

## ORDINANCE NO. 7,894-N.S.

ELMWOOD BUSINESS IMPROVEMENT DISTRICT AMENDMENTS; AMENDING  
BERKELEY MUNICIPAL CODE CHAPTER 7.84

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

Section 1. That Berkeley Municipal Code Section 7.84.030 is amended to read as follows:

**7.84.030 Boundaries of district.**

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

Western Boundary. A line connecting the western edge of all parcels fronting on the western side of College Avenue in the C-E and R-2A zoning districts from 2640 College to 3212 College but including parcels facing Derby Street, Stuart Street, Russell Street and the City-owned Elmwood parking lot that is accessed from Russell Street, and 2933 Benvenue Ave, 2626 Ashby Ave and 2953 Benvenue Ave. The parcels along the western boundary are as follows:

Assessor's Book 053:

Block 1695: Parcels 4, 6, 7, 11, 9-1, 9-2, 10, 12-1, 12-2, 13, 14, 30, 31, and 36.

Assessor's Book 052:

Block 1409: Parcels 1-1, and 3.

Block 1410: Parcels 2, 12, 14-2, 16-1, 18, 20-1, 22-1, 24, 26, 28, 30, 32, 34, 36, and 41.

Block 1562: Parcels 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 39, 47, and 50,

Block 1568: Parcels 2, 3, 4-1, 5-1, 5-2, 6-2, 7, 9, 11-1, 12-1, 14, 49, 50, 51, 52, 53, 55, and 56.

Block 1573: Parcels 2, 4-1, 6, 12, 13, 14, 15, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, and 103.

Eastern Boundary. A line connecting the eastern edge of all parcels fronting on the eastern side of College Avenue from 2704 Derby Street to 2704 Alcatraz Avenue and 3217 College Avenue and parcels fronting Stuart Street, Webster Street, Prince Street,

Woolsey Street and Alcatraz Avenue. The parcels along the eastern boundary are as follows:

Assessor's Book 055:

Block 1845: Parcels 15-1, 15-2, 16, 17

Assessor's Book 054:

Block 1707: Parcel 10-1

Block 1708: Parcels 14, 15, 16, and 17.

Block 1709: Parcels 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 29, and 38.

Assessor's Book 053:

Block 1696: Parcels 1, 2, 15, 16, 17, 18, 19, and 20

Block 1699: Parcels 15, 16, 17, 18, and 19

Assessor's Book 052:

Block 1563: Parcels 28, 29, 30, 31, 32, 33, 34, 35, 36, 63, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 96, 97, 176-2, 177-1, 188, 191, 203, and 221,

Block 1564: Parcels 31, 32, 33, 34, 35, 36, and 37.

Block 1567: Parcels 16, 17, 18, 19, 20, 21, 22, 23, 24, 62, 63, 64, 66, 67, 68, 87, 88, 89, 90, and 91. Block 1568: Parcels 14, and 16-2.

Block 1573: Parcel 13.

Southern Boundary. A line connecting the southern edge of parcel 052-1563-188 (3217 College) on the eastern side of College and the southern edge of parcel 052-1409-3 (3212 College) on the western edge of College.

Northern Boundary. The northern edge of parcel 055-1845-15-2 ( 2640 College) on the western side of College and the northern edge of parcel 054-1708-17 (2704 Derby) on the eastern side of College.

Section 2. That Berkeley Municipal Code Section 7.84.040 is amended to read as follows:

**7.84.040 Calculation of assessments.**

Businesses, trades, and professions located within the District boundaries shall, commencing on January 1, 2025, pay an annual benefit assessment to the District in the amounts shown in Table 7.84.040.

**Table 7.84.040.**

<b>Business Classifications and Assessment Rates</b>	
<b>Classifications</b>	<b>Annual Rates</b>
Retail including jewelers and groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services and 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.

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

At a regular meeting of the Council of the City of Berkeley held on January 16, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Taplin, and Arreguin.

Noes: None.

Absent: Wengraf.