Electric Mobility Coordinator, Public Works Department, 510-981-7056

Attachments:
1: SEMPP Application 2026 Update - redline
2: SEMPP Terms & Conditions 2026 Update, Main Document – redline
3: SEMPP Terms & Conditions 2026 Update, Attachment A – no change
4: SEMPP Terms & Conditions 2026 Update, Attachment B – redline
5: SEMPP Terms & Conditions 2026 Update, Attachment C – new
6. SEMPP Terms & Conditions 2026 Update, Attachment D – new

7. SEMPP Terms & Conditions 2026 Update, Attachment E – new
8. SEMPP Terms & Conditions 2026 Update, Attachment F – redline
9. SEMPP Terms & Conditions 2026 Update, Attachment G – redline

City of Berkeley: Shared Electric Micromobility Permit Program (SEMPP) Application

I. Introduction

The City of Berkeley has seen significant growth in new mobility services, from on-demand ridehailing services to app-enabled transportation options like car sharing and bicycle sharing. The accelerated development of these technologies has the potential to dramatically shape cities in the next few decades. New mobility services can help the City achieve its goals in equity, livability, and sustainability; however, new technologies can also be disruptive and leave the marginalized further and further behind. The purpose of the regulations herein is to maximize public benefits while mitigating negative impacts through the issuance of permits for the deployment of shared electric micromobility devices ("Devices") within the City of Berkeley (the "City"). Below are the City's goals, definitions, terms and conditions, and application procedure for the Shared Electric Micromobility Permit Program.

II. Permit Goals

- Provide dockless shared electric micromobility devices as an option for City of Berkeley residents.
- Diversify mobility options of residents, employees, and visitors to Berkeley.
- Protect public health and safety.
- Avoid waste by ensuring the Devices in Berkeley are robust enough for commercial use.
- Avoid sidewalk, pathway, and pedestrian ramp blockages.
- Reduce emissions from short trips and connections to transit.
- Maximize user awareness of safe and legal behaviors for operating shared mobility devices.
- Create an enforceable framework for managing shared mobility services.
- Ensure use of the Public Right of Way (PROW) benefits public mobility.
- Ensure private operators respond to pervasive issues and service complaints.

City of Berkeley SEMPP Application Submittal Process

Solicitation Process

The SEMPP permit application solicitation period is open from **April 15, ~~2024~~ 2026 through ~~April~~ May ~~30~~15, ~~2024~~2026**.

Operators may submit questions regarding the application prior to application submittal. The deadline to ~~ask~~ submit questions is **11:59 p.m. (PST) on ~~March 22~~April 29, 202~~4~~5**. Please submit questions to: sharedmobility@berkeleyca.gov

Responses to all questions will be posted to the City's Bid & Proposal Opportunities Webpage by ~~March 17~~May 6, 202~~4~~5.

Required Application Format

Please review the Terms and Conditions in detail, and submit the following items:

- one (1) digital (pdf) copy of the application (maximum file size: 20 MB)
- one (1) scanned copy (pdf) of the application fee check

An application fee of $~~1,500~~ 2,000 is due upon submission of an application.

- Application fee checks should be made payable to: *"The City of Berkeley"*

Method for Delivery

Application packets must be delivered electronically via email per the instructions below:

- Email application packet to: sharedmobility@berkeleyca.gov
- Include in the email subject line: "SEMPP ~~2024~~ 2026 Permit Application"

The application submittal deadline is **11:59 p.m. (PST) on ~~April 30~~May 15, ~~2024~~2026.**

Physical checks should be mailed to the address listed below. To maintain application eligibility, **physical checks must be postmarked no later than ~~April 18~~May 20, 202~~4~~5**.

Send physical check to:
City of Berkeley c/o Jennifer Sajor
Public Works - Transportation Division
1947 Center St, 4th Floor
Berkeley, CA, 94704

City of Berkeley SEMPP Selection Criteria and Process

Permit Fees

Required Fee	Due
Annual Permit Fee: $~~15,000~~25,000	Upon application review and permit issuance, this fee will be due no later than 30 days after permit issuance date.
Permitted Device Fee: $~~64~~ 71 per device	Upon application review and permit issuance, this fee will be due no later than 30 days after permit issuance date.

Permit fee checks should be made payable to: *"The City of Berkeley"*

Send physical check to:
City of Berkeley c/o Jennifer Sajor
Public Works - Transportation Division
1947 Center St, 4th Floor
Berkeley, CA, 94704

Permits issued this cycle will be valid through June 30, ~~2025~~2027.

Selection Criteria and Process

The City is seeking reputable and qualified Operators as permit applicants. Every permit applicant will be scored on each principle on a scale of 1 to 10, with 1 being extremely unqualified and 10 being extremely qualified. A minimum total score of 70 is required to obtain a permit. Based on the Terms and Conditions of this program, not all applications meeting the minimum requirements will be granted permits. The City reserves the right to limit the number of permitted Operators.

(1) Inclusive outreach and engagement
(2) Traffic safety
(3) Equitable access to services
(4) Affordability
(5) Healthy communities and environment
(6) Employment and economic development
(7) Privacy and personal data
(8) Collaboration and accountability

The selection committee will consist of City staff with knowledge and experience in issues related to electric shared micromobility devices.

Appeals Process

Any decision by the selection committee to deny a permit application may be reviewed by the Deputy Director of Public Works or their designee upon timely submission of a request for reconsideration. Any

request for reconsideration shall be submitted in writing to the Deputy Director within 10 days of the date the application is denied. City response will be provided prior to permits being awarded.

Permit Application

(1) Application Information

Business Name	
Business Address	
City, State, and Zip Code	
Mailing Address *(if different from business address)*	
City, State, and Zip Code	
Website	
General Company Contact Phone	
General Company Contact Email Address	

(2) Contact Information

Primary Contact Name	
Title	
Phone Number	
Email Address	
Secondary Contact Name	
Title	
Phone Number	
Email Address	

(3) Terms and Conditions Agreement

(I/We), the undersigned, declare, under penalty of perjury under the laws of the State of California, that (I am/we are) the owner(s) or authorized representative(s) of the entity of this application; that (I/We) have received a copy of the legal terms and conditions for the Shared Electric Micromobility Permit Program, and (I/We) agree to the terms and conditions for the permit for which (my/our) company is applying; and that the information on all plans, drawings, and sketches attached hereto and all the statements and answers contained herein are, in all respects, true and correct.

Printed Name(s)	
Authorized Signature(s)	
Date	

(4) Application Materials

In your application, please provide responses to the questions below. ~~Page limits are highly recommended (additional images and maps do not count towards the limit).~~ Please review the Terms and Conditions, and incorporate how you will meet or exceed these terms in your responses. The application page limit is 30 pages.

(A) Company Overview and Pricing Structure: Provide a brief overview of your company including:

(1) Description of pricing structure including low-income and other discounted customer plans, detailing cash payment options.

(B) Scooter Availability and Service Area

(1) Proposed hours of operation.

(2) Storage of devices during non-operational hours.

(3) Proposed fleet size and service area at launch.

(a) How many devices ~~would you deploy~~do you propose to deploy in different portions of the service area, including disadvantaged communities? *Applicants should bear in mind that the permit program provides for a maximum of 1200 devices in total for the City of Berkeley. ~~Returning operators will be eligible to begin the permit year their current device cap, beginning with 200 devices per operator at program launch with the ability to dynamically raise the cap to a maximum of 400 devices per operator.~~ (The City will award franchises to a maximum of three (3) operators).*

(4) How would your deployment area change depending on the number of scooters you are permitted for?

(5) Describe methods for deploying and redistributing scooters.

(6) Would your service area apply to where users are allowed to deposit scooters?

(7) Provide map of proposed service area.

(C) Plan for Safe Riding and Storage of Devices

(1) Proposed approach to ensure compliance with laws - The City of Berkeley will monitor the degree to which shared electric micromobility ~~-~~users comply with applicable laws, particularly related to riding on sidewalks and safe parking of devices. If the City of Berkeley in its sole discretion determines that the grantee's users are not sufficiently compliant with applicable laws, the City of Berkeley may require that the permit implement additional measures or may revoke the permit.

(2) Describe ~~any~~ the education, incentives, training, scooter modifications, notification systems, infrastructure, etc. you propose.

(3) Describe how you would monitor compliance, including any technology innovations that allow monitoring, and how you would address users who are noncompliant.

(4) Describe how you would coordinate with the City of Berkeley to phase-in additional measures if your initial approach does not achieve desired levels of compliance.

(5) The City of Berkeley is ~~interested in~~ a tethering/lock-to system. Describe ~~opportunities to consider a~~ the tether or locking mechanism for ~~the~~ your devices to be secured to fixed objects ~~and how much notice would be needed in order to deploy such a program if determined necessary by City of Berkeley Staff~~. How will you ensure users properly engage

the locking mechanisms on your devices? How will you ensure your locking mechanisms are properly functioning?

(6) How will you ensure customers have valid driver's licenses?

(7) How will you work with University staff to appease their operational demands? (Example: geofenced reduced speeds and no parking zones)

(8) What are your geofencing capabilities and how would you work with City Staff to implement?

~~(8)~~**(9)** The City is interested in utilizing designated shared scooter parking zones. Describe how you will integrate designated shared scooter parking zones into your current operations to improve user parking compliance. How will you evaluate the effectiveness of your stategy?

(D) Recharging Plan

(1) Describe how devices will be recharged.

(2) How will you know when a devices needs to be recharged?

(3) Will independent contractors be used to charge devices? If so, describe the incentive structure for charging devices and any information provided to contractors concerning safe charging practices.

(4) How will you minimize potential negative impacts associated with practices related to collecting, redistributing, and recharging devices? Will you document new vehicle miles generated by collecting, redistributing and charging activities?

(E) Maintenance, Cleaning and Zero Waste Plan

(1) Detail the use life of your device, including but not limited to material sourcing/construction, battery lifespan, reuse capabilities, and disposal practice of the device and its parts.

(a) This should detail past device life-spans, *not* just projected and/or future iterations of your proposed device and its components.

(2) How will you know when a device needs maintenance?

(3) Describe approach to maintenance, cleaning, and repair of device.

(a) At what frequency and extent do you maintain the scooters? Who conducts this maintenance?

(4) Describe how you will comply with the City's (and University's) zero waste and producer responsibility policies, including taking responsibility for the devices throughout their life cycles by properly managing hazardous components including batteries, reducing the need for new devices through repair, redistributing for reuse, and recycling or otherwise properly disposing of all component parts.

(5) What fleet size is needed to maintain a given number of active scooters?

(F) Hiring and Labor Plan

(1) Describe the staffing plan, including hired staff and contractors, for operation and maintenance of your scooter share program.

(2) Describe how your hiring plan will comply with local laws and best practices regarding equal opportunity, local hiring, and fair wages.

(3) Describe how you will use local hiring practices to give underserved segments of the Berkeley population a career path within the scooter and/or technology industry. Jobs that

have upward mobility and not just gig economy (contractual) employment?

(4) Describe how you will approach transparency with any contractors related to hourly rate and net of job related expenses.

(5) Does your business model rely on gig-economy employees or will you hire permanent full and part time staff regarding operations such as charging and rebalancing?

(6) Will you provide skills training for potential staff and contractors?

(G) Community Outreach Plan

(1) What community outreach have you done or would you plan to do with stakeholder groups, merchants, and residents in the neighborhoods you are considering serving?

(2) ~~If applicable, d~~Describe any strategies to provide community benefits, partner with community benefit organizations, minimize disruption in neighborhood commercial districts, implement a culturally relevant and multilingual communications plan, and to equitably promote the use of scooter sharing systems citywide among low income communities.

(H) History, Experience and Qualifications

(1) Describe your qualifications to operate a shared electric micromobility program including experience operating shared mobility programs in North America.

(2) If you have ever operated a shared electric micromobility program in North America, particularly including Bay Area cities, describe how you complied with applicable laws, including your efforts to ensure compliance by your users with applicable laws, your efforts to work in good faith with staff from the cities you may already be operating in, and your expeditious compliance with previous enforcement efforts and payment of administrative charges for right-of-way violations (including sidewalk obstruction).

(3) List all legal or regulatory enforcement actions, by type, initiated against your company.

(4) List and describe all lawsuits ever filed against your company relating to personal injury, financial reporting, and regulatory compliance.

(5) List any manufacturing recalls or decommissions you have had to make, for any component, for any scooter in service, domestically or nationally, and what you organization did to remedy them.

(6) Provide references and contacts for other North American cities in which you operate.

(I) Privacy Policy, User Agreements, and Terms of Service

(1) Provide any privacy policies, user agreements, and/or terms of service in plain text for review.

(2) Provide screen images of all locations where this language would be shared with customers including method for obtaining user acknowledgement/agreement.

(J) Images and Description of Powered Scooter

(1) Provide a detailed description of ~~your~~ all device types you propose to deploy and their~~its~~ parts, including the placement and size of the unique device identification tag and contact information, and images of the branded device you propose for Berkeley.

(2) Include dimensions and technical specifications**.**

(K) Images and Description of Mobile Application

(1) Screen images of rental process.

(2) Screen images of proper device use and public education (example: in-app instructions on how and where to ride).

(L) Proof of Insurance

Please attach a certificate of insurance as well as an endorsement of additional insured, per specifications included in ~~Attachment I (*DRAFT*~~the ~~-~~Terms and Conditions~~)~~. If you have not yet purchased insurance meeting these specifications, supply a statement of intent to obtain this insurance in advance of being issued a franchise. The City of Berkeley will require certificates of insurance as well as an endorsement of Commercial General Liability and Commercial Automobile Liability insurance showing the City as an additional insured before issuing a permit to accepted applicants.

(M) Data Sharing Agreement

(1) Will your organization agree to the national data reporting standard of MDS GitHub protocol – Specifically the data reporting methods that have been implements by Los Angeles Department of Transportation?

(2) How will your organization provide this data to the City?

(5) Additional Attachments

Please attach the following to this application:

(1) Attachment A and Proof of Insurance
(2) Copy of Business License
(3) Copy of user agreements, user privacy, and user data collection policies
(4) Additional plans, drawings, sketches, and maps to add to your application

City of Berkeley: Shared Electric Micromobility Permit Program (SEMPP)

I. Introduction

The City of Berkeley has seen significant growth in new mobility services, from on-demand ridehailing services to app-enabled transportation options like car sharing and bicycle sharing. The accelerated development of these technologies has the potential to dramatically shape cities in the next few decades. New mobility services can help the City achieve its goals in equity, livability, and sustainability; however, new technologies can also be disruptive and leave the marginalized further and further behind. The purpose of the regulations herein is to maximize public benefits while mitigating negative impacts through the issuance of permits for the deployment of shared electric micromobility devices ("Devices") within the City of Berkeley (the "City"). Below are the City's goals, definitions, terms and conditions, and application procedure for the Shared Electric Micromobility Permit Program.

II. Permit Goals

- Provide dockless shared electric micromobility devices as an option for City of Berkeley residents.
- Diversify mobility options of residents, employees, and visitors to Berkeley.
- Protect public health and safety.
- Avoid waste by ensuring the Devices in Berkeley are robust enough for commercial use.
- Avoid sidewalk, pathway, and pedestrian ramp blockages.
- Reduce emissions from short trips and connections to transit.
- Maximize user awareness of safe and legal behaviors for operating shared mobility devices.
- Create an enforceable framework for managing shared mobility services.
- Ensure use of the Public Right of Way (PROW) benefits public mobility.
- Ensure private operators respond to pervasive issues and service complaints.

III. Definitions

(A) "Adaptive Shared Electric Micromobility Device" or "Adaptive Device" means an electric-assisted scooter, tricycle, or bicycle that is accessible to people with various physical disabilities. Adaptive Devices must include three wheels (or be self-balancing), a seat, and a basket or storage area large enough to hold a cane. When used in this document, the terms Shared Electric Micromobility Device or Device shall include an Adaptive Device unless otherwise noted.

~~(A)~~(B) "ADA" related complaint means any report or notification that a Shared Electric Mobility Device is placed, parked, or operated in a manner that obstructs or interferes with accessibility features or required accessible routes under applicable law, including but not limited to the Americans with Disabilities Act (ADA), and that requires expedited response to prevent or remove barriers to access. ADA-related complaints include, but are not limited to, Devices obstructing curb ramps, accessible parking spaces or access aisles, transit boarding areas, the public right of way, building entrances, sidewalks, or the pedestrian path of travel.

~~(B)~~(C) "Amenity Zone" is the portion of the sidewalk between the curb and the Pedestrian Zone in

which street furniture and amenities, such as lighting, benches, utility poles, tree wells, and bicycle parking, are provided. It is located between the curb and the Pedestrian Zone of the sidewalk. (See Berkeley Pedestrian Plan Figure B-2.)

~~(C)~~(D) "City Manager" means the City Manager or their designee.

~~(D)~~(E) "Equity Priority Communities" means the most recent census tracts or block groups designated as Equity Priority Communities by the Metropolitan Transportation Commission.

(F) "Fleet Cap" is the maximum allowable number of Devices an Operator can deploy within the city boundary, at a specific time.

~~(E)~~(G) "Deployment" means the placement of devices by the Shared Electric Micromobility system operator.

~~(F)~~(H) "Indemnitee" means the individual or entity that is being indemnified and held harmless by another.

~~(G)~~(I) "Pedestrian Zone" is the portion of the sidewalk for walking and pedestrian travel. (See Berkeley Pedestrian Plan Figure B-2.)

(J) Resolved Complaint means a complaint for which the Operator has corrected the underlying issue identified in the complaint, including removal or repositioning of a Device where applicable, and has confirmed resolution to the complainant and the City.

~~(H)~~(K) "Roadway" is defined in Section 530 of the California Vehicle Code or any successor statute.

~~(I)~~(L) "Shared Electric Micromobility Device" or "Device" means an electrically-powered device for short- term rental for point-to-point trips where, by design of the shared electric micromobility operator, the device is intended to remain in the public-right-of-way, even when not being rented, and is not required to be docked in a designated docking station for rental. "Devices" include electric-assisted scooters and bicycles.

(1) "Device(s)" may include:

(a) "Electric Scooter" or "Scooter" – any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor, as defined in Section 407.5 of the California Vehicle Code;

(b) "Electric Bicycle" or "Bicycle" – A Class 1 Electric Bicycle or Class 2 Electric Bicycle as defined in Section 312.5 of the California Vehicle Code;

(c) "Electric Motorized Bicycle" – A fully motorized two-wheeled device with a seat, footrest and an electric motor of no more than 750 watts; or

(d) "Electric Tricycle" – a three-wheeled device with a seat and an electric motor of no more than 750 watts.

~~(J)~~(M) "Shared Electric Micromobility System Operator" or "Operator" is an entity that owns and/or operates a Shared Electric Micromobility System in the public-right-of-way. The term includes any employee, agent, or independent contractor hired or retained by the Operator.

~~(K)~~(N) "Shared Electric Micromobility Permittee" or "Permittee" is an entity that is issued a Permit by the City to operate a Shared Electric Micromobility System in the public-right-of-way.

~~(L)~~(O) "Shared Electric Micromobility Permit Program" or "Program" means the program under which the permit system is regulated.

~~(M)~~(P) "Shared Electric Micromobility System" or "System" means a system providing Devices as defined above.

~~(N)~~(Q) "Shared Electric Micromobility User", "User" or "Customer" is any person that uses, rents, or rides a Shared Electric Micromobility Device or is a customer of the Operator.

~~(O)~~(R) "University" is the University of California, Berkeley.

IV. Permit Terms and Conditions

(A) Purpose - The purpose of this document is to establish requirements that govern and permit the operation of a Shared Electric Micromobility System in the City, and to provide a regulatory framework for the City's Shared Electric Micromobility Program (hereinafter "Program"). These terms and conditions are issued pursuant to BMC 14.63.050(B).

(B) Authority - The Public Works Department, acting through its Shared Electric Micromobility Program staff, is authorized to issue system operator Permits to operators who submit applications and fulfill all requirements of BMC Chapter 14.63 and terms and conditions stated herein, including payment of all fees, fines, and penalties to operate such systems and to administer all aspects of the Program

(C) Duration - Permits are valid for one year from the time of Permit issuance. Operators must renew Permits on an annual basis. At the sole discretion of the City, Permit requirements may be adjusted to accommodate changing technology, needs, and priorities.

(D) Modifications - The City Manager may promulgate additional or revised regulations governing systems, including but not limited to designating locations for dedicated parking devices in the public right-of-way.

(E) Relationship to City - In rendering service, hereunder, the Operator shall be and remain an Independent Contractor. It is expressly understood and acknowledged by the parties that any amounts payable hereunder shall be paid in gross amount, without reduction for penalties, taxes, or charges. Operators are responsible for assuming any applicable federal or state withholding taxes, estimated tax payments, or any other fees or expenses whatsoever.

(1) Permits issued under this program are not to be assigned or delegated to a substitute provider, a successor in interest, or a purchaser of the Permit without express written permission by the City.

(2) The City reserves the right to terminate Permits at any time and require the operator to remove their entire fleet of Devices from City streets. An operator will have thirty (30) days to remove the entire fleet from City streets.

(F) Non-transferability - A Permit may not be transferred without prior written approval of the City Manager. Operator shall promptly notify the City of any changes to the Operator's corporate structure or ownership. Failure to do so shall be cause for revocation of the Permit. "Transfer" shall include the sale or other exchange of fifty percent (50%) or more of the ownership or control of a Permittee to a third party.

(G) Indemnification - Operator/Permittee, by acceptance of the Permit, agrees and promises:

(1) Without limiting or otherwise waiving liability for the acts or omissions of the parties hereto, and to the greatest extent permitted by law including, without limitation, California Civil Code sections 1668 and 2772, et seq., to defend, indemnify, and hold harmless City and each of its respective Councilmembers, officers, directors, partners, agents, and employees (each of which persons and organizations are referred to collectively herein as "Indemnitees" or individually as "Indemnitee") from and against any and all liabilities, claims, lawsuits, actions or causes of action, losses, demands, debts, liens, costs, judgments, obligations, administrative or regulatory fines or penalties, and expenses, including, but not limited to, reasonable attorney's fees (both in-house and outside counsel) and cost of litigation (including all actual litigation costs incurred by City, including but not limited to, costs of experts and consultants), damages or liability of any kind or nature whatsoever (hereafter referred to as "Liabilities"), for death or bodily injury to any person, including without limitation, Operator and its officers, directors, employees, agents, assignees, and/or Operator's Shared Electric Micromobility Users, Customers, or clients, or for damage or destruction of any property of either party hereto or of third parties, in any manner resulting from, arising out of, relating to, or by reason of any:

(a) act, error, or omission, including both passive and active negligent conduct of Operator, its officers, directors, employees, Shared Electric Micromobility Users, Customers, or representatives, agents, servants, sub-consultants and subcontractors, independent contractors, and their assigns, and successors in interest; or

(b) act, error, or omission, including both passive and active negligent conduct, of City and/or Indemnitees, including without limitation, any act or omission resulting from, arising out of, or relating to the design, construction, maintenance, repair, replacement, oversight, management, or supervision of any physical, environmental, or dangerous condition(s) of public property including the Public Rights-of-Way and of any related improvements, or with respect to the suitability of the Public Rights-of-Way for Operator's and/or its Shared Electric Micromobility Users' or Customers' intended use.

(2) The rights and remedies of City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Permit. This provision will survive expiration or termination of this Permit.

(3) Notwithstanding the foregoing, if Operator/Permittee fails or refuses to defend and indemnify City and/or Indemnitees from and against any and all Liabilities, with legal counsel acceptable to City, City shall have the right to engage its own legal counsel, at Operator's/Permittees sole cost and expense, for the purpose of the City's defense. In no event shall Operator/Permittee agree to the settlement of any Liabilities described herein without the prior written consent of City.

(H) Waiver/Release of Liability

(1) Operator/Permittee expressly acknowledges and agrees that City would not be willing to issue this Permit to the Operator/Permittee in the absence of a waiver of liability for consequential or incidental damages resulting from, arising out of, or relating to the passive or active negligent acts, errors or omissions of City, its Councilmembers, officers, directors, partners, agents, and employees, or of any and all persons acting by, through or under each of them ("Agents"), and

(2) Operator/Permittee expressly assumes the sole and exclusive risk with respect to its Shared Electric Micromobility business, Devices, equipment, or services authorized pursuant to this Permit including, without limitation, the use of its services by the parties with which it contracts for the lease or rental of the Shared Electric Micromobility Devices, or for the servicing and repair of the Shared Electric Micromobility Devices by Operator's employees, subcontractors, subconsultants, independent contractors, or agents.

(3) Accordingly, to the greatest extent permitted by law, without limiting any indemnification obligations of Operator/Permittee or other waivers contained within this Permit, and without impairing any applicable insurance coverage described herein, as a material part of the consideration for this Permit, Operator/Permittee hereby fully and forever RELEASES, WAIVES, AND DISCHARGES any and all claims, demands, rights, lawsuits, and causes of action, against the City and its Agents for consequential and/or incidental damages (including without limitation, lost profits), and covenants not to initiate or prosecute any legal action against City or its Agents, in any forum or tribunal, for such losses or damages, arising out of this Permit or the uses authorized hereunder, including, without limitation, any interference with uses conducted by Operator/Permittee pursuant to the Permit, regardless of the nature or cause, and whether or not due to the passive or active negligence of City or its Agents, except for the willful misconduct of City or its Agents.

(4) This waiver and release includes, without limitation, any and all claims whether direct or indirect, known or unknown, foreseen and unforeseen, that may result from, arise out of, relate to, or in any way be connected with the design, construction, maintenance, repair, replacement, oversight, management, or supervision of any physical, environmental or dangerous condition(s) of the Public Rights-of-Way and any related improvements, or the suitability of the Public Rights-of-Way for Permittee's or its Shared Electric Micromobility User's or Customers' intended use.

(5) Operator/Permittee further acknowledges that it understands and agrees that it hereby expressly waives any and all rights and benefits which it now has, or in the future may have, under and by virtue of the terms of California Civil Code Section 1542, which reads as follows: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY".

(6) Operator/Permittee recognizes and understands that by waiving the provisions of this section, Operator/Permittee will not be able to make any claims for damages that may

exist, and to which, if known, would materially affect its decision to agree to these terms and conditions, regardless of whether Operator/Permittee's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

(I) Insurance Requirements/Operator's Liability Not Relieved or Limited/Notices

(1) Unless a written waiver is obtained from the City's Risk Manager, Contractor must provide the insurance listed in [Attachment A] SHARED ELECTRIC MICROMOBILITY PROGRAM INSURANCE REQUIREMENTS and shall name the City as an additional insured on that policy.

(2) [Attachment A] is attached hereto and incorporated herein by reference. Approval or purchase of any insurance contracts or policies shall in no way impact or impair Operator's indemnity and/or defense obligations hereunder nor relieve from liability or limit the liability of Operator, its subcontractors of any tier, or the officers, employees, or agents of any of them. In the event of loss, however, Operator shall give all required notices to all insurance carriers, and shall require its subcontractors to do the same. The City may, in its discretion, request evidence of such notices from Operator.

(J) Shared Electric Micromobility System Operator Requirements

(1) Operators seeking to participate in the Program must obtain a City of Berkeley business license before applying for a Permit.

(2) Operators must be in compliance and in good standing with tax payments or the Permit may be revoked or not eligible for renewal the following year.

(3) All Operators seeking to operate a System within the City must obtain a Shared Electric Micromobility System Permit ("Permit") pursuant to this chapter.

(4) Operators seeking a Permit or renewal of an existing Permit shall obtain a business license tax certificate from the Finance Department. Failure to maintain a business tax certificate or pay delinquent business license tax penalties or fees constitutes a basis for revocation or nonrenewal of a Permit.

(5) Applicants shall submit a Permit application on a form provided by the City and shall pay any applicable application fee.

(6) Prior to Permit issuance, Permit applicant shall provide to the City for inspection one (1) example Device of each model it intends to deploy. After a Permit is issued, Operators shall not introduce new models without prior inspection by the City. Devices must be made available for compliance audits and enforcement actions upon request.

(7) Prior to Permit issuance, Permit applicant shall provide proof that each of its proposed models of Device comply with all Federal, State, and local laws. Compliance with such laws shall include, without limitation, U.S.C. Title 15 Sections 2052(a)(1) and 2085, C.F.R. 1500.18(a)(12) and Part 1512 of Title 16 C.F.R., and Article 4, Sections 21200 through 21213, and Article 5, Section 407.5, and Sections 21220 through 21235 of the California Vehicle Code.

(8) The Public Works Department may impose conditions as part of Permit issuance, and may

deny a Permit to applicants who do not meet Program requirements.

(9) Operators seeking to renew a Permit shall follow the same procedures as applying for a new Permit.

(10) Operators seeking to obtain a permit for operation on private property, or another agency's property within the City limits of Berkeley, must first enter into an agreement with said agency. This includes but is not limited to University of California Berkeley and BART properties.

(11) Shared Electric Micromobility Operators shall:

(a) Provide a single point of contact (phone number and email) customer service line, available twenty-four (24) hours a day, seven (7) days a week, for complaints regarding Device usage that is not in compliance with this permit agreement; and display that contact information clearly on each Device, along with a unique identifying number;

(b) Resolve non-ADA related complaints within three (3) hours of receipt during hours when Devices are available for rental; otherwise applicable fines shall be applied, as outlined in Attachment B;

~~(b)~~**(c)** Resolve ADA related complaints within two (2) hours of receipt during hours when Devices are available for rental; otherwise applicable fines shall be applied, as outlined in Attachment B;

~~(c)~~**(d)** Issue a "ticket number" for each complaint to both the City and the person who reported the issue;

~~(d)~~**(e)** Provide a response to the complainant when a complaint is resolved; and

(f) Provide sufficient operations and maintenance staff to respond in Berkeley within two (2) or three (3) hours, as applicable, to address issues and remove improperly parked Devices;~~.~~

~~(e)~~**(g)** Maintain a 90% or higher quarterly complaint resolution rate for complaints received though Berkeley's internal systems; otherwise applicable fines shall be applied as outlined in Attachment B.

(12) For Complaints submitted through Berkeley's internal systems, Operator must:

(a) Provide a forwarding or "pass through" phone number or email address that Berkeley 311 staff can forward the call/complaints regarding device usage that is not in compliance with this permit agreement.

(b) Resolve non-ADA related complaints within three (3) hours during periods when Devices are available for rental; otherwise applicable fines shall be applied, as outlined in Attachment B;

~~(b)~~**(c)** Resolve ADA related complaints within two (2) hours of receipt during hours when Devices are available for rental; otherwise applicable fines shall be applied, as outlined in Attachment B;

~~(c)~~(d) Issue a "ticket number" for each complaint to both the City and the person who reported the issue;

~~(d)~~(e) Provide sufficient operations and maintenance staff to respond in Berkeley within two (2) or three (3) hours, as applicable, to address issues; and

~~(e)~~(f) Notify the City of Berkeley via email to sharedmobility@berkeleyca.gov, and notify the person who made the complaint, when a complaint has been addressed and is considered resolved.

(i) If any of the Operator's Devices are found to be improperly parked, and not removed within two (2) or three (3) hours per section (J)(11) above, applicable fines shall be applied, as outlined in Attachment B.

~~(i)~~(ii) For complaints submitted through Berkeley's internal systems between 10:00 PM and 6:00 AM of the following day, Operator will have until 8:00 AM to resolve; otherwise applicable fines shall be applied, as outlined in Attachment B

(13) Operator shall maintain a complaint timely resolution rate of 90% or greater; otherwise applicable fines shall be applied, as outlined in Attachment B. The resolution rate shall be calculated based on all complaints received by the Operator and the City during the reporting period, regardless of the source of the complaint. Operators shall make reasonable efforts to respond to such requests and remove or relocate the Device per section (J)(11) where operationally feasible.

(14) Complaint timely resolution rate will be calculated based on complaints routed through the City's internal systems and sent to Berkeley-specific Operator customer service email. Complaints counted toward the compliance rate should include at least two of the three pieces of information:

(a) Address/location of device in question

(b) Device ID

(c) Photo depicting improperly parked device

(15) Resolution time is based on the time stamp of the email from Operator informing the complaintant that the complaint has been resolved (e.g. device was removed or parked appropriately). The email must also include before and after photos of the resolution clearly depicting how the complaint was resolved.

~~(13)~~(16) Permittee shall provide quarterly reports of all calls and emails received through their customer service hotline and contact email including telephone wait times, email response times, and the nature of the customer inquiry.

~~(14)~~(17) Operators shall provide a plan to prevent Devices from being misplaced in bodies of water, including but not limited to: Aquatic Park, the creeks, Marina, or Bay. Operators shall provide to the City for approval their Standard Operating Procedures (SOPs) for retrieval of Devices from bodies of water, along with proof of agreements with any third parties contracted to provide services for Device removal, such as areas that require a boat

or other specialized equipment.

~~(15)~~(18) Operators deploying Scooters must verify that Users have valid credentials for use of a Scooter, as required by the California Vehicle Code Section 21235. This verification may include in-app Driver's License scanning and verification or similar technologies. Driver's License verification must be required of all Users upon issuance of Operator Permit, including existing Users.

~~(16)~~(19) Operators must ensure that each User is only able to rent one Device at a time.

~~(17)~~(20) Operators shall maintain a multilingual website, call center, and app customer interface, that is available twenty-four (24) hours a day, seven (7) days a week. Languages shall include, at a minimum, English, Spanish, and simplified Chinese.

~~(18)~~(21) Businesses operating service within the City of Berkeley are subject to Berkeley's Living Wage Ordinance. See BMC Chapter 13.27 for further information regarding this ordinance.

~~(19)~~(22) Operators shall not utilize their Devices for the sale or display of third-party advertising.

~~(20)~~(23) Operator agrees not to engage in anti-competitive behavior with other Dockless Device sharing Operators, including but not limited to falsifying data and sabotaging Devices.

(K) Device and Fleet Specifications

(1) Electric Scooters and Electric Motorized Bicycles shall have a governor that restricts electric assisted speed to 15 mph consistently. Electric Bicycles and Electric Tricycles shall have a governor that restricts electric assisted speed to 20mph when operated on a level surface. Speed limits on all Devices will be re-evaluated on an ongoing basis. The City reserves the right to revise the speed limit based on crash and injury data as recommended by the City of Berkeley Transportation Division. Operators must agree to further reduce speeds within areas designated by the City and their Devices deployed in Berkeley must be capable of doing this.

(2) All Devices shall have always-on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night. Front and rear lights must stay illuminated for at least 90 seconds after the Device has stopped.

(3) All Scooters shall have clearly visible signage notifying the User that:

(a) Helmets should be worn by all persons when operating a Scooter, and helmets MUST be worn by all persons under the age of 18 while operating a Scooter;

(b) Scooters must yield to pedestrians; Scooter Users must obey all traffic laws and obey all applicable City of Berkeley ordinances when riding a Scooter on a street, roadway, or highway;

(c) Riding on sidewalks is prohibited at all times. "No Riding On Sidewalks" in no less than 48-point font, shall be printed on every Scooter; and

(4) Customers using Devices must be provided with an easily accessible, user-friendly method, within the Operator's mobile application, to notify Operator of any safety or maintenance issues associated with the Device. In addition, a phone number for reporting safety or

maintenance issues must be conspicuously printed on every Device. Devices reported as damaged or inoperable must be taken out of service immediately and remain out of service until repaired.

(5) Operator's Devices shall not create excessive or annoying noises in violation of BMC 13.40.070, and shall not play threatening messages.

(6) Permit applicants shall present to the City for inspection one (1) fully functioning Device of every make and model that the Operator intends to deploy through the Program. Operators shall not deploy new Device models without prior inspection by the City, unless changes in new models are only cosmetic and have no impact on the Device's safety or performance. Devices must be made available for compliance audits and enforcement options.

(7) Operator must provide the City of Berkeley with at least five free Device rentals per quarter which will be used for testing purposes only.

(8) Operators shall provide the City with a list of unique identification numbers for each permitted Device.

(9) Operators shall provide proof that each of its proposed Device models complies with all applicable federal, state, and local laws. Compliance with such laws shall include, without limitation Article 4, sections 21200-21213, and Article 5, section 407.5 and sections 21220-21235, of the California Vehicle Code.

(10) Operators shall explain how damaged Devices are repaired or recycled, and what efforts will be made to reduce landfill waste. All batteries and other potentially toxic materials must be disposed of or recycled, per state law, at an appropriate recycling facility. Operator shall provide proof of proper disposal.

(11) Operators may request additional Device permits to increase fleet size on a quarterly basis, up to the maximum fleet size allowed under their permit. City of Berkeley staff will evaluate the following factors to determine if additional permits should be granted:

(a) Trips per Device per day;

(b) Trips deployed in Equity Priority Communities;

~~**(b)**~~**(c)** Timely Resolution rate; and

~~**(c)**~~**(d)** Number of parking violations.

(12) In order to maximize Device safety, all Devices shall have a minimum wheel size of 9" in diameter.

~~**(12)**~~**(13)** Operator shall be responsible for ensuring that Devices are properly locked to fixed objects, and in compliance with the requirements set forth in section (L) of these Terms and Conditions upon trip end.

(L) Parking

(1) Operators shall ensure their Devices are not parked in a way that violates the terms of their Permit, impedes the regular flow of travel in the public way, or in any way impedes the

clearance on sidewalks needed for Americans with Disabilities Act (ADA) compliance. Operators shall ensure that their Devices are parked within a bicycle rack, an on-street bike corral, or in another area specifically designated for bicycle parking and/or scooter parking.

(2) Designated shared scooter parking zones shall be implemented by Operators per Attachment C and as approved by the City.

(a) The SEMPP permit agreement shall serve as the Operator's authorization to perform approved work within the public right-of-way for parking zone installation, maintenance, and removal, in lieu of a separate encroachment permit.

~~**(2)**~~**(3)** Operator shall inform Users on how to properly park their Devices. Operators shall report to the City, on a quarterly basis, the effectiveness of efforts to enforce proper parking within their mobile application.

~~**(3)**~~**(4)** Devices shall be upright when parked.

~~**(4)**~~**(5)** Devices shall not be parked in the landscape/furniture zone adjacent to or within:

(a) Accessible parking zones, or any other accessible routes that would otherwise create a barrier to accessibility;

(b) Curb ramps;

(c) Red curb zones;

(d) Loading zones;

(e) Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;

(f) Street furniture that requires pedestrian access (for example – benches, parking pay stations, bus shelters, transit information signs, etc.);

(g) Entryways or driveways.

(6) No device shall be parked in one location for more than 72 hours or 3 consecutive days without moving.

(a) Any Device that is parked in one location for more than 72 consecutive hours or 3 consecutive days without moving may be removed and taken to a City facility for storage at the expense of the Operator.

(b) Applicable fines, as outlined in Attachment B, shall be applied for each day Operator remains in violation of the 72-hour parking limit.

(c) Devices parked within designated shared scooter parking zones are exempt from the 72-hour parking limit.

~~**(h)**~~**(d)** Devices parked in Districts 1, 2, and 5 will have an additional 48 hours of parking allowance for a total parking limit of 120 hours or five (5) consecutive days.

~~**(5)**~~**(7)** Upon request by City, Operators shall institute geo-fencing around designated Device parking areas and implement in-app technology to require their use in high-density areas.

~~**(6)**~~**(8)** Operators shall be responsible for removing Devices that have a dead battery or are

damaged.

~~(7)~~(9) Operators shall implement "No Parking" zones in all areas the City has prohibited Device parking within 72 hours of being notified by the City of the parking restriction.

~~(8)~~(10) Operator shall deploy devices with locking mechanisms that attach to bike racks and other appropriate fixed objects, in a way that:

(a) Devices may not be parked in any way that obstructs curb ramps, loading zones, access to disabled parking zones or the pedestrian path of travel.

(b) Devices must not be attached to bus stop signs, disabled parking signs, trees, fire hydrants, private property, meter posts, fences, gates, or any posts with push buttons.

(c) Devices locked to bike racks shall be positioned parallel to inverted-U or circle bike racks or perpendicular to a wave style rack.

(d) No more than two Device shall be locked to each inverted-U or circle-style bike rack, with Devices restricted to occupying~~ing only~~ one side of said bike rack-.

(e) Devices locked in a way that violates this section may be subject to impoundment and fines.

(f) An integrated locking mechanism shall be deployed on all Devices. Locking mechanisms should be designed so that they cannot be removed using simple tools and can securely hold the Device upright when parked at a bike rack or other fixed object. A combination lock will not be considered an integrated locking mechanism.

~~(9)~~(11) The requirement to lock Devices to appropriate fixed objects, as outlined in section (L) of these Terms and Conditions, when parked is waived if Device is parked in a City-approved designated shared scooter parking zone.

(M) User Education and Safety Plan

(1) Operators shall provide screenshots, images and explanations of all existing User education materials and technologies, including those in the mobile application, on the Device, and via in- person interaction.

(2) Operators shall lead coordination with City staff and other interested stakeholders to develop and implement continual education, incentives to comply with program requirements, mandatory user safety training, Device modifications, and device notification systems for users, where effective, to promote responsible ridership behavior and to reduce sidewalk obstructions, repeat violations, and unsafe riding behaviors.

(a) Continual education is defined as re-occurring digital or in-person messaging focused on user requirements and user penalties.

(b) Mandatory safety training shall cover safe riding practices, proper parking, and the impact on vulnerable populations, including children, seniors, and people with disabilities. Users shall complete this training prior to gaining access to devices.

(c) Device modifications relate to physical changes to how the device operates,

such as upgrades to the device locking mechanism or lighting.

~~(a)~~**(d)** Notification systems include, but are not limited to, in-app messaging, text messaging, and email.

~~(2)~~**(3)** Operators shall describe in their Permit application how they will monitor Users' compliance with the terms and conditions regulating Device use, including any technology that the Operator will employ to monitor Device Use, and how they will address Users who fail to comply with Device Use rules and regulations.

~~(3)~~**(4)** Operators shall deploy in-app technology that requires a User to submit a photo of their parked Device at the end of each ride.

(5) Operators shall lead coordination with City staff to conduct outreach, both in-person and digital, to raise awareness and provide public education on proper and legal use of the Devices.

(a) Operators shall conduct outreach during at least one community event per quarter. Details of Operator outreach shall be reported in the Operator Quarterly Report per Attachment G.

(N) Number of Operators, Fleet Size, and Service Area Coverage

(1) The City may issue Permits to up to three (3) Operators on a competitive basis, with the first two Permits reserved for Operators that use their own employees (with wages from the Operator reported on a federal W-2 Form), rather than contract workers, for Device recharging and rebalancing, and the third Permit reserved for an Operator that uses Devices with a seat as the primary Device available to Users. If such Permit applications are not received on or before the stated application deadline, the City may consider issuing Permits to up to two (2) other Operators in the order in which qualifying Permit applications are received.

(2) Operator must provide a minimum of fifty (50) Devices to ensure availability.

(3) Operator must serve the public right of way in the entire City of Berkeley. An Operator shall not restrict the use of its Devices to certain geographical areas of the City without written permission, such as geo-fencing certain areas.

(4) Devices should be distributed equally throughout Berkeley. More than 50% of Devices must be deployed in the Berkeley Equity Priority Communities (as designated by the Metropolitan Transportation Commission).

(5) Operators shall provide to City real-time access to data showing the location of all of their Devices.

(6) Permission to operate the Shared Electric Micromobility Permit Program outside of the public right of way shall require approval from the property owner(s), or the department or agency that has jurisdiction over the proposed location of operation, if applicable.

(7) Operator shall have a means of communicating with the User when a Device has been parked in a non-permitted area.

(8) Operators will closely monitor ridership and adjust Device density and location accordingly to maximize the convenience to the greatest number of users

(9) On a quarterly basis, the City will consider Operator proposals to increase the number of devices deployed. When considering operator proposals, the City will review:

(a) The Fleet Cap Increase Request (Attachment F), submitted by the Operator; and

(b) Timeliness of delivery and quality of quarterly reports.

(10) The City reserves the right to adjust Operator maximum fleet size ("fleet cap") based on available Device data per Section (R). An Operator will have thirty (30) days to adhere to the revised fleet cap or else incur associated fines listed in Attachment B.

(a) Fleet cap compliance will be based on historical device count Mobility Data Specification (MDS) data.

(b) The City shall apply a 15% buffer above the maximum fleet size ("fleet cap") allowed at the time of assessment, to account for known cross-boundary flow of Devices between the City and neighboring jurisdictions. The 15% buffer shall be calculated based on the current fleet size allowed at the time of the assessment.

(c) Applicable fines, as outlined in Attachment B, shall be applied for each day Operator remains in violation of the fleet cap requirement.

(d) Operator is not entitled to a per device permit fee refund for any reduction in fleet size.

(e) The City reserves the right to adjust an Operator's maximum permitted fleet size ("fleet cap") at any time based on performance, compliance, and operational data, including but not limited to MDS data, complaint response metrics, parking compliance, and adherence to program requirements and policies. The fleet cap is a conditional privilege and not a vested right, and is subject to ongoing compliance with all permit requirements.

(f) If the City determines that an Operator is out of compliance with applicable requirements or policies, including but not limited to policies implemented through the City's data platforms, the City may require a temporary or permanent reduction in fleet size as an enforcement measure. The duration and extent of any fleet reduction shall be determined by the City based on the nature, severity, and duration of the noncompliance.

(g) Except where the City determines that immediate action is necessary to address a threat to public health or safety, the City shall provide written notice of noncompliance and an opportunity to contest within seven (7) days from notice prior to implementing a fleet reduction. Operator shall comply with any revised fleet cap within the timeframe specified by the City.

(h) Fleet cap compliance shall be evaluated using historical device count data, including MDS data. Operator acknowledges that permit fees are assessed for participation in the Program and not for any guaranteed

level of deployment, and agrees that no refund, credit, or adjustment shall be provided for any reduction in fleet size required by the City pursuant to this section.

(i) Opportunity to Contest: if the City determines that an Operator is subject to a fleet cap reduction pursuant to this Section, the City shall provide written notice to the Operator identifying the basis for the proposed reduction, the scope of the reduction, and the timeframe for compliance. Upon receipt of such notice, the Operator shall have seven (7) calendar days to submit a written protest to the SEMPP Permit Program Manager.

(i) The Operator's protest must include any supporting documentation or evidence demonstrating compliance, disputing the alleged violation, or otherwise establishing why the proposed fleet reduction should not be imposed or should be modified. The Operator bears the burden of demonstrating that the proposed enforcement action is unwarranted or should be adjusted. The SEMPP Permit Program Manager shall review the Operator's submission and issue a written determination within a reasonable timeframe. The City may affirm, modify, or rescind the proposed fleet reduction based on the information provided. Unless otherwise specified by the City, the proposed fleet reduction shall be stayed during the seven (7) day protest period but may be implemented immediately thereafter if no protest is submitted.

(j) Nothing in this Section limits the City's ability to take immediate action, including immediate fleet reduction, where necessary to address an imminent threat to public health or safety, as determined by the SEMPP Permit Program Manager.

~~(10)~~(11) If charging or servicing of Devices is contracted to third parties, Operators must take steps to prevent conflicts between contractors seeking to charge or service Devices. This may include partnering with local organization(s) to provide this service, allocating Devices to charging personnel in a coherent way, hiring charging staff directly, or other such mechanisms that removes or reduces the incentive for conflicts.

(O) Accessibility

(1) Operators must provide Adaptive Devices for persons with disabilities. The total percentage of Adaptive Devices shall be based on expected need, performance, and usage.

(2) Operators must submit an "Adaptive Device Plan" to the City of Berkeley Transportation Division within three months of permit issuance detailing a timeline for incorporation of shared Adaptive Devices within nine (9) months of the Permit issuance. This "Adaptive Device" plan should describe the type of Device, number of Devices, and timeline for when the Devices will be made available. Adaptive Devices must:

(a) Be self balancing (or include at least three wheels),

(b) Have a seat; and

(c) Have a basket or storage area large enough to hold a cane

(3) Mobile apps and other Customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers, and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973

(P) Affordability

(1) Operators shall make available ways to use and pay for the service that do not require a credit card for payment of services.

(2) Operators shall offer a discounted membership for those with low-income, equivalent to $5 for one year of unlimited 30 minute rides for those who participate in the Supplemental Nutritional Assistance Program (SNAP) or California Alternative Rates for Energy (CARE). Low- income plans will be considered equivalent if a significant discount is provided.

(3) Operators shall implement a marketing and targeted outreach plan at their own cost to increase awareness of low-income discount options.

(4) Operators must report quarterly the status of their low-income discount programs including how many Customers have signed up, how many rides have been taken at a discounted rate, and other aspects of the program as requested by staff.

(Q) Personal Data and Privacy

(1) Operator must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS), and provide proof of compliance.

(2) Operator must provide a Privacy Policy that safeguards Customers' personal, financial, travel, and usage information.

(3) Operator should clearly communicate to the public and to the City what personal information is being collected about Users, how it is being used, and for how long.

(4) Operator shall produce a Privacy Policy that complies with the California Online Privacy Protection Act (CalOPPA) and any data protection laws applicable to minors, and further, expressly limits the collection, storage, or usage of any personally identifiable information to the extent absolutely required to successfully accomplish the provision of the Shared Electric Micromobility Program.

(R) Data Reporting

(1) Operators shall make anonymized real-time data in Mobility Data Standard (MDS) format available to the City, and/or a City-designated, third party transportation data analysis platform, for the purposes of aggregating this data, evaluating Device usage, or enforcing the requirements in the Permit. Precise origin and destination points will be obscured to a one- block (or equivalent) radius to protect user privacy. Device IDs must be unique Device identifiers that are consistent over time. Operator data may be publicly reported in aggregated form(s). More information about MDS can be found online at: https://github.com/openmobilityfoundation/mobility-data-specification

(a) Any MDS compatible application programming interface (API) must export the following data:

(i) The trip starts in the City of Berkeley,

(ii) The trip ends in the City of Berkeley, and

(iii) GPS telemetry data showing the trip passing through the City of Berkeley.

(2) Operators shall maintain or develop connections to ingest all MDS "Policy" endpoints for which the City populates information.

(3) The City reserves the right to adopt, modify, or expand such policies from time to time to support program administration, compliance monitoring, and enforcement for any reason. The City shall provide Operators with written notice of any new or modified policy requirements and a reasonable implementation period of not less than thirty (30) days prior to enforcement, unless a shorter timeframe is necessary to address an immediate public health or safety concern.

(4) Failure to comply with applicable MDS policies, including within required implementation timeframes, may result in enforcement actions, including fines as set forth in Attachment B and adjustments to the Operator's fleet cap pursuant to Section (N)(10). The Operator's demonstrated ability to comply with current and newly adopted MDS policies may be considered by the City in evaluating overall performance and determining whether a reduction in fleet size is warranted.

~~(2)~~**(5)** The Fine Structure (Attachment B) will be updated accordingly. A 30-day grace period will be implemented prior to the City issuing fines related to newly implemented policies.

~~(3)~~**(6)** The Operator shall maintain compliance with the most current published version of MDS, including the addition of any new APIs or fields not listed in these permit requirements, unless the City provides a written exception. Any changes or updates to the API will require at least 90-day notification to the City.

~~(4)~~**(7)** The City of Berkeley may adopt additional data sharing requirements that provide the City and any authorized third-party contractor of the City with real-time and collected shared mobility device data available through the Operator's application program interface.

~~(5)~~**(8)** Operators shall anonymize all data shared with the City or any authorized third-party contractor of the City.

~~(6)~~**(9)** Operators shall comply with applicable federal, state, and local data privacy laws to protect the privacy of any personal information that they receive.

~~(7)~~**(10)** Operators shall make anonymized real-time data available via a public API end point in the data standard developed by the North American Bikeshare Association, known as the "General Bikeshare Feed Specification (GBFS)", with reasonable modifications to this specification to account for the dockless nature of the Operator's Devices. A smart phone-based application used to rent Devices does not qualify as a publicly accessible application program interface. Public GBFS feeds should omit Device IDs to protect user privacy.

~~(8)~~(11) Operators must provide data on key performance indicators, including, but not limited to, the following:

(a) Total utilization rates, and disaggregated by device type (standing, seated, if applicable; adaptive device);

(b) Total downloads, active Users, and repeat User information;

(c) Total trips by day of week and time of day;

(d) Origins and destinations;

(e) Trips per Device by day of week, time of day;

(f) Average trip distance;

(g) Device maintenance reports (including but not limited to Device ID number and maintenance performed);

(h) Incidents of theft and vandalism;

(i) Number of complaints;

(j) Number of crashes or collisions, including the date and time of the incident, Device ID, location of incident (geo coordinates), traveling path of Device (sidewalk, bike lane, travel lane), the severity of the incident (fatality, severe injury, minor injury, or property damage only), and if a police report was filed;

(k) Payment method information;

(l) Rebalancing of Devices to designated service areas;

(m) Outreach activities completed;

(n) Total number of free or discounted helmets distributed;

(o) Number of Customers participating in the low-income discount program;

(p) Number of discounted rides taken;

(12) Operators must provide reports on a quarterly basis. Any data that is already provided to a City-designated third-party data aggregator and is queryable on a quarterly basis does not need to be included in the quarterly reports.

(13) Permittee shall submit a complete and accurate Quarterly Report to the City no later than the 15th calendar day immediately following the end of each calendar year quarter.

(a) Each Quarterly Report shall be submitted in a format prescribed by the City and shall include all data, metrics, certifications, and supporting documentation required under this Permit or as otherwise requested by the City. The Quarterly Report template is provided in Attachment G.

~~(c)~~(b) Failure to submit a complete Quarterly Report by the required deadline shall constitute a violation of this Permit and may result in enforcement action, including but not limited to administrative penalties, suspension, or revocation, as provided herein.

~~(9)~~(14) Operators must agree to distribute an opt-in User survey, developed in coordination with the City of Berkeley Transportation Division, to all Users annually.

(S) Community Engagement

(1) Operators must provide a plan for community engagement, including a list of planned presentations, activities and events with community-based organizations, Business Improvement Districts, and other key stakeholders in the service area.

(2) Operators must have a way to receive and respond to complaints in multiple languages, including, but not limited to English, Spanish, and simplified Chinese. A summary of complaints must be submitted to the City of Berkeley on a quarterly basis.

(3) Operators shall make available free or discounted helmets through in-person events or through their mobile application website.

(T) Permit Revocation or Suspension

(1) The Transportation Division Manager or their designee may revoke or suspend a Permit, effective immediately, at their sole discretion for reasons including, but not limited to, the following:

(a) A failure to comply with the Berkeley Municipal Code;

(b) A failure to comply with the Terms and Conditions of the permit;

(c) A determination that the operation of the Devices by the Permittee poses a risk to public safety;

(d) A determination that the operation of Devices by the Operator conflicts with the Transportation Division's obligation to manage the Right-of-Way responsibly;

(e) A transfer of the permit to another party without prior written approval from the Division Manager;

(f) A material misstatement or omission in the Permit application or any other associated document;

(g) The Operator sells or shares confidential User Data;

(h) The Operator does not pay required fees, surcharges, or penalties;

(i) The Operator blocks or alters the presentation of any information or denies access to its company application by any City employee authorized to enforce the provisions of the associated Permit and this Rule, or attempts to thwart or interfere with any City employee's enforcement or oversight of the associated permit or this Rule;

(j) Consistent failure by the Operator to require its Users to comply with applicable laws; or

(k) Failure to comply with a material term set forth in this Shared Electric Micromobility Permit Program.

(l) The Division Manager may allow the temporary continuation of a Permit that is

otherwise subject to revocation or suspension if, in the determination of the Manager, the public welfare would not suffer thereby.

(U) Administrative Review and Appeals

Any decision by the City of Berkeley Transportation Division to suspend or revoke a Permit may be reviewed by the Transportation Division Manager upon a timely submission of a request for reconsideration. Any request for reconsideration shall be submitted in writing to the Manager within 10 days of the effective date of the suspension or revocation.

(V) Severability/Partial Invalidity

If any Permit term or condition of the Shared Electric Micromobility Permit Program, or the application of any term, condition, or provision thereof to a particular situation, shall be finally found to be void, invalid, illegal, or unenforceable by a court of competent jurisdiction, then notwithstanding such determination, such term, condition, or provision shall remain in force and effect to the extent allowed by such ruling and all other permit terms and conditions or the application thereof to other situations shall remain in full force and effect.

[END Terms & Conditions]

Attachment A
SHARED ELECTRIC MICROMOBILITY PROGRAM INSURANCE REQUIREMENTS

a. General Liability, Automobile, Workers' Compensation and Professional Liability

Contractor shall procure, prior to commencement of service, and keep in force for the term of this contract, at Contractor's own cost and expense, the following policies of insurance or certificates or binders as necessary to represent that coverage as specified below is in place with companies doing business in California and acceptable to the City. If requested, Contractor shall provide the City with copies of all insurance policies. The insurance shall at a minimum include:

i. **Commercial General Liability insurance** shall cover bodily injury, property damage and personal injury liability for premises operations, independent contractors, products-completed operations, personal & advertising injury, and contractual liability. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01).

Limits of liability: Contractor shall maintain commercial general liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than $2,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, the general aggregate shall have a limit of not less than $4,000,000 annually and shall apply separately to dockless device operations.

ii. **Automobile Liability Insurance.** Contractor shall maintain automobile liability insurance for bodily injury and property damage liability with a limit of not less than $1,000,000 each accident. Such insurance shall cover liability arising out of any auto (including owned, hired, and non- owned autos). Coverage shall be at least as broad as Insurance Services Office Form Number CA 0001.

iii. **Workers' Compensation insurance** as required by the laws of the State of California, with statutory limits, and statutory coverage may include Employers' Liability coverage, with limits not less than $1,000,000 each accident, $1,000,000 policy limit bodily injury by disease, and $1,000,000 each employee bodily injury by disease. The Contractor certifies that he/she is aware of the provisions of section 3700 of the California Labor Code, which requires every employer to provide Workers' Compensation coverage, or to undertake self-insurance in accordance with the provisions of that Code. The Contractor

shall comply with the provisions of section 3700 of the California Labor Code before commencing performance of the work under this Agreement and thereafter as required by that code.

b. Terms Conditions and Endorsements

The aforementioned insurance shall be endorsed and have all the following conditions:

i. Insured Status (Additional Insured): Contractor shall provide insured status naming the City of Berkeley, its Councilmembers, directors, officers, agents, employees and volunteers as insureds under the Commercial General Liability policy. General Liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 (11/85) or both CG 20 10 and CG 20 37 forms, if later revisions used). If Contractor submits the ACORD Insurance Certificate, the insured status endorsement must be set forth on an ISO form CG 20 10 (or equivalent). A STATEMENT OF ADDITIONAL INSURED STATUS ON THE ACORD INSURANCE CERTIFICATE FORM IS INSUFFICIENT AND WILL BE REJECTED AS PROOF OF MEETING THIS REQUIREMENT; and

ii. Coverage afforded on behalf of the City, Councilmembers, directors, officers, agents, employees and volunteers shall be primary insurance. Any other insurance available to the City Councilmembers, directors, officers, agents, employees and volunteers under any other policies shall be excess insurance (over the insurance required by this Agreement); and

iii. Cancellation Notice: Each insurance policy required by this clause shall provide that coverage shall not be canceled, except with notice to the Entity; and

iv. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the contractor, its employees, agents and subcontractors; and

v. Certificate holder is to be the same person and address as indicated in the "Notices" section of this Agreement; and

vi. Insurer shall carry insurance from admitted companies with an A.M. Best Rating of A VII, or better.

c. Replacement of Coverage

In the case of the breach of any of the insurance provisions of this Agreement, the City may, at the City's option, take out and maintain at the expense of Contractor, such insurance in the name of Contractor as is required pursuant to this Agreement, and may deduct the cost of taking out and maintaining such insurance from any sums which may be found or become due to Contractor under this Agreement.

d. Insurance Interpretation

All endorsements, certificates, forms, coverage and limits of liability referred to herein shall have the meaning given such terms by the Insurance Services Office as of the date of this Agreement.

e. Proof of Insurance

Contractor will be required to provide proof of all insurance required for the work prior to execution of the contract, including copies of Contractor's insurance policies when requested. Failure to provide the insurance proof requested or failure to do so in a timely manner shall constitute ground for rescission of the contract award.

f. Subcontractors

Should the Contractor subcontract out the work required under this agreement, they shall include all subcontractors as insureds under its policies or shall maintain separate certificates and endorsements for each subcontractor. As an alternative, the Contractor may require all subcontractors to provide at their own expense evidence of all the required coverages listed in this Schedule. If this option is exercised, both the City of Berkeley and the Contractor shall be named as additional insured under the subcontractor's General Liability policy. All coverages for subcontractors shall be subject to all the requirements stated herein. The City reserves the right to perform an insurance audit during the project to verify compliance with requirements.

g. Deductibles and Self-Insured Retentions

Any deductible or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductible or self-insured retentions as respects the City, its Councilmembers, directors, officers, agents, employees and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

h. Waiver of Subrogation

Contractor waives all rights against the City of Berkeley and its Councilmembers, officers, directors, employees and volunteers for recovery of damages to the extent these damages are covered by the forms of insurance coverage required above.

i. Evaluation of Adequacy of Coverage

The City of Berkeley maintains the right to modify, delete, alter or change these requirements, with reasonable notice, upon not less than ninety (90) days prior written notice.

j. Higher Limits of Insurance

If the contractor maintains higher limits than the minimums shown above, The City shall be entitled to coverage for the higher limits maintained by the contractor.

Attachment B

SHARED ELECTRIC MICROMOBILITY PERMIT PROGRAM
FINE STRUCTURE

Below are the fines related to the Shared Electric Mobility Permit Program. Operators are responsible for reviewing and paying all applicable fines. The City reserves the right to update this fine structure per Section (R) of the Terms and Conditions.

Fine Name	Description	Fine	Per	Invoice Frequency
Timely Resolution Violation (non-ADA related)	Fine charged to Operator for each instance a complaint related to non-compliant Device usage per the SEMPP Terms and Conditions is not resolved within 3 hours of Operator receipt of the initial complaint.	$50	Per incident	Quarterly
Timely Resolution Violation (ADA related)	Fine charged to Operator for each instance a complaint related to non-compliant Device usage per the SEMPP Terms and Conditions and is specifically ADA-related is not resolved within 2 hours of Operator receipt of the initial complaint.	$150	Per incident	Quarterly
Timely Resolution Rate Below 90% - 1 Quarter	Fine charged to Operator for having a Timely Resolution Rate below 90% for one quarter.	$1,000	Per incident	Quarterly
72-Hour Parking Limit	Fine charged to Operator for exceeding the 72-hour shared scooter parking limit. Fine applied each day Operator remains in violation as defined under section (L)(6) of the SEMPP Terms and Conditions.	$25	Per day	Quarterly
Daily Fleet Cap Exceedance	Fine charged to Operator for exceeding the allowed fleet cap as per defined under section (N)(10) of the SEMPP Terms and Conditions.	$50	Per day	Quarterly

Attachment C

SHARED ELECTRIC MICROMOBILITY PERMIT PROGRAM PARKING ZONE IMPLEMENTATION SCOPE OF WORK

1. PURPOSE

The purpose of this Scope of Work (SOW) is to establish requirements for the planning, design, installation, and maintenance of designated shared scooter parking zones (parking zones) within the City public right-of-way. The Shared Electric Micromobility Permit Program (SEMPP) permittees ("Operators") shall implement parking zones in coordination with the City to reduce sidewalk clutter, improve pedestrian accessibility, and enhance public space organization.

2. GENERAL REQUIREMENTS

The Operator shall:

a. Comply with all City standards, Americans with Disabilities Act (ADA) requirements, Public Rights-of-Way Access Guidelines (PROWAG), and applicable state and federal laws.
b. Coordinate with the City's Transportation Division for approval of all parking zone locations and designs prior to installation.
c. Bear all costs associated with design, installation, maintenance, relocation, and removal unless otherwise approved by the City.
d. Obtain all necessary right-of-way authorization through the SEMPP permit. The SEMPP permit agreement shall serve as the Operator's authorization to perform approved work within the public right-of-way for parking zone installation, maintenance, and removal, in lieu of a separate encroachment permit.

3. PARKING ZONE PLANNING & SITING

3.1 Site Selection

The Operator shall propose parking zone locations based on:

a. Trip origin/destination data
b. Prioritization of on-street daylighting zones
c. Transit proximity
d. Commercial and mixed-use corridors
e. Sidewalk width and pedestrian clear path requirements

3.2 Siting Criteria

Parking zones shall:

a. Maintain a minimum 6-foot clear pedestrian path, unless otherwise approved by the City
b. Not obstruct curb ramps, driveways, transit boarding areas, fire hydrants, or utilities
c. Avoid conflicts with outdoor dining, loading zones, and bike racks
d. Be visible and easily identifiable from the public right-of-way
e. Not impede stormwater drainage flow or obstruct catch basins

3.3 City Approval

Operator shall submit proposed locations for preliminary review and feedback. All proposed parking zone locations must receive written City approval prior to design and installation. The City shall approve a maximum of 100 parking zones per permit year.

4. DESIGN & INSTALLATION

4.1 Design Standards

Parking zones shall use high-contrast white traffic-rated pavement markings for the following:

a. 3-inch wide boundary markings
b. A minimum 6-inch uppercase lettering height for primary identification: "SHARED SCOOTER PARKING ONLY"
c. A minimum 2-inch uppercase lettering height for parking zone device capacity: "Max. Capacity: #"
d. A minimum 2-inch uppercase lettering height for Parking Zone identification: "Zone ID: #-##"
e. 24-inch scooter symbol marking

All pavement marking materials shall comply with applicable City standard details and the California Manual on Uniform Traffic Control Devices (CA MUTCD). Marking materials shall be durable, retroreflective, and rated for vehicular traffic where installed in the roadway.
On-street parking zone design shall include:

- Two angled anchored six-foot long low-profile bumpers
- Two flexible delineators installed one-foot from each street-facing corner

Off-street parking zone design shall include:

- One-foot gap between curb face/planter edges and parking zone boundary

All bumpers, flexible delineators, and channelizing devices shall meet CA MUTCD standards for traffic control devices. The Operator shall submit product specifications and manufacturer cut sheets for City review and approval prior to procurement. The Operator shall submit PROWAG Compliant Traffic Control Plans for City review and approval prior to installation.

4.2 Capacity Requirements

a. Standard zones shall accommodate six (6) to 12 scooters unless otherwise approved, where each scooter occupies a standard 15 inches of width when measured from the widest part of the base of the scooter.
b. High-demand areas may require expanded zones, where feasible

4.3 Installation Timeline

The City will complete review of Operator designs and traffic control plans within a reasonable timeframe as determined by the City. All proposed parking zone designs must receive written City approval prior to installation.

Prior to any drilling, anchoring, or ground-disturbing work, the Operator shall contact USA North 811 (or the applicable regional notification center) to verify the location of underground utilities. The Operator shall be solely responsible for any damage to underground utilities,

conduit, or infrastructure resulting from installation activities.

The Operator shall install approved zones within:

a. 30 days of City approval for standard installations
b. 15 days for priority relocation or ADA corrective actions

4.4 Completion of Work

All parking zone construction, installation, striping, signage placement, and related improvements shall be performed in accordance with City-approved plans, specifications, and applicable standards. Construction shall not be deemed complete until:

a. All approved design elements have been fully installed;
b. All materials are properly secured and operational;
c. The site is restored to safe and accessible condition; and
d. The City has conducted a final inspection and issued written approval of the installation.

The Operator shall comply with the City construction best management practices included in this agreement as Attachment D.

4.5 Request for Inspection

Upon completion of installation, the Operator shall submit a written request for final inspection to the City Transportation Division. The request shall include:

a. Zone ID and location
b. Date of installation
c. As-built photos from multiple angles
d. Any deviations from approved plans (if applicable)

The City shall conduct inspection within a reasonable timeframe as determined by the City.

4.6 Deficiencies & Corrections

If the City identifies deficiencies during inspection, the Operator shall:

a. Receive written notice of required corrections;
b. Correct identified deficiencies within ten (10) business days, or sooner if related to ADA or safety concerns;
c. Request re-inspection following completion of corrective work.

Parking zones with identified ADA or pedestrian access conflicts may require correction within forty-eight (48) hours.

4.7 Formal Acceptance

Construction shall be deemed complete only upon:

a. Written confirmation from the City that the installation meets approved standards; and
b. Entry of the zone into the City's official parking zone inventory.

Until formal acceptance is granted:

a. The parking zone shall not be considered operational for performance measurement purposes; and
b. The Operator remains fully responsible for any compliance issues, accessibility conflicts, or public safety concerns.

5. MAINTENANCE & OPERATIONS

5.1 Routine Maintenance

The Operator shall:

a. Inspect all parking zones at least biweekly
b. Refresh faded markings that impact usability/visibility within 30 days of identification
c. Remove debris and reposition improperly parked scooters daily in high-demand areas
d. Replace damaged or missing bumpers, delineators, and anchoring hardware within ten (10) business days of identification
e. Agree to the terms of the City's on-street parking zone maintenance agreement (see Attachment E)

The total number of on-street parking zones an Operator is required to maintain shall be proportional to the Operator's share of the total permitted shared scooter fleet within the City.

5.2 ADA & Safety Corrections

If ADA obstruction or pedestrian access issues related to the physical infrastructure are identified:

a. Immediate correction is required within 48 hours
b. Written corrective action plan submitted within 5 business days if recurring

6. DATA REPORTING & PERFORMANCE MONITORING

6.1 Performance Metrics

The Operator shall, as needed, support evaluation of:

a. Occupancy rate
b. Turnover rate
c. Improper parking rate
d. ADA compliance observations

6.2 Reporting Frequency

SEMPP quarterly performance reports shall include proposed relocations or expansions.

7. RELOCATION & REMOVAL

The City retains authority to remove parking zones as needed. The City will coordinate and provide Operators with information should that be necessary.

The City may require relocation or removal of any parking zone based on:

a. ADA conflicts
b. Persistent public complaints
c. Underutilization

d. Public safety concerns
e. Construction or capital projects

Operator shall comply within:
a. Ten (10) business days for standard relocations
b. Forty-eight (48) hours for urgent safety issues

Upon removal or relocation of a parking zone, the Operator shall restore the affected public right-of-way to a safe and functional condition substantially similar to the condition that existed prior to installation, excluding reasonable normal wear and tear, as to be determined by the City. Restoration shall include removal of all installed materials, markings, anchors, and debris associated with the parking zone and repair of any damage to pavement, striping, curbs, sidewalks, or other public infrastructure caused by installation, maintenance, relocation, or removal activities, to the satisfaction of the City. If the Operator fails to restore the site within a timeframe specified by the City, the City may perform the necessary restoration work and recover all associated costs from the Operator.

All relocation and removal work that requires lane closures or affects vehicular or bicycle traffic shall be performed in accordance with an approved traffic control plan, consistent with the requirements of Section 4.

8. ENFORCEMENT & PERFORMANCE STANDARDS

Failure to comply with this Scope of Work may result in:
a. Corrective action notice
b. Monetary penalties as defined in the Shared Electric Micromobility Permit
c. Suspension of fleet deployment increases

9. PUBLIC COMMUNICATION

The Operator shall:
a. Clearly communicate parking requirements in-app
b. Provide in-app wayfinding to nearest parking zones
c. Submit City-approved messaging regarding parking compliance
d. Support public education campaigns as requested

10. INSURANCE & LIABILITY

The Operator shall maintain insurance coverage as required under the Shared Electric Micromobility Permit and shall indemnify the City for claims arising from parking zone installation or scooter placement.

REV. 07/06.2023

Work in the Right of Way/Permit to Excavate

Department of Public Works
Engineering Division

1. **Call Underground Service Alert (USA)**, 1-800-227-2600 at least two working days before excavating in the "Right of Way".

2. Businesses and residence that will be affected by the construction must be given advanced written notification of at least 30 days prior to the start of construction.

3. **"NO PARK" signs** are to be posted 72 hours before the start of construction. Use of all time zoned parking spaces (including loading/restricted residential parking zones) will be charged at the daily rate as listed on our current fee schedule.

4. Traffic Control Plans/Pedestrian Control Plans must be submitted with every permit application. A detailed Scope of Work plan including locations must be submitted. Use of all time zoned parking spaces (including loading/restricted residential parking zones) will be charged at the daily rate as listed on our current fee schedule. Traffic Plans must be followed.

5. **No Street will be closed to Traffic overnight** without prior approval from the City of Berkeley Traffic Engineer. Upon approval of any street closure the applicant will notify Berkeley Police and Fire Departments of the date and duration of the closure.

6. Best Management Practices "BMP", Traffic Control and work progress will be inspected daily until the job is completed. Construction crews will notify City inspector prior to construction when aware of construction schedule. To notify of work schedule e-mail utility@BerkeleyCA.gov

7. Use City of Berkeley Standards, general notes or details for all excavations, new and rehab construction. All sidewalk replacement must be full width and to the nearest transverse score lines from each end of the trench.

8. **All contractors' excavating must be "Class A"** and have a current Berkeley Business License.

9. No digging/trenching is allowed on any city streets that have been paved in the last five years without written consent. If approved, paving restoration is to be completed to the moratorium paving detail 8136 (extended repaving requirements).

10. Compaction tests are required on all excavations of I00' or greater, or as requested by the inspector or engineer. A copy of testing is to be sent to utility@BerkeleyCA.gov for verification prior to final paving.

11. **Permanent paving is to be completed within 21 days after completion of the project.** All striping that was removed or damaged must be replaced within 30 days. Temporary striping will be used if safety is an issue.

12. **The contractor shall be responsible for the preservation of existing survey monuments.**
    Pre-Construction Monument Referencing:
    All City of Berkeley Survey Monuments located within the project area must be referenced, prior to work commencing, by a land surveyor licensed in the State of California as required by Section 8771 of the Business and Professions Code. Corner Records of this work must be submitted for filing to both the County Surveyor of Alameda County, and the City of Berkeley, Public Works Department, Engineering Division, Survey Section.
    Post-Construction Monument Checking:
    After construction is complete, a surveyor's report, signed and stamped, is required. The report shall detail the post-construction findings at each monument, either verifying that the monument remains in its Pre-Construction location, or that the monument has indeed been disturbed.
    Post-Construction Monument Replacement:
    Should any monument be found disturbed, the contractor shall replace said monument and file the associated Post-Construction Corner Record with the County and provide a copy to the City.

13. This permit is valid for a period of 180 days (6 months) from the date of the approval.

14. Any person, firm or corporation performing work pursuant to the provisions of this article shall indemnify and hold harmless the City of Berkeley, its officers and employees from any claims, damages or liability arising from or out of the performance of such work. (BMC 16.12.110 Ord. 4363-NS § 8, 1968)

15. In the event of a Red Flag Warning being issued, construction activities shall cease in Fire Zones 2 and 3 until the Red Flag Warning has been lifted. Contractors are responsible to stay informed of the Warnings during the High Fire Season. A Fire Zone map can be found at the link below: https://berkeleyca.gov/construction-development/land-use-development/research-zoning-permits-and-zone-designations

Department of Health & Human Services
Division of Environmental Health
TEL (510) 981-5310; FAX (510) 981-5305
e-mail: envhealth@ci.berkeley.ca.us
web site: www.ci.berkeley.ca.us

CONSTRUCTION NOISE STANDARDS

The following is a summary of sections of the Berkeley Community Noise Ordinance pertaining to Construction/Demolition. You are required to comply with the following sections:

13.40.070 Prohibited Acts

(B) (7) (a) Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between **weekday** hours of **7 p.m. and 7 a.m.**, **or 8 p.m. and 9 a.m**. on **weekends** or **holidays** such that the sound therefrom creates a noise disturbance across a residential or commercial real property line...

(b) Noise restrictions at affected properties. Where **technically and economically feasible**, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

MOBILE EQUIPMENT: Maximum sound levels for nonscheduled, intermittent. Short-term operation (less than 10 days) of mobile equipment. (***jackhammer, backhoe, drill, saws, sander grinder***, etc.)

Table 13.40-3	Time	Residential (R-1, R-2)	Multi-Family Residential R-3	Commercial/ Industrial
Daily	7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends and	9:00 a.m. to 8:00 p.m.	60 dBA	65 dBA	70 dBA
Legal Holidays	9:00 a.m. to 8:00 p.m.	60 dBA	65 dBA	70 dBA

STATIONARY EQUIPMENT: Maximum sound levels for repetitively scheduled and relatively long term operation (period of ten days or more) of stationary equipment.

Table 13.40-4	Time	Residential (R-1, R-2)	Multi-Family Residential R-3	Commercial/ Industrial
Daily	7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends and	9:00 a.m. to 8:00 p.m.	50 dBA	55 dBA	60 dBA
Legal Holidays	9:00 a.m. to 8:00 p.m.	50 dBA	55 dBA	60 dBA

Failure to comply with the Noise Ordinance will result in issuance of a written warning, a possible citation, and a potential stop work order. Thank you in advance for your efforts to comply with these provisions.

RECOMMENDATIONS

- **As a courtesy, notify neighbors prior to starting a job that you anticipate will create noise. Communication with neighbors can prevent complaints from arising, and resolve concerns before there is a problem. Provide a phone number where the foreman can be reached prior to the start of the job.**

- **Mitigate noise from power equipment or other noise producing activities with sound barriers, muffling devices, lower settings on power equipment, and shortened work periods.**

- **If power equipment is to be used, take preliminary noise readings to determine whether you may be in violation of the noise ordinance. These readings should be taken at the closest adjacent property line from the noise source.**

- **If you have questions about the Noise Ordinance, or you would like a health inspector to take noise readings at your worksite, please call Environmental Health at (510) 981-5310 between the hours of 7:30 a.m. and 9:00 a.m., Monday through Friday.**

APPENDIX C

PEDESTRIAN, BICYCLE, AND BUS FACILITY ACCOMODATION IN CONSTRUCTION ZONES

Supplemental Design Guidelines: Accommodating pedestrians, bicyclists, and bus facilities in construction zones

Every reasonable effort should be made to avoid and minimize construction impacts on pedestrian, bicycle, and bus facilities in Berkeley.

This document provides engineering and design guidance on temporary traffic control measures used to accommodate pedestrians, bicyclists, and bus facilities through construction zones in Berkeley. The guidance supplements the guidance in Part 6 of the California Manual on Uniform Traffic Control Devices (CA MUTCD)[1], which specifies that bicyclists and pedestrians must be safely accommodated through construction zones, and the City of Berkeley's "TRAFFIC CONTROL PLAN PREPARATION GUIDELINES" This supplemental guidance specifies when and where pedestrian, bicycle, and bus facilities may be relocated, detoured, modified, and closed in Berkeley. This guidance applies to all sidewalks and all roads on which bicyclists are legally allowed to travel, including designated bikeways. The guidance applies to any entity ("construction sponsor") performing construction work in the public right-of-way, including utility companies, private land use development, and the City of Berkeley.

Any construction sponsor submitting for any permit[2] for work in the public right-of-way to the City of Berkeley that will result in the blockage of a sidewalk, bicycle lane, vehicle travel lane, bus stop, or other public bicycle or pedestrian path must submit a Temporary Traffic Control Plan (TCP) to Public Works Traffic Engineering for review and approval. The guidance in this document is intended to direct the development of the construction sponsor's TCP.

The two major types of temporary traffic control (TTC) for pedestrians are adjacent sidewalk diversions and sidewalk detours (see Figure 1). To determine which temporary facility is appropriate, refer to Table 1.

Pedestrian Accommodation

All temporary pedestrian facilities and alternate paths must be ADA-compliant, and all pedestrian-related signage shall be as permanent as the other TTC signage. Any diversions, detours, or full closures must be approved as part of a Traffic Control Plan. Refer to the CalTrans Temporary Pedestrian Access Routes Handbook[3], for guidelines on these standards.

- Sidewalk Diversion - A temporary, protected pedestrian route shall be provided adjacent to the sidewalk in a parking lane (if present), travel lane, or bicycle lane. It shall be protected from moving traffic by an approved barricade device that is detectable by people with visual disabilities. If the pedestrian diversion takes up a bike lane, bike accommodation must be maintained (see Bicyclist Accommodation below). All sidewalk diversion routes must keep and maintain minimum 5 feet clear width, but shall provide up to 6' where feasible for pedestrian access.
    - The preferred treatment for long-term pedestrian diversions in construction zones in downtown Berkeley and other areas with significant pedestrian activity is a covered pedestrian walkway. Covered walkways shall conform with Berkeley's Pedestrian Access During Construction Projects (see attachment), the CalTrans Temporary Pedestrian Access Routes Handbook, ADA accessibility standards, and OSHA structural specifications for

[1] California Manual on Uniform Traffic Control Devices (CA MUTCD) 2009 Edition Part 6: https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev6/camutcd2014-part6-rev6.pdf

[2] Permits include but are not limited to Concrete Permits for Sidewalk, Curb, Gutter and Driveway Approaches, Utility Excavation Permits, Miscellaneous Permits to Obstruct, Excavate and/or Construct in the right of way, Street and Sidewalk Use Permits, etc.

[3] CalTrans Safety / Traffic Webpage: https://dot.ca.gov/programs/construction/safety-traffic

scaffolding[4]. Design of the walkway should ensure limited obstruction between the top of railing and walkway cover to allow passive surveillance into and from the walkway, and should have a maximum exit access travel distance of 100 feet. Construction sponsors are responsible for maintaining adequate lighting within the covered walkway at all times and for removal of graffiti and cleaning of debris.

- Construction sponsors may alternatively propose uncovered diversions using longitudinal channelizing devices, such as concrete k-rails, if permitted under the requirements listed by Berkeley's Pedestrian Access During Construction Projects. Channelizing devices used to separate a pedestrian diversion from moving traffic must fully protect pedestrians from motor vehicle impacts. Bases of temporary cyclone fences shall not extend over any adjacent traffic, bicycle lane, or pedestrian path of travel.

- Pedestrian diversions shall always be clearly identified, wheelchair usable, shielded from motor vehicle traffic, and free of pedestrian hazards such as holes, debris, gravel, mud, etc.

- **Sidewalk detours are not acceptable in downtown Berkeley, nor in areas where significant pedestrian activity occurs, such as near BART stations, near the University of California, Berkeley campus and in neighborhood commercial areas and are up to the discretion of the City's Traffic Engineer, or their designee.** All detours should ensure accessible conditions. Sponsor may be required to make appropriate repairs to the detour route. Signage shall be provided at closest intersections to alert pedestrians of the sidewalk closure and direct them to the detour. Advance notification to pedestrians of any sidewalk detours or diversions shall be provided at the nearest crosswalk that meets minimum safety requirements on either side of the detour or diversion.

  - In areas where long-term sidewalk detours are not acceptable, sidewalk detours may be approved for limited duration when full closure of a sidewalk is required for intermittent and unavoidable construction activity. Refer to Table 1 for the maximum acceptable duration and conditions per project location.

- In areas where sidewalk diversions or detours impact access to AC Transit, Berkeley Lab, or Bear Transit bus and shuttle stops the Contractor must receive written confirmation from affected parties regarding stop relocations. See "Bus Stop Relocation or Closure" subsection below.

[4] OSHA Standard 1910-28: Duty to have fall protection and falling object protection: https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.28

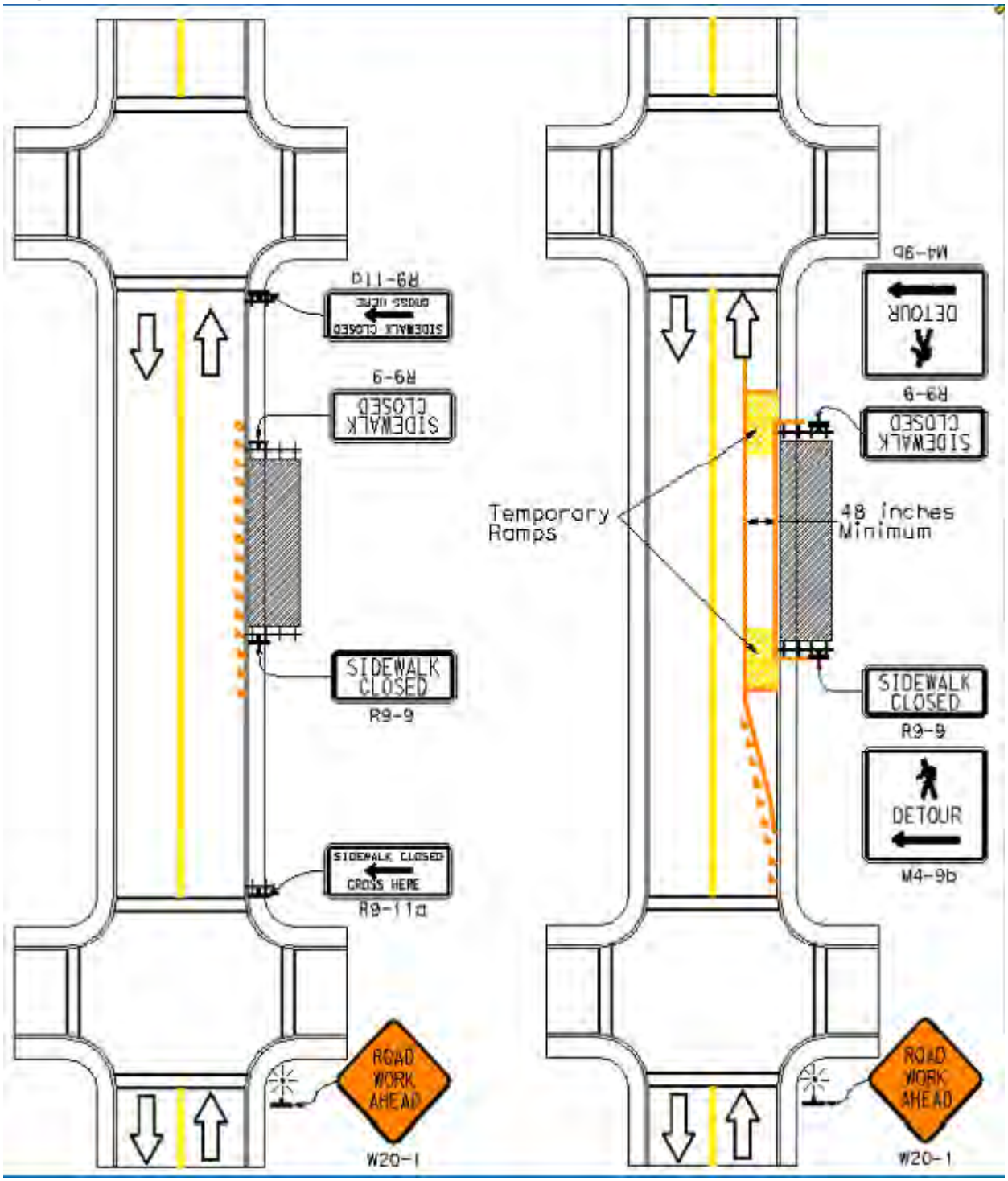
Table 1: Reasonable Accommodation for Pedestrians

Treatment*	Construction Project Location		
	Downtown & within 0.25 miles of a BART station or UC Berkeley campus	Neighborhood commercial areas and major transit corridors	All other areas
Sidewalk diversion (temporary ADA walkway provided)*	Acceptable†	Acceptable†	Acceptable†
Sidewalk detour (no walkway provided)*	Prohibited	Prohibited	Acceptable†
Maximum duration of temporary sidewalk detour	4 hours Flagger required throughout duration of closure.	24 hours Flagger required throughout duration of closure.	One week Flagger required during peak traffic hours only.

***** "Sidewalk diversion" and "Sidewalk detour" are defined in Figure 1.

† Acceptable only if TCP is deemed sufficient and approved by the City's Traffic Engineer, or their designee.

Figure 1: Sidewalk Detour and Sidewalk Diversion[5]



[5] Caltrans Pedestrian Temporary Access Routes Handbook (2020): https://dot.ca.gov/-/media/dot-media/programs/construction/documents/policies-procedures-publications/temp-ped-access-routes-handbook-2020-a11y.pdf

Bicyclist Accommodation

As with pedestrian facilities, bike lane closures should be avoided. Existing bike lanes must remain clear (minimum 5') unless the bike lane closure is specifically approved as part of a Temporary Traffic Control Plan (TCP) and a reasonable accommodation for an alternate bicycle path of travel is implemented, defined and prioritized below:

1. Closing a parking lane and keeping the adjacent bicycle lane open;
2. Shifting the bicycle lane to a location on the same roadway to bypass the work zone or obstruction, and if necessary, shifting and narrowing the adjacent motor vehicle traffic lanes; provided the adjacent motor vehicle travel lanes shall be maintained at no less than ten feet (10 ft.) wide;
3. Closing the adjacent motor vehicle travel lane to provide space for a bicycle lane, provided that a minimum of one (1) motor vehicle travel lane shall remain in the same direction of travel;
4. Merging the bicycle lane and the adjacent motor vehicle travel lane into a shared travel lane adjacent to the work zone or other obstruction, installing shared travel lane markings (sharrows) in the shared travel lane and installing signage directing bicyclists to merge into the shared travel lane; provided the shared travel lane shall be maintained at no less than fourteen feet (14 ft.) wide; and
5. As a last resort, detouring bicyclists onto an adjacent roadway, in which case the detour route shall be adequately signed and replicate, as closely as practicable, the level of safety found on the bicycle route being blocked.

Note: if a bike lane closure is needed, the alternate path of travel must be implemented at the same level of protection as the existing facility. For example, if an existing protected bike lane must be closed, then a temporary protected bike lane shall be provided.

Any TCP that identifies bike lane closures, detours, or other bike facility changes is subject to approval and shall address the following guidance:

1. Active bike lanes must remain clear (5' minimum). Signage, channelizing devices, barriers, and other equipment shall not be placed in active bike lanes or in locations that would block bicyclists' path of travel.
2. Bike lanes shall not be closed for construction activities unless the closure is documented and approved in a TCP.
3. TCPs shall indicate the length and duration of all bike lane closures.
4. Where bike lanes must be closed, advance notification and tapers shall be provided with sufficient length to allow bicyclists to merge into the adjoining travel lane in advance of the bike lane closure.
5. TCPs that include bike lane closures shall post construction zone speed limits of 25 mph or less.
6. All bicycle-related signage shall be as permanent as the other TTC signage in the construction zone.
7. If the TCP includes roadway striping, temporary bike lanes and/or sharrows shall be installed.
8. The City's Traffic Engineer, or their designee, shall review TCPs that include bikeway detours or bike lane closures of longer than one week.

Refer to temporary traffic control details for Multi-lane Roadway with Travel Lane Closure, Temporary Bike Lane, and Parking Lane Closure and Single-lane Roadway with Bike Lane Closure and Parking Lane Closure (attachments).

Bus Stop Relocation or Closure

Temporary relocation of a bus or shuttle stop for construction activity requires written approval from AC Transit, Berkeley Lab, and/or Bear Transit, submitted at the time of a TCP submission. Temporary bus stops must also be approved by Public Works Traffic Engineering and must be noted on the TCP. Any parking obstruction, sidewalk obstruction, travel lane obstruction, or other accommodation required for the temporary bus stop shall be proposed through an Engineering Permit application at the sponsors' expense.

Lane Closures

On multi-lane roadways, traffic lanes may be converted to a bike lane or pedestrian diversion, as specified in an approved TCP. Below is a set of guidance related to lane closures:

- As a general rule, no more than one lane fewer than the total lanes per direction may be closed. For example, a four-lane roadway with two lanes in each direction shall provide a minimum of one lane in each direction.
- Different guidance applies to lane closures on multi-lane one-way streets in downtown Berkeley. So long as a minimum of one travel lane remains open, the closure of two or more travel lanes may be approved upon request.
- The minimum width of a temporarily narrowed traffic lane is 10' (12' for streets serving AC Transit bus routes), clear of any obstructions, including traffic cones or delineators. Fire Department may have additional clear width requirements for emergency vehicle access.
- Existing left turn lanes shall be maintained. Left turn lanes should not be used for temporary through travel lanes.
- Completely closing any direction of traffic is generally not allowed. This includes any plan which allows one lane to be used for two directions of traffic ("Two-Way Flag Control"). An approved TCP is required to use "Two-Way Flag Control."
- When any movement is reduced to a single lane that includes left and through movements at an intersection, the TCP may need to prohibit the left turn movement to facilitate efficient traffic flow. The TCP should include a recommended detour of the left turn.

Developing a Traffic Control Plan

Reflecting the above guidance in addition to the "Traffic Control Plan Preparation Guidelines", Traffic Control Plans shall be prepared by a certified traffic engineer. The proposed design and placement of the temporary traffic control signs, devices, and roadway markings shall be in compliance with the most recent edition of the CA MUTCD.

Subject to the conditions in Table 1, periodic full closures of streets and sidewalks may be approved. Note: the safe and reasonable flow of pedestrian and bicycle traffic is to be maintained in preference to construction activities and the flow of construction vehicles. If periodic full closures are necessary and anticipated, the construction sponsor shall indicate the following within the TCP, subject to approval:

1. The proposed location of flaggers or spotters to be posted at each end of the closed pedestrian or cycle route for the entire duration of time the intermittent closure is in place; and
2. The times of day when intermittent closure may occur; and
3. Acknowledgement that advance notice to Public Works Traffic Engineering, Berkeley Police Department, and emergency services is required for each full closure, subject to fine and/or revocation of the Engineering Permit.

Display of Permitted Temporary Traffic Control Plan

After an obstruction permit and TCP is approved and before commencing any activities that result in the blockage of a pedestrian or bicycle facility, construction sponsors must display a copy of the Engineering Permit at a prominent, publicly accessible location near the construction site entrance. Additionally, the following information must be simultaneously displayed:

1. The range of dates during which the permit is valid;
2. The name and contact information of the party requesting the permit;
3. A clear description of the approved temporary traffic control plan
4. A Berkeley Public Works Traffic Engineering phone number and email address to direct questions, comments, and concerns regarding the blockage.

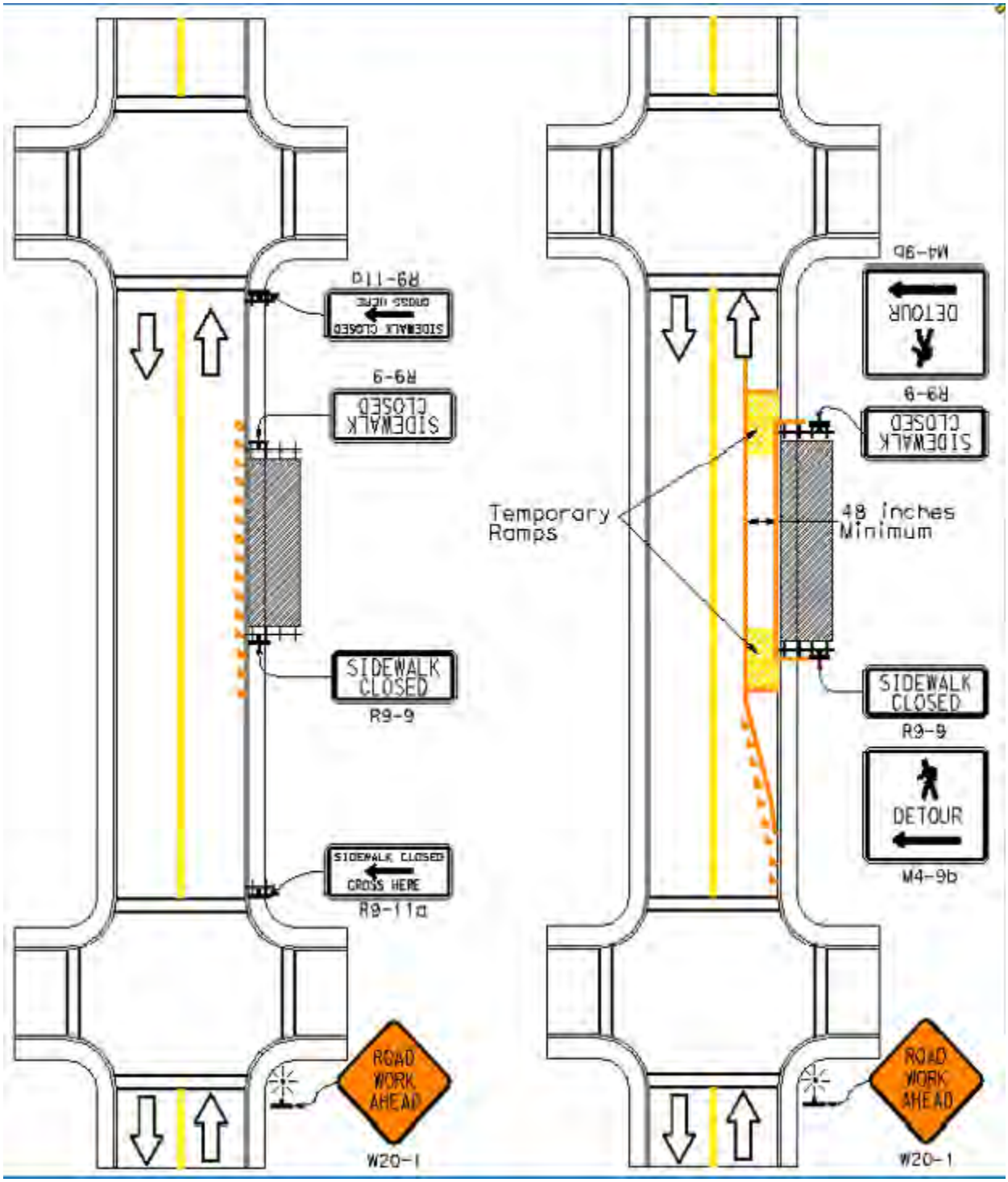
Planning Appropriately for Temporary Traffic Control Plan Review

Every reasonable effort should be made to avoid and minimize construction impacts on pedestrian, bicycle, and bus facilities in Berkeley. As such, construction sponsors for land use development projects may elect to propose and receive feedback on preliminary plans for temporary traffic control within a land use development planning application. At minimum, construction sponsors should submit TCP proposals 60 days before desired construction start date.

Attachments

- *Figure 1: Sidewalk Detour and Sidewalk Diversion*
- *Pedestrian Access During Construction Projects*
- *Detail TTC-1: Multi-lane Roadway with Travel Lane Closure, Temporary Bike Lane, and Parking Lane Closure*
- *Detail TTC-2: Single-lane Roadway with Bike Lane Closure and Parking Lane Closure*
- *Signs: Temporary Traffic Control Sign Details for Bikeway Detours and Long-Term Bike Lane Closures*

Figure 1: Sidewalk Detour and Sidewalk Diversion[6]



[6] Caltrans Pedestrian Temporary Access Routes Handbook (2022): https://dot.ca.gov/-/media/dot-media/programs/construction/documents/policies-procedures-publications/temp-ped-access-routes-handbook-2020-a11y.pdf

PEDESTRIAN ACCESS DURING CONSTRUCTION PROJECTS

Public Works Engineering

The purpose of these standards for construction in the public right-of-way is to ensure pedestrian safety and access.

Standards apply to City of Berkeley crews, Contractors with the City, and all others working in the right-of-way.

Each project is unique and requires thorough review to ensure complete, safe, usable, and accessible paths of travel.

Please note: City of Berkeley Engineers may stop work when any hazardous conditions are present.

Permit Service Center
1947 Center St. 3rd floor
Berkeley, CA 94704
510-981-7500 TTY 6903
permits@cityofberkeley.info

MAINTENANCE OF A CLEAR AND ACCESSIBLE PEDESTRIAN CORRIDOR

The Contractor or permittee shall maintain an accessible corridor that provides at least one safe path of travel for all pedestrians at all times for the duration of the project.

- ☐ Pedestrian corridor shall be a nominal width of 6' whenever feasible, and shall conform to ADAAG guidelines. It shall not be less than 48" wide at single point of contact or obstruction.
- ☐ Accessible pedestrian corridor shall connect with facilities within the project area.
- ☐ Equipment, debris, construction materials or vehicles shall not obstruct the corridor.
- ☐ No parked vehicles can obstruct blue curb parking spaces unless permitted.
- ☐ Temporary closure of designated pedestrian routes and crossings shall be allowed only when flaggers are present and safely directing pedestrians around hazards.

TEMPORARY RAMPS CONFORMING TO ACCESSIBLITY STANDARDS

The Contractor or permittee shall install and maintain temporary concrete, asphalt or wood ramps to provide a safe path of travel for mobility-impaired pedestrians at all locations where ramps have been temporarily removed OR needed to route pedestrians.

- ☐ Temporary ramps shall be constructed so installation and removal will not damage existing pavement, curb and/or gutter.
- ☐ Ramps shall have a minimum 4' wide walking surface and a maximum slope of 8%.
- ☐ Ramps shall snugly meet existing surfaces without gaps for drainage as required.
- ☐ Schedule 40 PVC pipe minimum 2" diameter shall be installed through ramp.
- ☐ Transitions between ramps and the street surface shall be smooth such that no lip exists at the base of the ramp.
- ☐ Sides of a ramp shall be protected where there is any drop-off.

CONSTRUCTION OF SIGNPOSTS, BARRICADES AND FENCING

Barricades that are impenetrable shall be used to separate pedestrians from hazards on all sides of excavations that may be exposed to pedestrians. Use materials and methods suitable to site conditions. Signs and fencing material shall not protrude into the clear pathway.

- ☐ A-frames used for defining path of travel (not barricading trenches) shall be placed end-to-end without spacing, shall be connected and maintained to ensure stability to help a person who is blind negotiate a safe path while using a cane.

- ☐ Caution Tape shall NOT be used by itself to delineate the path of travel or create a barricade.
- ☐ Fencing material requires a minimum 3” height, solid, uninterrupted toe-board.
- ☐ Signposts, scaffolding and fencing supports shall be placed entirely outside the pedestrian path of travel, minimum 4’ wide and 80” high without obstruction.
- ☐ Construction barriers shall be maintained in a sound, neat and clean condition.

IDENTIFICATION OF SAFE PATH OF TRAVEL

If a portion of the pedestrian way is rerouted due to construction, the path of travel shall be clearly defined. Traffic Engineer shall review any pedestrian access limitations and notification requirements for pedestrians with mobility or vision impairments.

- ☐ Paths of travel that DO NOT continue to the next corner or to a safe crosswalk shall be closed to pedestrian traffic. Signs a minimum of 36” x 36” must be posted stating the sidewalk is closed and detour pedestrians to accessible sidewalk.
- ☐ Pedestrian access corridors shall be clearly delineated with cones or barricades, as approved by the Engineer.
- ☐ If a crosswalk is closed, curb ramps leading into that crosswalk must be barricaded in such a manner that walkways that are not closed remain accessible to use.
- ☐ Caution Tape shall NOT be used by itself to delineate the path of travel or create a barricade.

SURFACING OF PEDESTRIAN CORRIDORS

During construction, tripping hazards and barriers for people with mobility impairments must be removed to maintain an accessible pedestrian corridor.

- ☐ Any change of level, which exceeds 1/4” height, must be beveled at 45º.
- ☐ Closed trenches, temporary paving surfaces, walking surfaces, steel plates; etc. shall have a smoothly finished, firm walking surface made even w/surrounding walkways.
- ☐ Aisle or loading area adjacent to a parking space is part of the pedestrian corridor.

RESTORATION OF PEDESTRIAN ROUTES

After construction, the site shall be returned to its former condition, or new condition as required.

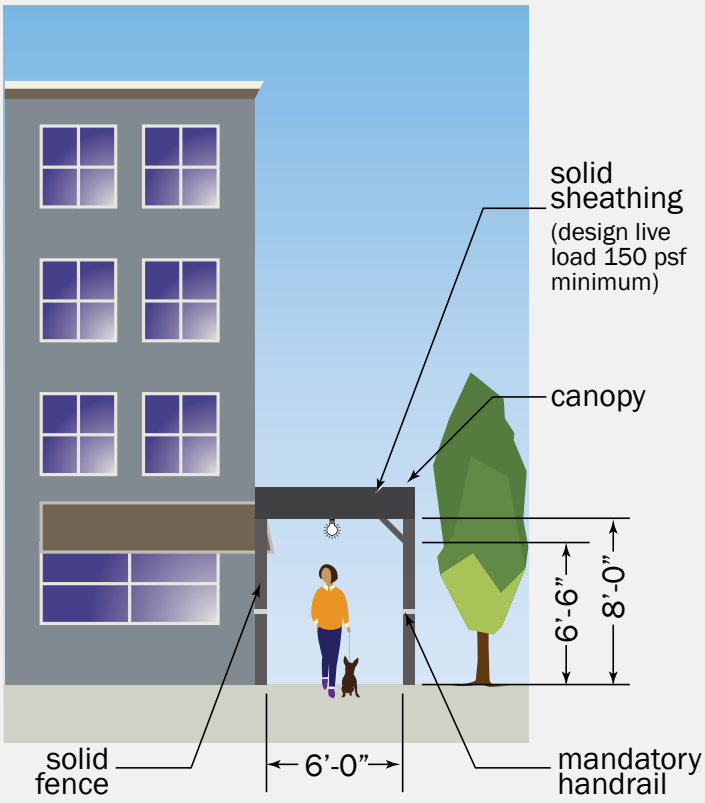
- ☐ Temporary ramps shall be removed as soon as construction and approval of permanent ramp is completed.
- ☐ After work is completed, surface of the pedestrian path shall be restored free from all ridges, gaps, bumps and rough edges.
- ☐ Construction that affects existing curb ramp shall include replacement or repair of the curb ramp to meet current City standards.

TABLE 3306.1 PROTECTION OF PEDESTRIANS

Height of Construction	Distance from Construction to Lot Line	Type of Protection Required
8 feet or less	Less than 5 feet	Construction Railings (see Figure C)
	5 feet or more	None
More than 8 feet	Less than 5 feet (see Figure A)	Barrier and covered walkway
	5 feet or more, but not more than ¼ the height of construction	Barrier and covered walkway
	5 feet or more, but between ¼ and ½ the height of construction	Barrier (see Figure B)
	5 feet or more, but exceeding ½ the height of construction	None

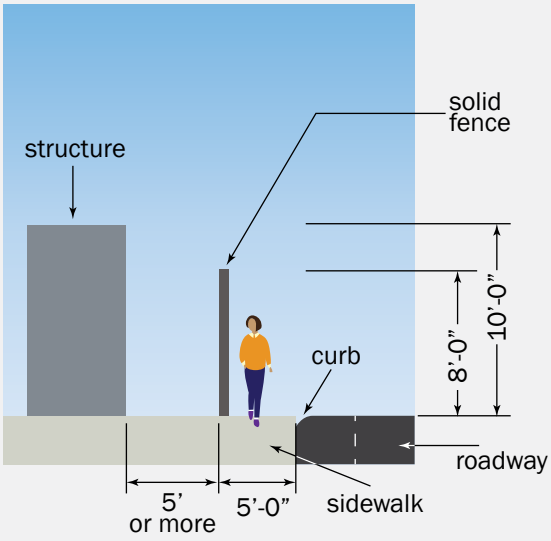
Figure A

Construction height greater than 8’



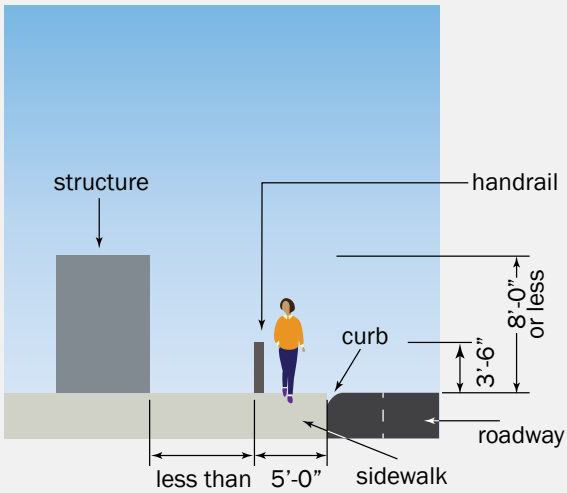
Type B

5 feet or more, but between ¼ and ½ the height of construction



Type C

Less than 5 feet



3306.2 WALKWAYS

☐ A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the applicable governing authority authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accomodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be accessible in accordance with Chapter 11 and shall be designed to support all imposed loads and in no case shall the design live load be less than 150 pounds per square foot (psf) (7.2 kN/m^2).

3306.3 DIRECTIONAL BARRICADES

☐ Pedestrian traffic shall be protected by a directional barricade where the walkway extends into the street. The directional barricade shall be of sufficient size and construction to direct vehicular traffic away from the pedestrian path.

3306.4 CONSTRUCTION RAILINGS

☐ Construction railings shall be not less than 42 inches (1067 mm) in height and shall be sufficient to direct pedestrians around construction areas.

3306.5 BARRIERS

☐ Barriers shall be not less than 8 feet (2438 mm) in height and shall be placed on the side of the walkway nearest the construction. Barriers shall extend the entire length of the construction site. Openings in such barriers shall be protected by doors that are normally kept closed.

3306.6 BARRIER DESIGN

Barriers shall be designed to resist loads required in Chapter 16 unless constructed as follows:

☐ Barriers shall be provided with 2-inch by 4-inch (51 mm by 102 mm) top and bottom plates.

☐ The barrier material shall be boards not less than 3/4-inch (19.1 mm) thick or wood structural panels not less than 1/4-inch (6.4 mm) thick.

☐ Wood structural use panels shall be bonded with an adhesive identical to that for exterior wood structural use panels.

☐ Wood structural use panels 1/4 inch (6.4 mm) or 5/16-inch (23.8 mm) in thickness shall have studs spaced not more than 2 feet (610 mm) on center.

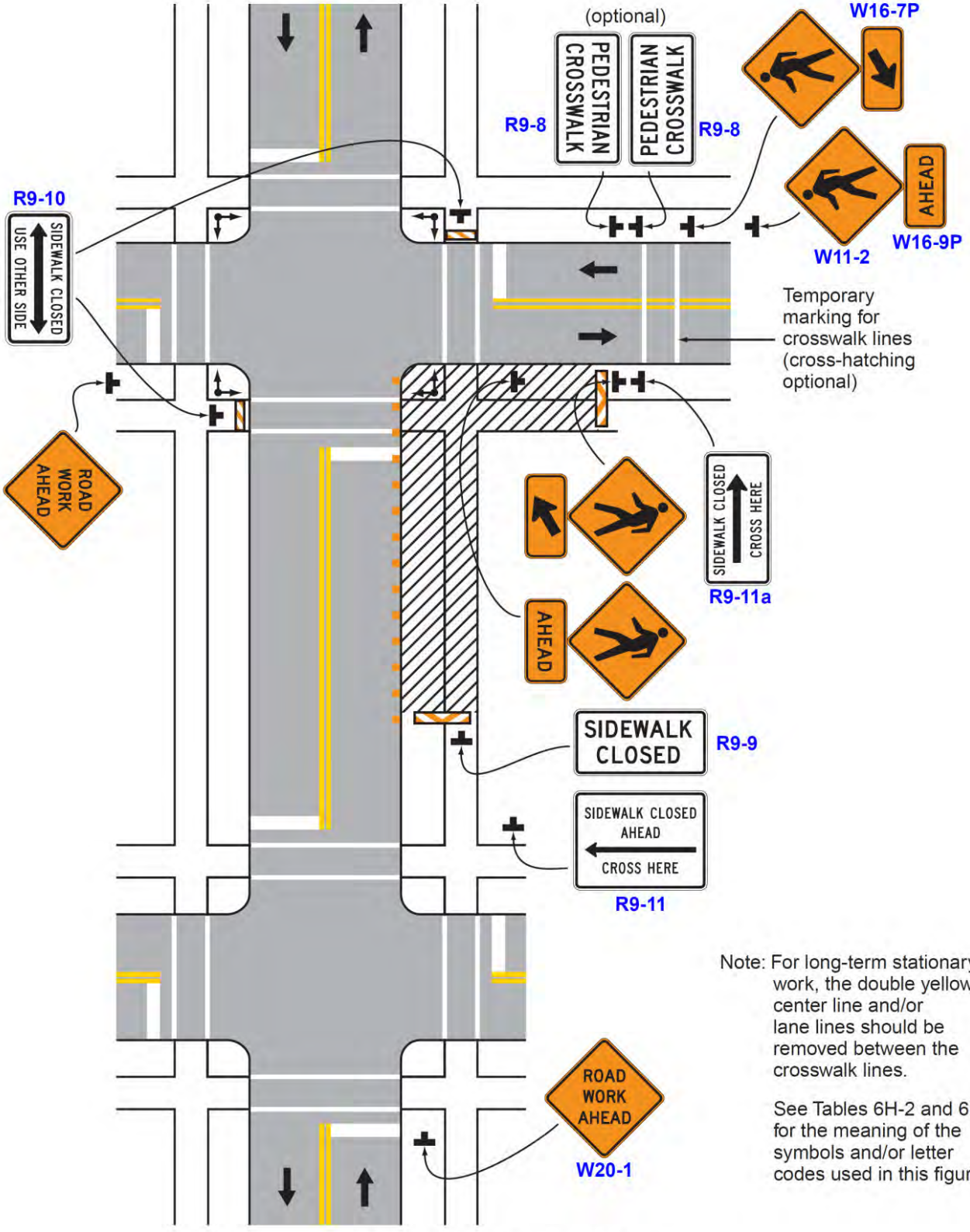
☐ Wood structural use panels 3/8 inch (9.5 mm) or 1/2 inch (12.7 mm) in thickness shall have studs spaced not more than 4 feet (1219 mm) on center provided a 2-inch by 4-inch (51 mm by 102 mm) stiffener is placed horizontally at mid-height where the stud spacing is greater than 2 feet (610 mm) on center.

☐ Wood structural use panels 5/8 inch (15.9 mm) or thicker shall not span over 8 feet (2438 mm).

Check One: ☐ Contractor ☐ Owner ☐ Owner's Agent

Name	Signature	Date

Figure 6H-29. Crosswalk Closures and Pedestrian Detours (TA-29)

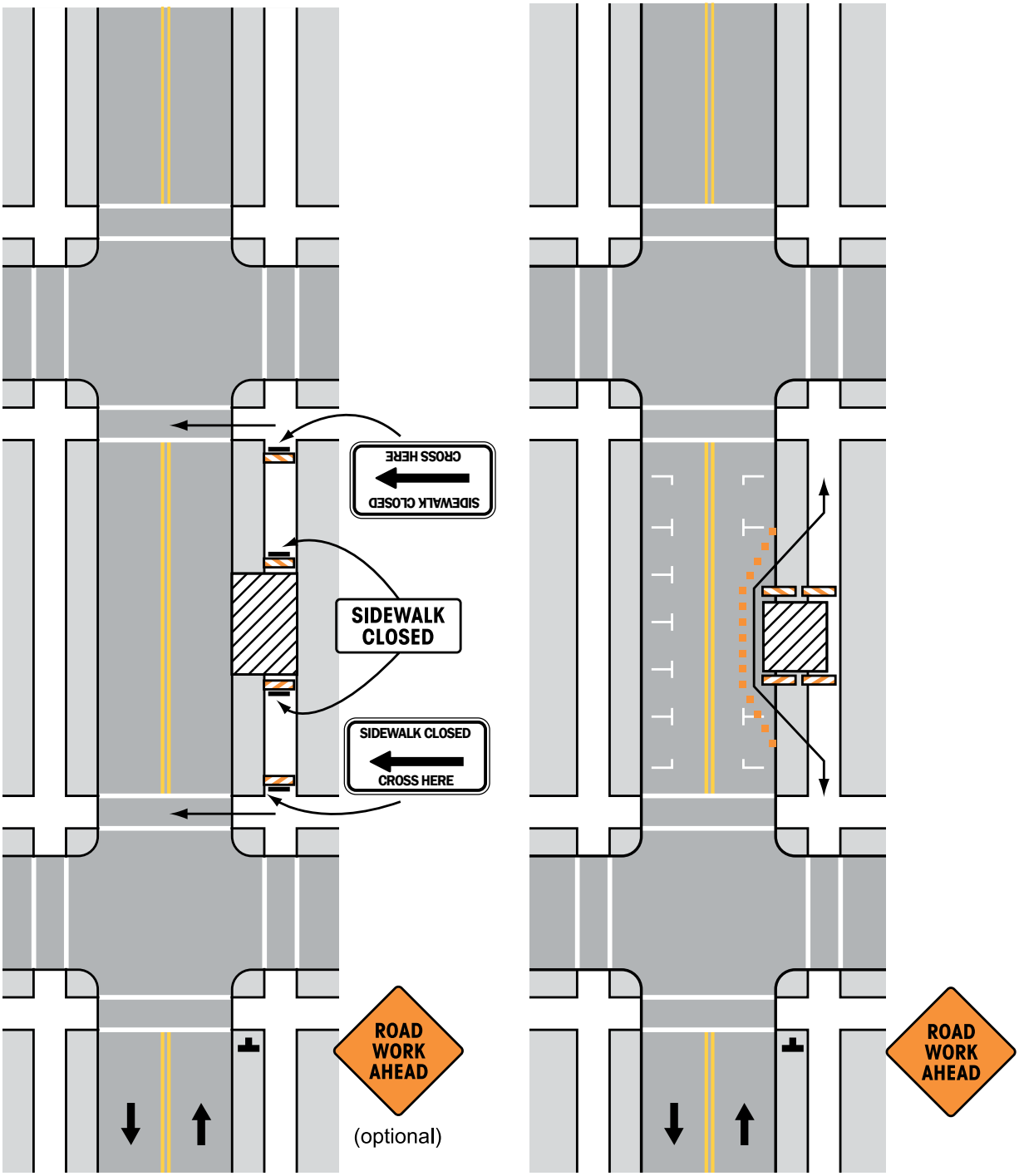


Note: For long-term stationary work, the double yellow center line and/or lane lines should be removed between the crosswalk lines.

See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

Typical Application 29

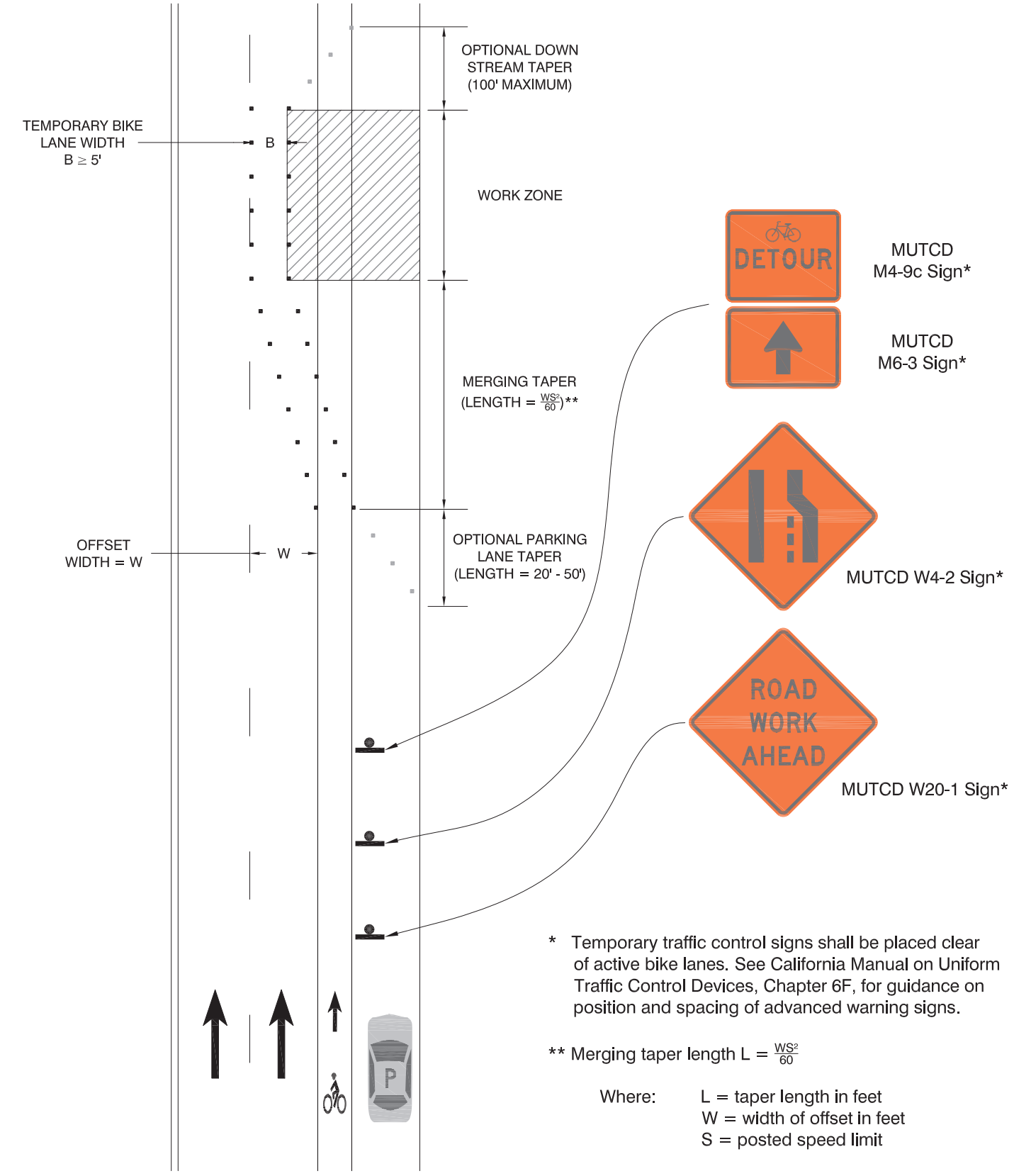
Figure 6H-28. Sidewalk Detour or Diversion (TA-28)



SIDEWALK DETOUR **SIDEWALK DIVERSION**

Typical Application 28

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.



* Temporary traffic control signs shall be placed clear of active bike lanes. See California Manual on Uniform Traffic Control Devices, Chapter 6F, for guidance on position and spacing of advanced warning signs.

** Merging taper length $L = \frac{WS^2}{60}$

Where: L = taper length in feet
W = width of offset in feet
S = posted speed limit

CITY OF OAKLAND
BUREAU OF ENGINEERING AND CONSTRUCTION
BICYCLE FACILITIES PROGRAM
250 FRANK H. OGAWA PLAZA, SUITE 4344 * OAKLAND CA, 94612
(510) 238-3466 * FAX (510) 238-7415

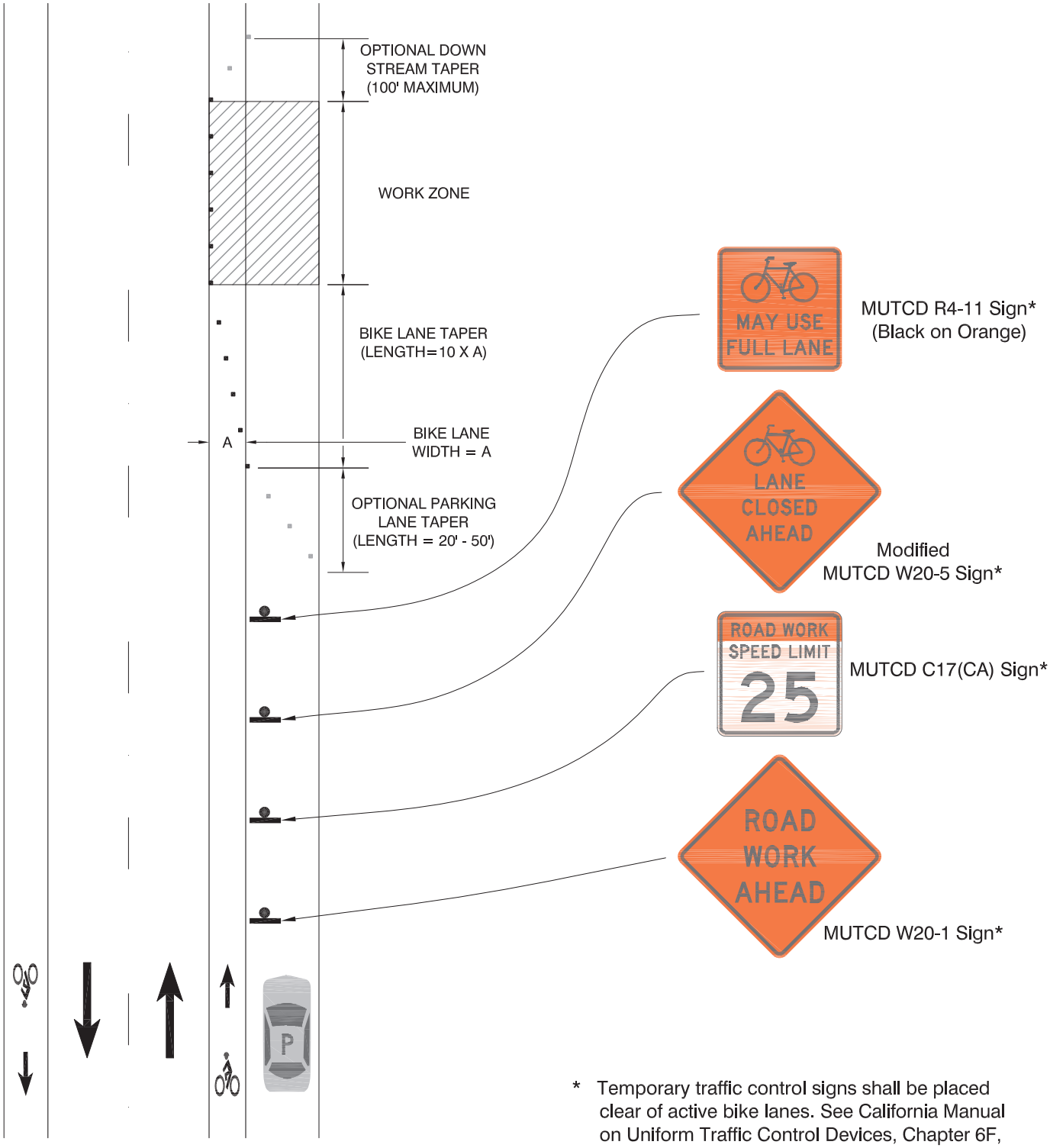
MULTI-LANE ROADWAY WITH TRAVEL LANE CLOSURE, TEMPORARY BIKE LANE, AND PARKING LANE CLOSURE

TEMPORARY TRAFFIC CONTROL DETAILS

SCALE: NOT TO SCALE

DWG. NO. TTC-1

DATE: OCT 2016



* Temporary traffic control signs shall be placed clear of active bike lanes. See California Manual on Uniform Traffic Control Devices, Chapter 6F, for guidance on position and spacing of advanced warning signs.

CITY OF OAKLAND
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BICYCLE FACILITIES PROGRAM
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(510) 238-3466 * FAX (510) 238-7415

SINGLE-LANE ROADWAY WITH BIKE LANE CLOSURE AND PARKING LANE CLOSURE

TEMPORARY TRAFFIC CONTROL DETAILS

SCALE: NOT TO SCALE

DWG. NO. TTC-2

DATE: OCT 2016

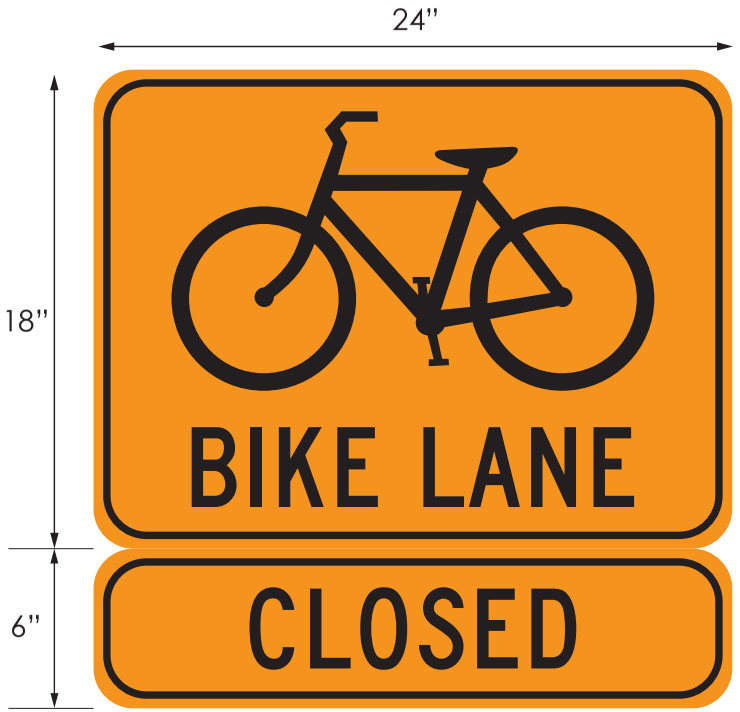
Assemblies for Long-Term Bike Lane Closures

Sign blades/assemblies based on those in the MUTCD (sign numbers indicated, except where noted), modified for traffic control use. All signs shall have a black legend and border on an orange background and use FHWA Series C typeface.

R81/Custom Supplemental "CLOSED AHEAD" Plaque
- 3" letter height, all CAPS



R81/Custom Supplemental "CLOSED" Plaque
- 3" letter height, all CAPS



Assemblies for Streets Without Bike Lanes

Sign blades/assemblies based on those in the MUTCD (sign numbers indicated, except where noted), modified for traffic control use. All signs shall have a black legend and border on an orange background and use FHWA Series C typeface.

R4-11 (BIKES MAY USE FULL LANE)
- Use: roads with two or more lanes per direction
- 4" letter height, all CAPS



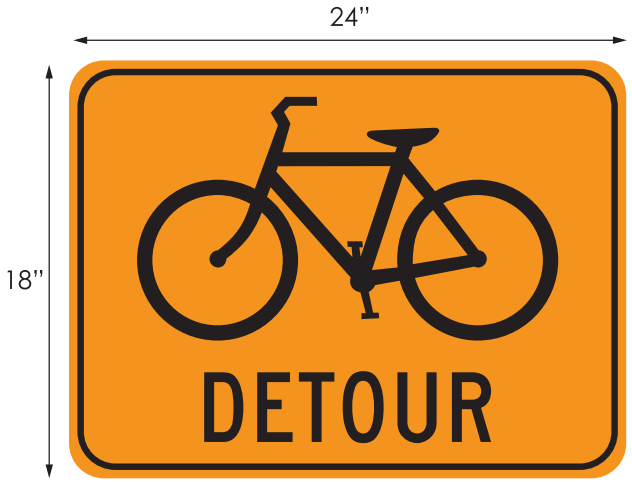
W11-1 (bike warning) / W16-1 (SHARE THE ROAD) assembly
- Use: roads with one lane per direction
- W16-1: 5" letter height, all CAPS



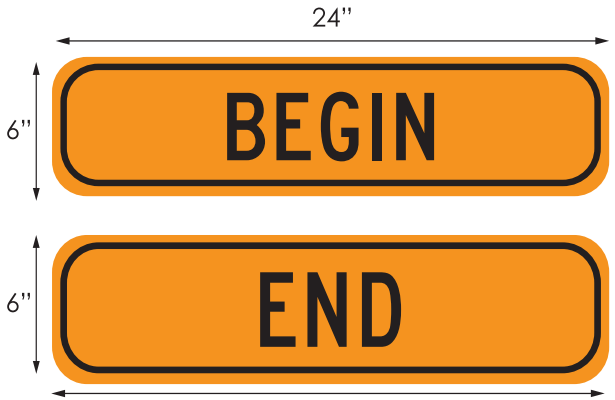
Blade Layout Details

Sign blades/assemblies based on those in the MUTCD (sign numbers indicated, except where noted), modified for traffic control use. All signs shall have a black legend and border on an orange background and use FHWA Series C typeface.

D11-1
- 3" letter height, CAPS



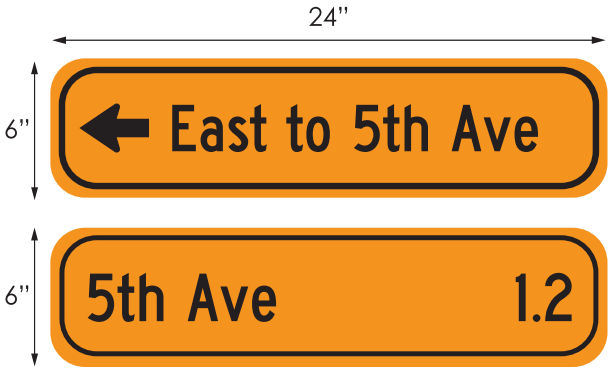
M4 series
- 3" letter height, CAPS



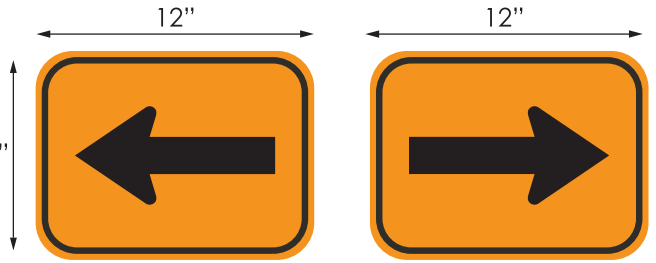
S17 (CA)
- 2.5" letter height, CAPS
  (example route name shown)



D1-1b
- 24" wide, 6" high (one-line); 10" high (two-line, not shown)
- 2" letter height, Title Case
  (example text shown)



M7-1 (L/R)



Example Assemblies for Bikeway Detours *

Sign blades/assemblies based on those in the MUTCD (sign numbers indicated, except where noted), modified for traffic control use. All signs shall have a black legend and border on an orange background and use FHWA Series C typeface.

A



- 30" wide; height varies based on content
- Min 2.5 letter height, all CAPS

B



- 24" wide x 36" high

C



- 24" wide x 33" high

D



- 24" wide x 30" high

E



- 24" wide x 30" high

** Example assemblies shown above are from a project-specific detour. Assemblies will vary by project.*

PEDESTRIAN ACCESS DURING CONSTRUCTION PROJECTS

- **The purpose of these standards for construction in the public right-of-way is to ensure pedestrian safety and access**
- **Standards apply to City of Berkeley crews, Contractors with the City, and all others working in the right-of-way**
- **Each project is unique and requires thorough review to ensure complete, safe, usable and accessible paths of travel**

MAINTENANCE OF A CLEAR AND ACCESSIBLE PEDESTRIAN CORRIDOR

The Contractor or permittee shall maintain an accessible corridor that provides at least one safe path of travel for all pedestrians at all times for the duration of the project.

- Pedestrian corridor shall be a nominal width of 6' whenever feasible, and shall conform to ADAAG guidelines. It shall not be less than 48" wide at single point of contact or obstruction.
- Accessible pedestrian corridor shall connect with facilities throughout the project area.
- Equipment, debris, construction materials or vehicles shall not obstruct the corridor.
- No parked vehicles can obstruct blue curb parking spaces unless permitted by the City.
- Temporary closure of designated pedestrian routes and crossings shall be allowed only when flaggers are present and safely directing pedestrians around hazards.

TEMPORARY RAMPS CONFORMING TO ACCESSIBLITY STANDARDS

The Contractor or permittee shall install and maintain temporary concrete, asphalt or wood ramps to provide a safe path of travel for mobility-impaired pedestrians at all locations where ramps have been temporarily removed OR needed to route pedestrians.

- Temporary ramps shall be constructed so installation and removal will not damage existing pavement, curb and/or gutter.
- Ramps shall have a minimum 4' wide walking surface and a slope not to exceed 8%.
- Ramps shall snugly meet existing surfaces without gaps. When required for drainage
- Schedule 40 PVC pipe minimum 2" diameter shall be installed through ramp.
- Transitions between ramps and the street surface shall be smooth such that no lip exists at the base of the ramp.
- Sides of a ramp shall be protected where there is any drop-off.

CONSTRUCTION OF SIGNPOSTS, BARRICADES AND FENCING

Barricades that are impenetrable shall be used to separate pedestrians from hazards on all sides of excavations that may be exposed to pedestrians. Use materials and methods suitable to site conditions. Signs and fencing material shall not protrude into the clear pathway.

- A-frames used for defining path of travel (not barricading trenches) shall be placed end-to-end without spacing, shall be connected and maintained to ensure stability to help a person who is blind negotiate a safe path while using a cane.
- Caution Tape shall NOT be used by itself to delineate the path of travel or create a barricade.
- Fencing material requires a minimum 3" height, solid, uninterrupted toe-board.
- Signposts, scaffolding and fencing supports shall be placed entirely outside the pedestrian path of travel, minimum 4' wide and 80" high without obstruction.
- Construction barriers shall be maintained in a sound, neat and clean condition.

IDENTIFICATION OF SAFE PATH OF TRAVEL

If a portion of the pedestrian way is rerouted due to construction, the path of travel shall be clearly defined. Traffic Engineer shall review any pedestrian access limitations and notification requirements for pedestrians with mobility or vision impairments.

- Paths of travel that DO NOT continue to the next corner or to a safe crosswalk shall be closed to pedestrian traffic. Signs a minimum of 36" x 36" must be posted stating the sidewalk is closed and detour pedestrians to accessible sidewalk.
- Pedestrian access corridors shall be clearly delineated with cones or barricades, as approved by the Engineer.
- If a crosswalk is closed, curb ramps leading into that crosswalk must be barricaded in such a manner that walkways that are not closed remain accessible to use.
- Caution Tape shall NOT be used by itself to delineate the path of travel or create a barricade

SURFACING OF PEDESTRIAN CORRIDORS

During construction, tripping hazards and barriers for people with mobility impairments must be removed to maintain an accessible pedestrian corridor.

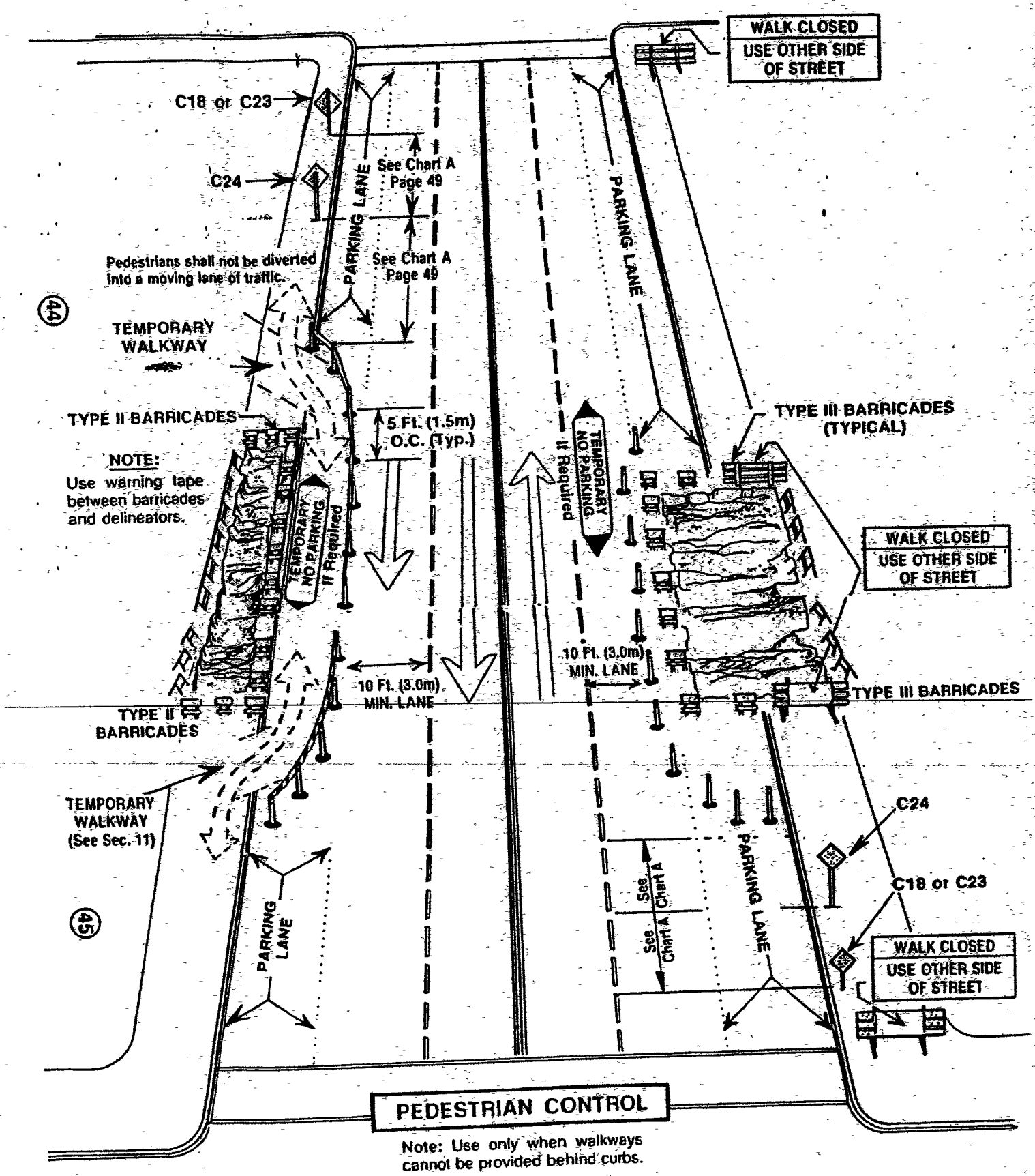
- Any change of level, which exceeds 1/4" height, must be beveled at 45º.
- Closed trenches, temporary paving surfaces, walking surfaces, steel plates; etc. shall have a smoothly finished, firm walking surface made even w/surrounding walkways.
- Aisle or loading area adjacent to a parking space is part of the pedestrian corridor.

RESTORATION OF PEDESTRIAN ROUTES

After construction, the site shall be returned to its former condition, or new condition as required.

- Temporary ramps shall be removed as soon as construction and approval of permanent ramp is completed.
- After work is completed, surface of the pedestrian path shall be restored free from all ridges, gaps, bumps and rough edges.
- Construction that affects existing curb ramp shall include replacement or repair of the curb ramp to meet current City standards.

PLEASE NOTE: City of Berkeley Engineers may stop work when any hazardous conditions are present.


WALK CLOSED
USE OTHER SIDE OF STREET
C18 or C23
C24
See Chart A Page 49
PARKING LANE
Pedestrians shall not be diverted into a moving lane of traffic.
TEMPORARY WALKWAY
TYPE II BARRICADES
NOTE:
Use warning tape between barricades and delineators.
5 Ft. (1.5m) O.C. (Typ.)
TEMPORARY NO PARKING If Required
10 Ft. (3.0m) MIN. LANE
TYPE III BARRICADES (TYPICAL)
TYPE III BARRICADES
TYPE II BARRICADES
TEMPORARY WALKWAY (See Sec. 11)
44
45
PEDESTRIAN CONTROL
Note: Use only when walkways cannot be provided behind curbs.



PW Transportation Division

MEMORANDUM

September 11, 2013

To: Public Works Engineering, Public Works Streets, Public Works Zero Waste, Parks Recreation and Waterfront Department
From: Hamid Mostowfi, Supervising Traffic Engineer
Subject: Temporary lane closures – Revised Policy

Please note the following policy supersedes the April 2011 and December 2012 versions:
No lane closures shall be permitted on the following streets Monday through Friday between 7:00-9:00 AM, 4:00-6:00 PM, and Saturdays between 10 AM - 2 PM, unless approved in advance by the City Traffic Engineer if it can be explained why such closure can't reasonably be avoided. On Saturdays when UC football games are scheduled all construction-related lane closures along these corridors must be reopened at least 4 hours before the start of the game.

Major Streets:

- University Avenue
- San Pablo Avenue
- Shattuck Avenue
- Telegraph Avenue
- Sacramento Street
- Martin Luther King Jr. Way
- Ashby Avenue
- College Avenue
- Gilman Avenue
- Adeline Street

Notwithstanding the above, Traffic Engineer reserves the right to review and comment on each individual traffic control plan based on its own merits.

Note: The only exception to the above rule is in cases of street emergencies. For the purpose of this memorandum a "street emergency" is defined as an event such as a sewer backup or overflow which if not attended quickly, would result in significant damage to property, risk to public safety, or blockage of public right of way. Routine maintenance, inconvenience to construction method or schedule, or adverse impacts on cost of work will not generally be accepted as grounds for exceptions.

1947 Center Street, 3rd Floor, Berkeley, CA 94704 Tel: 510.981-7010 Fax: 510.981-7060

Attachment E

SHARED ELECTRIC MICROMOBILITY
PERMIT PROGRAM
ON-STREET PARKING ZONE MAINTENANCE AGREEMENT

1. Parking Zone Street Address: _____

2. Party agreeing to parking zone (SEMPP Permittee):

Name: _____

Contact person (if different from above): _____

Mailing address: _____

Phone #: _____Email address _____

By signing below:

a) The SEMPP Permittee, as applicable, for the proposed parking zone agrees to:
   i. Sweep, remove, and dispose of debris in the corral and along the adjacent curb frontage (up to 20 ft in both directions) on both sides of the bicycle corral in the roadway at least every other week, and more frequently as needed to prevent the accumulation of debris.
   ii. Visually inspect the corral on a weekly basis and report any problems such as damage to flexible delineators or bumpers, etc. to City of Berkeley Shared Mobility inbox (sharedmobility@berkeleyca.gov).

b) The SEMPP Permittee acknowledges that the parking zone is for public use, and not for the exclusive use of any particular business.

c) If resident complaints are received, the Transportation Division will notify the maintenance agreement holder (SEMPP Permittee) and may refer the complaints to the Transportation Inspector for initial review. On-going issues shall be addressed through the SEMPP enforcement process.

d) The SEMPP Permittee agrees and promises to defend, indemnify, and hold harmless City and each of its respective Councilmembers, officers, directors, partners, agents, volunteers, and employees, or of any and all persons acting by, through or under each of them as required under Section (G) of the SEMPP Terms & Conditions

e) The SEMPP Permittee agrees to hereby fully and forever RELEASE, WAIVE, AND DISCHARGE any and all claims, demands, rights, lawsuits, and causes of action, against the City, its respective Councilmembers, officers, directors, partners, agents, volunteers, and employees, or of any and all persons acting by, through or under each of them, and its Agents as required under Section (H) of the SEMPP Terms & Conditions.

f) The SEMPP Permittee acknowledges and agrees that this Maintenance Agreement is a condition of participation in the Shared Electric Micro-Mobility Permit Program. The current SEMPP Terms & Conditions are hereby incorporated into this Maintenance Agreement by reference and shall apply to all obligations, activities, and responsibilities undertaken by the Permittee under this Agreement.

g) The SEMPP Permittee acknowledges that the City has no responsibility or liability for theft, loss, or damage to any Shared Electric Micromobility Devices, whether such damage occurs in or near a designated parking zone, during the course of Permittee's maintenance activities, or as a result of users' decision around parking locations. The Permittee agrees that it shall not assert any claim against the City for damage to Devices, and shall defend, indemnify, and hold harmless the City from any third-party claims arising from damaged Devices.

Signature:_____

Print Name: _____ Date: _____

Return signed copy by mail or email to:

City of Berkeley, Public Works Department,
Transportation Division 1947 Center Street, 4th Floor,
Berkeley, CA 94704
Email: sharedmobility@berkeleyca.gov
Phone: (510) 981-7056

Public Works – Transportation Division
1947 Center Street, 4th Floor
Berkeley, CA 94704

Shared Electric Micromobility Permit Program (SEMPP)

Fleet Cap Increase Request

Calendar Year Quarter used for Assessment: _____

Requested Percent Fleet Increase (%): _____

Please provide rationale for percent increase. *Note, if fleet increase is approved, the device type ratio must be maintained. City reserves right to cap fleet sizes as needed.*

To be completed by City:

Key Performance Indicators	Month 1	Month 2	Month 3
Utilization >1.00 for 3 consecutive months			
EPC Coverage ≥50% of devices deployed in EPCs for 3 consecutive months			
Timely Resolution Rate ≥ 90% quarterly compliance with complaint resolution requirements for 3 consecutive months			

Request approval (Y/N): _____

Assessment completed by: _____

Public Works – Transportation Division
1947 Center Street, 4th Floor
Berkeley, CA 94704

Shared Electric Micromobility Permit Program (SEMPP)

Quarterly Report

Fiscal Year Quarter: _____

Months Covered: _____

Data requested within this report shall be specific to the activities and operations within the City of Berkeley city boundaries.

I. Overall Trip and Device Data

Trip and Device Data	Month 1	Month 2	Month 3	Quarter Average
Average Trip Distance				

II. Overall User Data

User Data	Month 1	Month 2	Month 3	Quarter Average
Total # of Active Users				
Total # of Repeat Users[1]				
% of Total Rides Completed by Repeat Users				

1. Repeat user is defined as user using service at least 3 times.

III. Equity Data

	Equity Data	Month 1	Month 2	Month 3	Quarter Average
(n)	Total # of Discounted Rides				
(o)	Total # of Customers Participating in the Low-Income Discount Program				
(p)	Total Number of New Customers Signed Up in the Low-Income Discount Program				

4th Floor, 1947 Center Street, Berkeley, CA 94704 • Tel: (510) 981-7010 • TDD: (510) 981-6903
Email: sharedmobility@berkeleyca.gov

1. EPC = Equity Priority Community

IV. Maintenance and Customer Service

Service Data	Month 1	Month 2	Month 3	Quarter Average
# of Incidents of Vandalism or Theft				

IV.a. Provide device maintenance reports as a separate .cvs file.

IV.b. Provide a .cvs file of all calls and emails received through customer service hotline or email in the following table format:

Date	Time	Call or Email	Response Time (min)[1]	Nature of Inquiry

1. Time taken to reply to customer

V. User Enforcement

Equity Data	Month 1	Month 2	Month 3	Quarter Average
Total # of parking violations				
Total # of warnings issued				
Total # of penalties applied				
Total # of repeat offenders				
Total # of revoked ridership privileges				

4th Floor, 1947 Center Street, Berkeley, CA 94704 • Tel: (510) 981-7010 • TDD: (510) 981-6903
Email: sharedmobility@berkeleyca.gov

~~I~~V.~~b~~a. During this reporting period, what efforts were implemented within the mobile application to increase proper parking? What were the results?

V.b. Provide a list of proposed parking zone relocation or expansion sites, if any.

VI. Collision Incident Data

Date	Time	Device Type	Geo Coordinates of Incident	Severity of Indicent (fatality, severe injury, minor injury, or property damage only)	Police Report Filed? (Y/N)
Add rows as needed					

4th Floor, 1947 Center Street, Berkeley, CA 94704 • Tel: (510) 981-7010 • TDD: (510) 981-6903
Email: sharedmobility@berkeleyca.gov

VII. Outreach Activities

Provide details of the total number and types of outreach activities completed during this reporting period. Include the total number of free or discounted helmets distributed, if any.

VIII. Highlights and Challenges

Provide highlights or challenges you would like to share.

4th Floor, 1947 Center Street, Berkeley, CA 94704 • Tel: (510) 981-7010 • TDD: (510) 981-6903
Email: sharedmobility@berkeleyca.gov

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