AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, September 10, 2024
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council Meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1607838997. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 783 8997**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

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

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

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $250 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

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

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

1. Pledge of Allegiance

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: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and 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 commencement of that meeting. 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. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. 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.

Recess Items

1. **Grant Application: Local Transportation Climate Adaptation Program (LTCAP) for the Interstate 80 Aquatic Park Lagoon Tidetube Culvert Resiliency Project**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the state Local Transportation Climate Adaptation Program (LTCAP) for the Aquatic Park Tidetube Culvert Resiliency Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.
   Financial Implications: $3.2 million in grant revenue.
   Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

2. **Grant Application: U.S. DOT – Charging and Fueling Infrastructure Discretionary Grant – South Cove West Parking Lot Renovation and EV Charging Project**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the U.S. DOT Charging and Fueling Infrastructure (CFI) Discretionary Grant program for the South Cove West Parking Lot Renovation and EV Charging Project.
   Financial Implications: See report
   Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

3. Lot Line Adjustments at 1401 Carleton Street and 1423 Ward Street
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,932-N.S. authorizing the City Manager to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve main dwelling encroachments at the City's Santa Fe Trackbed to Park Conversion Project Site.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

4. Lease Agreement: Youth Musical Theater Company for the Live Oak Theater at 1301 Shattuck Ave
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,933-N.S. authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's Live Oak Theater at 1301 Shattuck Avenue for a term of three years, anticipated to begin September 1, 2024 and ending August 31, 2027, with one five-year option.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

5. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 8, 2024 (special), July 9, 2024 (special and regular), July 22, 2024 (special), July 23, 2024 (specials and regular), July 29, 2024 (special), July 30, 2024 (special and regular) August 5, 2024 (special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

6. Contract: FileTrail, Inc. for Records Management Software System
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with FileTrail, Inc. for $178,653.47 for software licensing, maintenance, and related services for a records management software system, for a total contract amount not to exceed $178,653.47 and for the term from September 26, 2024 to September 26, 2029.
Financial Implications: General Fund - $178,653.47
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

7. Voting Delegates – League of California Cities Annual Conference
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the General Assembly of the Annual League of California Cities conference to be held on Friday, October 18, 2024, in Long Beach.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

8. City Council Rules of Procedure and Order Revisions *(Reviewed by the Agenda & Rules Committee)*
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify and reorganize existing language, make technical corrections related to account for hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add revisions recommended by the Open Government Commission and approved by Council; Add new language and update existing language related to the legislative process recommended by the Agenda & Rules Committee; and rescinding any preceding amendatory resolutions.
Policy Committee Recommendation: To send the proposed amendments to the Rules of Procedure, as discussed and further amended on August 26, 2024, to the City Council with a positive recommendation.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 10, 2024
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $5,960,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

10. Mental Health Services Act Fiscal Year 2025 Annual Update
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2025 Annual Update, which identifies uses of funds for mental health programming, and forwarding the Annual Update to appropriate State officials.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

11. 2024 Local Housing Trust Fund Application
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed $5,000,000, and to apply such funds to the City's existing funding reservations for two projects at the North Berkeley BART (NBB) site: NBB East Bay Asian Local Development Corporation (EBALDC) Project and NBB BRIDGE Insight Permanent Supportive Housing (PSH) Project via the City's Housing Trust Fund program.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

12. Contract No. 32300112 Amendment: Harold Dichoso for COVID-19 Outreach and Education
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2025 and increase the not-to-exceed amount (NTE) by $63,928 utilizing one-time grant funds. The amendment will increase the NTE amount from $144,950 to $208,878.
Financial Implications: One-Time Fund - $63,928
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

13. Contract No. 32200135 Second Amendment: Multicultural Institute for COVID-19 Outreach and Education
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32200135 with Multicultural Institute, to extend the contract end date through June 30, 2025, and increase the not-to-exceed amount (NTE) by $45,136 utilizing one-time grant funds. The amendment will increase the NTE amount from $186,000 to $231,136.
Financial Implications: One-Time Fund - $45,136
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

14. Contract No. 32500020 Amendment: ACAPMO for Technology PMO Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500020 with company ACAPMO for Technology Program/Project Management Office (PMO) services, to allow for additional services and support for a total not to exceed $249,999 from August 1, 2024 to December 31, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

15. Contract No. 31900187 (Fund$ 10734) Amendment: ISP.NET (formerly LV.NET) for Secondary Internet for Redundancy and Load Balancing
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900187 (Fund$ 10734) with ISP.NET (formerly LV.NET) for redundant secondary internet services, increasing the contract amount by $84,000 for a total not-to-exceed amount of $362,000 from October 3, 2017 to June 30, 2026.
Financial Implications: Communications Services Fund - $84,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

16. Contract No. 32100185 Amendment: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), increasing the contract by $1,037,372 for an increased total not to exceed amount of $2,033,489, from May 14, 2021 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - $1,037,372
Contact: Kevin Fong, Information Technology, (510) 981-6500

17. Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Computer Aided Dispatch (CAD) Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for an extension of the maintenance and support of Computer Aided Dispatch (CAD) software, increasing the amount by $645,173 for a total contract value not-to-exceed $2,934,123, and extending the term of the contract through June 30, 2026.
Financial Implications: General Fund - $645,173
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

18. Contract: With Roundstone Solutions Inc., an implementer of Nutanix Hyperconverged Technologies: Using State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA) for hardware, software, and services related to the Server Infrastructure Upgrade and Azure Disaster Recovery
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with Roundstone Solutions Inc., an implementer of Nutanix Hyperconverged Technologies, for the purchase of server hardware, software, and related services for a server infrastructure upgrade and disaster recovery enhancements, utilizing pricing established by the State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA), for a total amount not to exceed of $1,395,000 for the term August 1, 2024 through July 31, 2027.
Financial Implications: IT Cost Allocation Fund - $1,395,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

19. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by $50,000, for a total not-to-exceed amount of $299,500 through July 31, 2025.
Financial Implications: IT Cost Allocation - $50,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

20. Dell Computers, Inc.: Contract # 319002070-Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2025 for an additional amount of $1,704,438 in Fiscal Year 2025 with a total Not-To-Exceed (NTE) contract amount of $5,411,676.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

21. Contract No. 099471-1 Amendment: Integrated Business Consultants of GA to Extend Term, Maintenance & Support for the PacSoft Marina Management System
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 099471-1 with Integrated Business Consultants of GA ("Reseller") for: (1) additional software maintenance and (2) twenty (20) additional support hours, in an amount not to exceed $16,906.61 for a new not to exceed contract amount of $100,359.61, and extending the contract term through June 30, 2027.
Financial Implications: Marina Operations Fund - $16,906.61
Contact: Kevin Fong, Information Technology, (510) 981-6500

22. Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades
From: City Manager
Recommendation: Adopt a Resolution increasing the amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by $120,000 for a total not to exceed amount of $556,954.
Financial Implications: General Fund - $120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

23. Donation: Memorial Bench at the Berkeley Waterfront Pathway in memory of Ying Xiang Liu
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 Pathway in memory of Ying Xiang Liu.
Financial Implications: $3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

24. Donation: Memorial Bench at the Berkeley Waterfront in memory of Obaidulla Khan
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 in memory of Obaidulla Khan.
Financial Implications: $3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

25. Mills Act Contract – 1401 Le Roy Avenue
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Michael Greenwald and Ronna Bach for the City Landmark property at 1401 Le Roy Avenue.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

26. Mills Act Contract – 60 Panoramic Way
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Jordan Kanarek and Gabrielle Goldstein for the City Structure of Merit property at 60 Panoramic Way.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

27. Mills Act Contract – 7 Greenwood Common
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Anne and Michael Ray for the City Landmark property at 7 Greenwood Common.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

28. Donation: Fusako Castro Estate to the Berkeley Police Department
From: City Manager
Recommendation: Adopt a Resolution accepting a donation in the amount of $1,125.42 from the Fusako Castro Estate to the Berkeley Police Department.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

29. Contract: All-Star Talent for Recruiting, Advertising, and Marketing Strategy for the Berkeley Police and Fire Departments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with All-Star Talent for public safety recruiting and retention services from June 1, 2024 through May 30, 2028 and a not to exceed $1,313,482 with an option to extend for two additional two-year periods.
Financial Implications: Various Funds - $1,313,482
Contact: Jennifer Louis, Police, (510) 981-5900, David Sprague, Fire, (510) 981-3473

Consent Calendar

30. Revenue Grant: California Office of Traffic Safety (OTS) for the 2025 "Selective Traffic Enforcement Program (STEP) Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for $255,000 for the period of October 1, 2024 through September 30, 2025, which is Federal Fiscal Year 2025.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

31a. Recommendation Regarding Panoramic Hill Secondary Evacuation *(Reviewed by the Public Safety Committee)*
From: Disaster and Fire Safety Commission
Recommendation: Adopt a Resolution approving the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.
Policy Committee Recommendation: To send the Commission item and the City Manager Companion Report to Council, and giving a positive recommendation to the City Manager Companion Report for City Council to adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473

Consent Calendar

31b. Companion Report: Recommendation Regarding Panoramic Hill Secondary Evacuation *(Reviewed by the Public Safety Committee)*
From: City Manager
Recommendation: Adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. The results of the study should then be shared with the Public Safety Policy Committee.
Policy Committee Recommendation: To send the Commission item and the City Manager Companion Report to Council, and giving a positive recommendation to the City Manager Companion Report for City Council to adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

32. Request for One Additional Meeting in 2024 due to Special Meeting to Address Insight Housing Allocation
From: Homeless Services Panel of Experts
Recommendation: That Council recommend to refer to the City Manager that one additional meeting be granted to the Homeless Services Panel of Experts (HSPE) in 2024.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

33. Official Naming of the Concrete Planter at the Southeast Corner of Adeline St and Alcatraz Ave as the "Ms. Richie and Friends of Adeline Native Garden"
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution officially naming the concrete planter at the southeast corner of Adeline St and Alcatraz Ave as the "Ms. Richie and Friends of Adeline Native Garden".
Financial Implications: None
Contact: Roger Miller, Commission Secretary, (510) 981-6700

Council Consent Items

34. Amending BMC 7.52.060 to include "Wildfire Hardening" in the Real Property Transfer Tax Exceptions
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt the first reading of an Ordinance to amend Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, by adding Sub-section L, Wildfire Hardening, below Sub-section K, Seismic Upgrades.
Financial Implications: To be determined
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

35. AC Transit Draft Final Plan
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to AC Transit urging them to reconsider the frequency of service for bus lines 65 and 67 including restoration of weekend service.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action 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. Up to ten (10) speakers 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.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. 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 the appellant and 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.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

36. Ambulance Transport Fee Increase
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective July 1, 2024, for the Cities of Alameda, Albany, Berkeley, and Piedmont and to adjust the First Responder Fee. The increase would be included as an updated addendum to the Ambulance Provider Agreement, and rescinding Resolution 71,063–N.S.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Council Action Items

37. Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code
From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a resolution affirming that the City of Berkeley will continue to offer interim housing (i.e., a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach and best practices guidance from the federal government. In order to account for nuanced health and safety situations, the resolution allows for six specific exceptions to this practice, based on City staff experience.
Offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness. It will continue to be the City's practice to make shelter offers whenever practicable and to invest in more shelter options. However, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:
-The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, Berkeley Municipal Code (BMC) Chapter 19.48; or
-The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or
-The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
-The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
-The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
-The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

Council Action Items

The City Manager is authorized to take enforcement actions to deter re-encampment (after clearing an encampment involving any of the six instances enumerated above) through such means as hardscaping; signage that references state Penal Code Section 647(e) ; or citation and arrest, even if a shelter offer cannot be made.
Adopt revisions to BMC Chapter 14.48 (Ordinance No. 7632) on miscellaneous use of streets and sidewalks to delete portions of 14.48.020, 14.48.120A and 14.48.120B in order to give the City Manager authority to make conforming changes to Administrative Regulation 10.2 to effectuate the above-stated encampment policy. Administrative Regulation 10.2 Regulating Temporary Non-Commercial Objects on Sidewalks and In Parklets Pursuant to BMC 14.48.120 is to be revised by the City Manager to enable enforcement of temporary non-commercial objects of less than nine-square-feet within less than 24 hours in a designated public area marked with signage to deter re-encampment.
Financial Implications: None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Information Reports

38. 2024-25 Housing Advisory Commission Work Plan
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on

the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at https://berkeleyca.gov/.

Agendas and agenda reports may be accessed via the Internet at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas
and may be read 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 (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on August 29, 2024.

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.
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Item #37: Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code

1. Caroline Winnett
2. Tom Parrish
3. Steve Kromer
4. Peg Bogle
5. Jacques Janson
6. Dixon Brooke
7. Mary Law
8. Phil Allen
9. Chris Schalis
10. Steven S.
11. Gary Shoyama
12. Chia Zau
13. Dorothea Dorenz
14. David Rosen
15. Jim Liefer
16. Mark Rhoades
17. Mel
18. Tylee Holden
19. John Norheim
20. Susan Andres
21. Fabian Goericke
22. 48 Similarly-worded form letters

Specificity of Agenda Item Descriptions

23. Kitt Saginor, Chair, Open Government Commission

Mitigation Plan

24. Mary BehmSteinberg
25. Susan Schwartz, President, Friends of Five Creeks

Zoning Concerns

26. John J. Parman
27. Elke Glendenning
28. Clifford Fred
29. Joe Schlessinger
30. Miki Tal
31. James Cline
32. Arlene Taylor
33. Betsy Bigelow-Teller
34. Susan Nunes Fadley (2)
35. Audre Newman
36. Tyler Kennedy
37. Dean Pollycove

38. Taya Monfried
39. Dorothea Dorenz
40. Gwen Martini
41. Lisa Bruce
42. John Rice
43. Rachel Bradley
44. Laurent de Janvry
45. Kathy Dittmer
46. Mary Louise Zernicke

Traffic Concerns
47. Amantuck Cappa-Lambert

Public Funds
48. David Lerman

East Bay Kidical Mass Invitation
49. Marc Hedlund

Flag Concerns
50. Michael J. Cassidy
51. Dorothea Dorenz

Containers at 2556 Haste St.
52. Jennifer Frehn

Wildlife Population
53. Erin Williams

Residential Parking Permit
54. John J Brogan

Police Review Commission
55. Alan Jencks

Construction Debris
56. Chess Club

New Housing Concern
57. Ken Bukowski

Delaware Streets ADU
58. Leif White and Felisa Ramirez

New Tax Proposals
59. Gregory Harper

Rent Stabilization Ordinance Revisions
60. Toni Mester

Cedar Rose Park
61. Carol Hirth

BPD's Policy 300 Community Input Sessions
62. Office of the Director of Police Accountability (2)

Blocked Sidewalk Concern
63. Neighbors on 5th Street

Diverter Visibility
64. Alfred Twu
65. Warren J. Wells

Russell/Milvia Junction
66. Andy Verity

Small Landlords
67. Elliot Abrams

Berkeley Day Camp
68. Kendra K. Levine

Appliance Upgrades
69. Nicole Bloom & Sue Swigart

Natural Gas
70. Ghawar Camij Toschian

People's Park
71. Gabriel Cornejo
72. Russbumper
73. Paul Kealoha Blake

School Safety Programs
74. Dorothea Dorenz

Garbage Cans at Codornices Park
75. Katherine Silver

Safety Concerns
76. Katya and Unity Stoakes

77. Dr. Bruce Brody

Reusable Air Filters
78. Christopher La Combe

Rental Regulatory Agreement
79. Alex S. Merenkov

Restaurant Inspections
80. Barbara Gilbert
81. David Lerman
82. Sabina McMurtry

CA Senate Bill 4
83. Shane Bohart

UA Theater
84. Mimi Moungovan
85. Charlene Woodcock (2)
86. Constance Rivemale
87. James Hudkins
88. Mischa Lorriane
89. T.T. Nhu
90. Diana Naparst
91. Salli Lundgren
92. Allen Michaan
93. Laura Linden

Longfellow Middle School
94. Liza Lutzker
95. Wahid Amiri

San Pablo Ave
96. Caramia Visick

Vandalism
97. Tim O'Brien

Police Accountability
98. Carol Denney (2)

Berkeley Post Office
99. Michael Martel

K Street Flats
100. Devisadaria Duchine

Chevron
101. Leslie West

Housing and Health Concern
102. Anne McClintock

Stadiums
103. Josh Atwood

Sylvia Mendez Air Quality
104. Carrie Rybczynski
105. Sara Peschel and Troy Martinez
106. Maria Carriedo (2)

TOPA
107. Jean Tepperman Tepperman
108. Tahira Dean

Veteran Blog
109. William T. Elliot

Lorin Commercial District
110. Teresa Clarke

Email Request
111. Pat Wilde

Presidential Election
112. Russbumper (2)
113. David L. Axelrod
114. Arthur Fonseca

Middle East Conflict
115. Russbumper (8)
116. Erwan Illian (12)
117. Crustyrusty
118. Nora Shourd
119. Elana Auerbach

Newsletters
120. Vivian Warkentin
121. Erwan Illian (9)
122. Josh Atwood

URL's

123. Russbumper (37)
124. Josh Atwood
125. Erwan Illian

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

Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Grant Application: Local Transportation Climate Adaptation Program (LTCAP) for the Interstate 80 Aquatic Park Lagoon Tidetube Culvert Resiliency Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the state Local Transportation Climate Adaptation Program (LTCAP) for the Aquatic Park Tidetube Culvert Resiliency Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

The LTCAP grant program requires applicants to submit a cover letter to the California Transportation Commission's Executive Director that nominates the project, identifies the nominating agency, authorizes and approves the project nomination, and includes the signature of the Chief Executive Officer (or other officer authorized by the nominating agency's governing board). The LTCAP grant deadline is August 30, 2024. Without authorization, the City will be unable to submit a grant application to the 2024 LTCAP grant program for this project.

FINANCIAL IMPLICATIONS

The LTCAP grant program requires a 20% local match of the total project cost. For the total project cost of $4 million, the PRW Department has identified $800,000 in local match from the General Fund in FY2025 and will submit an application for up to $3.2M for the Aquatic Park Tidetube Culvert Renovation and Habitat Resiliency Project.

CURRENT SITUATION AND ITS EFFECTS

In 2021, the City completed the Aquatic Park Tidetube Culvert maintenance and repair project that restored the full functionality of the tidetubes to properly exchange waters of the Bay with the waters of Aquatic Park. During the project, a video inspection discovered extensive cracking of the existing tidetubes which will result in full failure by 2030. In light of anticipated impacts due to climate change, the increased severity of storms will accelerate the volume and velocity of water running through the tidetubes, which will accelerate their failure. This could lead to the erosion of the roadbed above the tidetubes and the potential closure of Interstate 80, new flooding in West Berkeley, and the loss of natural habitat at Aquatic Park. The California

Transportation Commission (CTC) recently announced the second round of the LTCAP grant program, with a submittal deadline of August 30, 2024. The City will submit a grant application for up to $3.2M, with a local City match of $800,000, to fund a project to design and deliver the Interstate 80 Aquatic Park Tidetube Culvert Renovation and Habitat Resiliency Project to increase the resiliency of City and Interstate infrastructure along the coastline of the Bay for the next 50 to 100 years.

BACKGROUND

In November of 2021, congress enacted the federal Bipartisan Infrastructure Law (BIL) of 2021 to provide billions in competitive grant-funded programs to address infrastructure needs across the U.S. over the next several years. In June of 2024, the California Transportation Commission (CTC) released a Call for Projects for the Local Transportation Climate Adaption Program (LTCAP) round two funding cycle using federal BIL funds. This grant program is available for investments that help make surface transportation more resilient to natural hazards and disasters, including climate change, and can be used to support resiliency improvements, community resilience and evacuation routes, and at-threat coastal infrastructure. Grant applications are due August 30, 2024. The City will submit a grant application to address the failing tidetube culverts at Aquatic Park underneath Interstate 80 that are projected to fail in less than ten years due to the impacts of climate change.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The tidetube culverts underneath Interstate that connect the Bay waters to Aquatic Park are projected to fail within ten years, causing the potential failure of I-80, impacts to traffic throughout the Bay Area, more flooding at Aquatic Park organizations and businesses in West Berkeley, and negative impacts on the natural habitats at Aquatic Park. The failure of the tidetubes will be accelerated by the impacts of climate change. This renovation project will improve the resiliency of the tidetube system and help the City and Interstate 80 become more resilient to the impacts of climate change. This project helps the City meet Strategic Goal 1 – infrastructure.

RATIONALE FOR RECOMMENDATION

Submitting a project to this highly competitive grant program will help the City reach its Climate Adaptation and Resiliency goals and help make the segment of Interstate 80 in Berkeley more resilient to the impacts of climate change.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments
1: Resolution

RESOLUTION NO. XX,XXX-N.S

GRANT APPLICATION: LOCAL TRANSPORTATION CLIMATE ADAPTATION PROGRAM (LTCAP) FOR THE INTERSTATE 80 AQUATIC PARK LAGOON TIDETUBE CULVERT RESILIENCY PROJECT

WHEREAS, in November of 2021, congress enacted the federal Bipartisan Infrastructure Law (BIL) of 2021 to provide billions in competitive grant-funded programs to address infrastructure needs across the U.S. over the next several years; and

WHEREAS, in July of 2024, the California Transportation Commission (CTC) released a Call for Projects for the Local Transportation Climate Adaption Program (LTCAP) round two funding cycle using federal BIL funds. This grant program is available for investments that help make surface transportation more resilient to natural hazards and disasters, including climate change, and can be used to support resiliency improvements, community resilience and evacuation routes, and at-threat coastal infrastructure. Grant applications are due August 30, 2024; and

WHEREAS, the City will submit a grant application to address the failing tidetube culverts at Aquatic Park underneath Interstate 80 that are projected to fail in less than ten years due to the impacts of climate change.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager during recess to: submit a grant application to the Local Transportation Climate Adaptation Program (LTCAP) for the Interstate 80 and Aquatic Park Tidetube Culvert Resiliency Project in the amount of up to $3.2 million, and authorizes $800,000 in local match from General Fund (20% of total project cost); to accept any grants; to execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.

02

Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Grant Application: U.S. DOT – Charging and Fueling Infrastructure Discretionary Grant – South Cove West Parking Lot Renovation and EV Charging Project

RECOMMENDATION
Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the U.S. DOT Charging and Fueling Infrastructure (CFI) Discretionary Grant program for the South Cove West Parking Lot Renovation and EV Charging Project.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS
City policy requires council authorization of grant applications that involve a commitment of City funds (e.g., local matching funds). The CFI grant deadline is August 28, 2024. Without authorization, the City will be unable to submit a grant application to the 2024 CFI grant program for this project.

FINANCIAL IMPLICATIONS
None. If the City is awarded the grant, staff will return to Council for authorization to accept the funds, execute any resulting grant agreements, appropriate additional funding, and implement the projects. The CFI grant program requires a 20% local match of the project cost. The cost of the electrical vehicle charging phase of the project is $625,000. The City has allocated $125,000 (20%) to the project using local City funds.

CURRENT SITUATION AND ITS EFFECTS
The Notice of Funding Opportunity (NOFO) for the CFI grant program was published on May 30, 2024, and has a grant submittal deadline of August 28, 2024. The City will submit a grant application in the amount of $500,000 to help fund the installation of electric vehicle charging stations at the South Cove West Parking Lot Renovation Project.

BACKGROUND
In November of 2021, congress enacted the federal Bipartisan Infrastructure Law (BIL) of 2021 to provide billions in competitive grant-funded programs to address infrastructure needs across the U.S. over the next several years. The U.S. DOT CFI program is one of the new grant programs funded by the BIL of 2021. The CFI Program will accelerate an electrified and

alternative fuel transportation system that is convenient, affordable, reliable, equitable, accessible, and safe. The CFI Program will also help put the United States on a path to a nationwide network of at least 500,000 EV chargers by 2030 and improve networks for vehicles using hydrogen, propane, and natural gas.

In the spring of 2024, the City began the design for the renovation of the South Cove West Parking Lot with electrical charging (EV) at the Berkeley Waterfront using grant funds from the California State Coastal Conservancy ($1,270,733) and local City funds ($418,656), for a total project cost of $1.689 million. A grant from the CFI grant program will allow the City to complete the renovation project.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This grant would support the City's Climate Action Plan and its goal of becoming a Fossil Fuel Free city as established through the June 12, 2018 City Council referral. This grant would support the City's goal of reducing its greenhouse gas emissions by 80% by 2050, which would result in cleaner air for residents.

The proposed action is to adopt a resolution authorizing the submission of a grant application for a U.S. DOT Charging and Fueling Infrastructure Discretionary Grant. The submission of a grant application is a funding mechanism that does not involve any commitment to any specific project and does not limit the choice of alternatives or mitigation measures. The proposed activity is therefore not a project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3) and 15378(b). Appropriate environmental review consistent with the requirements of CEQA will be completed prior to specific project action.

RATIONALE FOR RECOMMENDATION

Submitting a project to this highly competitive grant program will help the City reach its Climate Adaptation and Resiliency goals and help facilitate the use of electric vehicles in Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments
1: Resolution

RESOLUTION NO. -N.S

GRANT APPLICATION: U.S. DOT – CHARGING AND FUELING INFRASTRUCTURE DISCRETIONARY GRANT – SOUTH COVE WEST PARKING LOT RENOVATION AND EV CHARGING PROJECT

WHEREAS, in November of 2021, congress enacted the federal Bipartisan Infrastructure Law (BIL) of 2021 to provide billions in competitive grant-funded programs to address infrastructure needs across the U.S. over the next several years; and

WHEREAS, the U.S. DOT Charging and Fueling Infrastructure (CFI) Discretionary Grant program CFI program is one of the new grant programs funded by the BIL of 2021; and

WHEREAS, the CFI grant program has a submittal deadline of August 28, 2024; and

WHEREAS, in the spring of 2024, the City began the design for the renovation of the South Cove West Parking Lot and electrical charging (EV) at the Berkeley Waterfront using grant funds from the California State Coastal Conservancy ($1,270,733) and local City funds ($418,656), for a total project cost of $1.689 million; and

WHEREAS, the City will submit a grant application to allow the City to complete the renovation project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager during recess to submit a grant application to the Charging and Fueling Infrastructure (CFI) Discretionary Grant Program for the South Cove West Parking Lot Renovation and EV Charging Project in the amount of up to $500,000. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.

03

ORDINANCE NO. 7,932-N.S.

LOT LINE ADJUSTMENTS AT 1401 CARLETON STREET AND 1423 WARD STREET

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

Section 1. The Council finds as follows:

a. On April 20, 2021, the City Council authorized staff to apply for grant funding and execute the Santa Fe Trackbed to Park Conversion Project should grant funds be awarded with Resolution No. 69,802-N.S.

b. On March 14, 2022, the City accepted grant funding and executed a contract with the Statewide Park Development and Community Revitalization Grant Program.

c. The boundary and topographic survey of the site and its surroundings done for the Project show 1401 Carleton Street and 1423 Ward Street have portions of the main dwelling encroaching onto City Property.

d. The encroachments of 1401 Carleton Street and 1423 Ward Street need to be resolved as they impact the City's usable future open space and the neighbors' future safety and access.

e. The City Council authorizes the City Manager or his/her designee to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve existing main dwelling encroachments onto the City's Santa Fe Trackbed to Park Conversion Project Site and update the existing nonconforming lots to conforming lots.

Section 2. AUTHORIZATION FOR CITY MANAGER TO EXECUTE LOT LINE ADJUSTMENTS AT 1401 Carleton Street and 1423 Ward Street.

The City Manager or his/her designee is hereby authorized to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street. The lot line adjustment applications shall be substantially in the form attached hereto as Exhibit "A."

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 July 30, 2024 this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

Exhibit A

Planning Department
Engineering Division

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT (CERTIFICATE OF COMPLIANCE)

This application is to be used for the submission of a **Tract Map** or a **Parcel Map** for the purpose of a subdivision of land, and for the submission of a **Lot Line Adjustment**, as defined in the **Subdivision Map Act** (current revision) and in the **City of Berkeley Municipal Code, Title 21**.

Please use the **APPLICATION FOR CONDOMINIUM** if the proposed project is a new condominium or a condominium conversion, as defined in **Section 783** of the **California Civil Code**.

INSTRUCTIONS:

Please answer the following questions, checking the appropriate boxes and/or supplying the requested information. Be as complete as possible, attaching additional sheets or supplemental data as required. Respond to **all** of the questions. If the question does not apply to your project, please mark **N/A** where an answer is requested.

Your attention is directed to the "NOTE" section at the end of this application. Incomplete applications will be returned to the applicant.

If you have any questions, it is suggested that you first consult the State of California's Subdivision Map Act (current revision) and the City of Berkeley's **Municipal Code, Title 21**. If you wish further information, please call the **Subdivision Engineer** at **(510) 981-6409**.

It is your responsibility as the applicant to make certain that your proposal conforms to all of the requirements (Zoning/Current Planning, Planning, Public Works, etc.) for land divisions and lot line adjustments in the City of Berkeley, or that the appropriate variances, waivers, use permits, etc., have been obtained/approved.

1. Please check and give the appropriate map number below if this application is for a:

   ___ Tract Map No._____ ___ Vesting Tentative Map

   ___ Parcel Map No. _____ _x_ Lot Line Adjustment ___ Certificate of Compliance

2. This subdivision contains _____ parcels/lots.

3. Address of property: 1401 Carleton Street

4. Record Lot(s)/Block/Tract (or portions thereof – refer to the title report legal description, or deed)
   Lot 28 in Block 23 of the Map of Mathews Tract, Berkeley, Oakland Township, Subdivide, 1888 filed August 7, 1888, in Book 10 of Maps at page 29, in the Office of the County Recorder of Alameda County.

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 2

5. Assessor's Parcel Number(s) 054-1794-015-00 and 054-1794-028-00

6. Name, Address, and Telephone Numbers of **Owner(s)**:

A. City of Berkeley
2180 Milvia Street
Berkeley, CA 94704
Day: (510) 981 - 6738
Evening ( )

B. [redacted]
[redacted]
[redacted]
Day: ([redacted]
Evening ([redacted]) [redacted]

7. Name, Address, and Telephone Numbers of **Applicant** (letters from the City will be addressed to this person):

Stacey Rutherford
1947 Center Street, Floor 5
Berkeley, CA 94704
Day: (510) 981 - 6738
Evening ( )

7a. Name, Address, and Telephone Number of **Engineer/Surveyor**, and Registration information:

Christopher Vandrey
201 N. Calle Cesar Chavez, Suite 300
Santa Barbara, CA 93103
(805) 719 - 9818

8783
Registration Number of Engineer/Surveyor

12/31/24
Expiration Date of Registration

8. Describe the present use of the site: 1401 Carleton is a single family home. City property is currently vacant land that will be remediated and converted into a public park.

9. Briefly describe the purpose and intent of the proposed subdivision:
To resolve encroachments onto City property.

10. Current zoning status of site: R-1

11. Total area of subdivision: _____ square feet

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 3

12. Complete the following table, attach additional sheets as needed when applying for a Tract Map using the same format as shown below:

DESCRIPTION OF PROPOSED PARCELS AND IMPROVEMENTS

Parcel	A	B	C	D	E
Area (Sq. ft.)	3,386	14,169			
Proposed Use	Residential	public park			
Proposed Structures (Y/N)	N (existing)	N			
Proposed Access: Strips (Lineal ft.)	N (existing)	N/A			
R.O.W. Frontage: (Lineal ft.)	35.25	76.26			

13. Are there any easements in/on/over the site? If so, please describe:

No

14. Are there any utilities in an abutting public right-of-way(s) or easements?

Check all that apply and show on Tentative Map:

Gas X Electricity X Telephone X
Water X Storm X Sanitary X

15. The nearest fire hydrant is 50 feet from the farthest parcel as measured along the public right-of-way and/or proposed access roads.

16. Is any utility construction proposed? Yes _____ No x

If yes, please describe: _____

17. Is any sanitary sewer construction proposed? Yes _____ No x

If yes, please describe: _____

18. Is any private sanitary sewer construction (main or lateral) proposed? Yes _____ No x

If yes, please describe: _____

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 4

19. Is any grading/excavation proposed? Yes x No _____

If yes, please describe: City will remediate the contaminants left behind from the site's historic railroad use as part of the Santa Fe Trackbed to Park Conversion project.

20. Is any demolition proposed? Yes x No _____

If yes, please describe: City will remove the existing fence and construct a new one along the new, shared property line as part of the Santa Fe Trackbed to Park Conversion project.

21. Is "off-street" parking provided as required by the City's Zoning Ordinance? Yes x No ____

If no, please describe: _____

22. Describe any proposed construction of private access roads/strips. Will all passages or driveways (proposed or existing) be sufficient size so as to permit the entry of fire fighting equipment?
No proposed construction of private access roads/strips. This lot line adjustment will resolve existing encroachments onto City property and update 1401 Carleton into a conforming lot.

23. Briefly describe any other proposed improvements:

City will construct a new dog park after soil remediation.

24. Will any variances, waivers, use permits, etc., be required for this application? Yes ___ No x

25. If so, have the variances, waivers, use permits, etc., been obtained?
Yes _____ No _____ Applied for _____

NOTE: If applying with a VESTING Tentative Map, written approval from the Board of Adjustments, in the form of APPROVED variances, permits, etc., is required PRIOR to applying for a land division.

If yes, please show the appropriate permit number _____ or date granted _____, and a description:

If applied for, city date, agency, application data, and a brief description: _____

NOTE: THIS IS NOT AN APPLICATION FOR SUCH VARIANCE, PERMITS, ETC., WHICH MUST BE MADE WITH THE APPROPRIATE DEPARTMENTS.

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 5

The acceptance of a completed application by the City of Berkeley does not constitute the approval of any application, nor does it guarantee that such application will be approved by the appropriate agency/agencies.

Once accepted by the City of Berkeley, all fees required for the submission of this application are non-refundable.

SIGNATURES OF APPLICANT AND ALL OWNERS OF RECORD (attach additional sheets, as needed):

OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
APPLICANT (PRINT NAME)	APPLICANT'S SIGNATURE	DATE

DO NOT WRITE BELOW THIS LINE

FILING DATE OF APPLICATION: _____

Planning Department
Engineering Division

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT (CERTIFICATE OF COMPLIANCE)

This application is to be used for the submission of a **Tract Map** or a **Parcel Map** for the purpose of a subdivision of land, and for the submission of a **Lot Line Adjustment**, as defined in the **Subdivision Map Act** (current revision) and in the **City of Berkeley Municipal Code, Title 21**.

Please use the **APPLICATION FOR CONDOMINIUM** if the proposed project is a new condominium or a condominium conversion, as defined in **Section 783** of the **California Civil Code**.

INSTRUCTIONS:

Please answer the following questions, checking the appropriate boxes and/or supplying the requested information. Be as complete as possible, attaching additional sheets or supplemental data as required. Respond to **all** of the questions. If the question does not apply to your project, please mark **N/A** where an answer is requested.

Your attention is directed to the "NOTE" section at the end of this application. Incomplete applications will be returned to the applicant.

If you have any questions, it is suggested that you first consult the State of California's Subdivision Map Act (current revision) and the City of Berkeley's **Municipal Code, Title 21**. If you wish further information, please call the **Subdivision Engineer** at **(510) 981-6409**.

It is your responsibility as the applicant to make certain that your proposal conforms to all of the requirements (Zoning/Current Planning, Planning, Public Works, etc.) for land divisions and lot line adjustments in the City of Berkeley, or that the appropriate variances, waivers, use permits, etc., have been obtained/approved.

1. Please check and give the appropriate map number below if this application is for a:

   ___ Tract Map No._____ ___ Vesting Tentative Map

   ___ Parcel Map No. _____ _x_ Lot Line Adjustment ___ Certificate of Compliance

2. This subdivision contains _____ parcels/lots.

3. Address of property: 1423 Ward Street

4. Record Lot(s)/Block/Tract (or portions thereof – refer to the title report legal description, or deed)
   Lot 7, Block 3, Map of San Pablo Park, filed November 21, 1906 in Book 22 of Maps, Page 1, Alameda County Records.

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 2

5. Assessor's Parcel Number(s) 054-1736-006-00 and 054-1735-020-00

6. Name, Address, and Telephone Numbers of **Owner(s)**:

A. City of Berkeley
2180 Milvia Street
Berkeley, CA 94704
Day: (510) 981 - 6738
Evening ( )

B. [redacted]
[redacted]
[redacted]
Day: ([redacted]
Evening ([redacted]

7. Name, Address, and Telephone Numbers of **Applicant** (letters from the City will be addressed to this person):

Stacey Rutherford
1947 Center Street, Floor 5
Berkeley, CA 94704
Day: (510) 981 - 6738
Evening ( )

7a. Name, Address, and Telephone Number of **Engineer/Surveyor**, and Registration information:

Christopher Vandrey
201 N. Calle Cesar Chavez, Suite 300
Santa Barbara, CA 93103
(805) 719 - 9818

8783
Registration Number of Engineer/Surveyor
12/31/24
Expiration Date of Registration

8. Describe the present use of the site: 1423 Ward is a single family home. City property is currently vacant land that will be remediated and converted into a public park.

9. Briefly describe the purpose and intent of the proposed subdivision:
To resolve encroachments onto City property.

10. Current zoning status of site: R-1

11. Total area of subdivision: _____ square feet

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 3

12. Complete the following table, attach additional sheets as needed when applying for a Tract Map using the same format as shown below:

DESCRIPTION OF PROPOSED PARCELS AND IMPROVEMENTS

Parcel	A	B	C	D	E
Area (Sq. ft.)	3,147	16,011			
Proposed Use	Residential	public park			
Proposed Structures (Y/N)	N (existing)	N			
Proposed Access: Strips (Lineal ft.)	N (existing)	N/A			
R.O.W. Frontage: (Lineal ft.)	32.29	94.35			

13. Are there any easements in/on/over the site? If so, please describe:

No

14. Are there any utilities in an abutting public right-of-way(s) or easements?

Check all that apply and show on Tentative Map:

Gas X Electricity X Telephone X
Water X Storm _____ Sanitary X

15. The nearest fire hydrant is 9 feet from the farthest parcel as measured along the public right-of-way and/or proposed access roads.

16. Is any utility construction proposed? Yes _____ No x

If yes, please describe: _____

17. Is any sanitary sewer construction proposed? Yes _____ No x

If yes, please describe: _____

18. Is any private sanitary sewer construction (main or lateral) proposed? Yes _____ No x

If yes, please describe: _____

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 4

19. Is any grading/excavation proposed? Yes X No _____

If yes, please describe: City will remediate the contaminants left behind from the site's historic railroad use as part of the Santa Fe Trackbed to Park Conversion project.

20. Is any demolition proposed? Yes X No _____

If yes, please describe: City will remove the existing fence and construct a new one along the new, shared property line as part of the Santa Fe Trackbed to Park Conversion project.

21. Is "off-street" parking provided as required by the City's Zoning Ordinance? Yes X No ____

If no, please describe: _____

22. Describe any proposed construction of private access roads/strips. Will all passages or driveways (proposed or existing) be sufficient size so as to permit the entry of fire fighting equipment?
No proposed construction of private access roads/strips. This lot line adjustment will resolve existing encroachments onto City property and update 1423 Ward into a conforming lot.

23. Briefly describe any other proposed improvements:

City will construct a new teaching garden and outdoor classroom after soil remediation.

24. Will any variances, waivers, use permits, etc., be required for this application? Yes ___ No X

25. If so, have the variances, waivers, use permits, etc., been obtained?
Yes _____ No _____ Applied for _____

NOTE: If applying with a VESTING Tentative Map, written approval from the Board of Adjustments, in the form of APPROVED variances, permits, etc., is required PRIOR to applying for a land division.

If yes, please show the appropriate permit number _____ or date granted _____, and a description:

If applied for, city date, agency, application data, and a brief description: _____

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APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT Page 5

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OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
OWNER (PRINT NAME)	OWNER'S SIGNATURE	DATE
APPLICANT (PRINT NAME)	APPLICANT'S SIGNATURE	DATE

DO NOT WRITE BELOW THIS LINE

FILING DATE OF APPLICATION: _____

04

ORDINANCE NO. 7,933 –N.S.

LEASE AGREEMENT WITH YOUTH MUSICAL THEATER COMPANY FOR THE USE AND MANAGEMENT OF LIVE OAK THEATER AT 1301 SHATTUCK AVENUE

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

Section 1. The City Manager, or designee, is hereby authorized to execute a 3-year lease agreement with one 5-year option and any amendments thereto with Youth Musical Theater Company for the use and management of Live Oak Theater at 1301 Shattuck Ave. in Berkeley, CA. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 2. The rent will be $6,000 per year, intended to cover the City's cost of utilities. If the 5-year option period is exercised, rent will increase to reflect updated costs and market conditions.

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

At a regular meeting of the Council of the City of Berkeley held on July 30, 2024 this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

CITY OF BERKELEY

IMPROVED PROPERTY LEASE

Between

THE CITY OF BERKELEY, A CHARTER CITY
ORGANIZED AND EXISTING UNDER THE LAWS
OF THE STATE OF CALIFORNIA

as Landlord,

and

YOUTH MUSICAL THEATER COMPANY

as Tenant.

For the Live Oak Theater property,
Located at 1301 Shattuck Ave.
Berkeley, CA

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PROPERTY LEASE

BASIC LEASE INFORMATION

1.	**Landlord:**	City of Berkeley, a California municipal corporation (City) 2180 Milvia Street Berkeley, CA 94704 Attention: Director, Parks, Recreation & Waterfront Telephone: (510) 981-6700 Email: parks@cityofberkeley.info
2.	**Tenant:**	Youth Musical Theater Company (YMTC)
3.	**Tenant Trade Name:**	Youth Musical Theater Company
4.	**Effective Date:**	September 1, 2024
5.	**Premises:**	Live Oak Theater, located at the Live Oak Community Center, approx. 3,000 sq ft, including an entry foyer and restroom, 91 theater seats, stage, backstage area with 2 dressing rooms and restroom, and a sound/light booth.
6.	**Permitted Uses:**	The Premises shall be used by Tenant for theater productions and events like performing arts classes, staged readings, recitals, open mic events, film screenings, holiday shows, professional development, training events, and presentations (e.g. "TED talk"-type events).
7.	**Initial Term:**	Three (3) year(s), commencing as of September 1, 2024 ("**Commencement Date**").
8.	**Option Period:**	Five (5) years.
9.	**Base Rent:**	$6,000 per year. If option period is exercised, rent will increase to reflect updated cots and market conditions.
10.	**Improvements & Maintenance**	Tenant accepts premises in as-is condition. Tenant is responsible for all expenses associated with improvements needed to maintain the property in good condition. If unforeseen improvements with extraordinary costs are required, Landlord and Tenant agree to meet to discuss options for funding. Landlord makes no representation that it will fund any improvements.
11.	**Maintenance**	Tenant will be responsible for ongoing maintenance for the premises, including but not limited to plumbing, building systems, graffiti abatement, janitorial, and pest control, as well as maintenance, repair and replacement as needed of theater equipment and inventory.
12.	**Services**	Landlord will pay for gas, electric, water and sewer. Tenant will be responsible for and pay for all other services.

The Basic Lease Information set forth above and the Exhibits attached hereto are incorporated into and made a part of the following Lease. In the event of any conflict between the Basic Lease Information and terms of the Lease, the terms of the Lease shall control.

LANDLORD'S INITIALS _____ TENANT'S INITIALS _____

LEASE

THIS LEASE is made by and between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California ("Landlord or City") and YOUTH MUSICAL THEATER COMPANY, a non-profit organization doing business at 1000 42nd Street Oakland, CA 94608 ("Tenant").

W I T N E S S E T H :

Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the Premises for the term and subject to the terms, covenants, agreements and conditions set forth below, to each and all of which Landlord and Tenant hereby mutually agree.

1. DEFINITIONS

Unless the context otherwise specifies or requires, the following terms shall have the meanings herein specified:

A. "Affiliate," as to any person, shall mean such person's partners, members, commissioners, officers, employees, volunteers and agents.

B. "Lease Year" shall mean each twelve-month period during the term of the Lease commencing upon the effective date of the Lease.

C. "Premises" shall mean the Live Oak Theater, located at the Live Oak Community Center, approx. 3,000 sq ft, including an entry foyer and restroom, 91 theater seats, stage, backstage area with 2 dressing rooms and restroom, and a sound/light booth, and as further depicted in Exhibit “A.”

2. TERM

A. Initial Term and Term of Renewal. The initial term is for a period of three years. Tenant has the option, under certain terms and conditions as described below, to renew this lease for an additional five-year term. This Lease shall take effect once duly approved by the Berkeley City Council and executed by both Landlord and Tenant (“the Effective Date”). The Initial Lease Term will expire at midnight August 31, 2027 (“the Termination Date”).

B. Procedure for Renewal. If Tenant wishes to renew the Lease beyond the Initial Lease Term, Tenant must provide written notice of such intent to Landlord at least one hundred and twenty (120) days prior to the expiration of the Initial Term. Landlord may extend to Tenant a five-year option to renew this Lease if Landlord, in its sole discretion, determines that throughout the Initial Term (a) Tenant has complied with all terms and conditions of the Lease, (b) the space has been well-used and well-attended, as documented by Tenant and approved by Landlord, with a diversity of local theater productions and other events, and (c) the Premises have been well-maintained, as documented by Tenant and approved by the Landlord. Any such option shall be subject to the following conditions:

1. Rent will increase to reflect updated costs and market conditions, as

documented and agreed by Landlord and Tenant.

2. A list of priority improvements is prepared by Tenant and approved by Landlord staff for completion in the option period.
3. Tenant will continue to ensure the space is well-used and well-attended, as documented by Tenant and approved by Landlord, with a diversity of local theater productions and other events.
4. Tenant will continue to ensure the Premises are well-maintained, as documented by Tenant and approved by the Landlord.

Landlord shall provide notice of its determination to grant renewal of the lease upon condition that Tenant agrees to the increase in rent and additional improvements, at least thirty (30) days prior to the expiration of the Initial Term.

C. If, after Landlord's initial determination that Tenant has complied with the terms and conditions of the Lease but prior to its actual expiration, Landlord determines, at its sole discretion, that Tenant has failed to comply with any term or condition of the Lease, Landlord may revoke the granting of the additional term and seek applicable remedies under the Lease, including, but not limited to Section 20.

D. If Landlord and Tenant are unable to agree upon conditions for renewal, as described above, but Tenant is in compliance with the terms and conditions of the Lease, the Lease will terminate at the end of the Initial Term.

E. At the expiration of the term, or any sooner termination of this lease due to default, Tenant agrees to quit and surrender possession of the premises and its appurtenances to Landlord in good order and condition. Tenant agrees to reimburse the Landlord for any damage done to the property caused by Tenant's occupation or tenancy excepting reasonable wear and tear and damage by the elements. Tenant shall not leave or allow to remain on the property any garbage, refuse, debris, or personal property. Tenant will pay Landlord any removal costs incurred by Landlord. At the end of the tenancy, Tenant agrees to deliver the property keys to the Landlord in person or by mail to the Landlord's designated agent.

3. RENT

A. Minimum Rent. Tenant shall pay to Landlord as a minimum rental for its use and occupancy of the Premises an annual rent of **SIX THOUSAND DOLLARS ($6,000)** per year of the Initial Term. For purposes of determining Minimum Rent, the first year of the Lease is the period up to August 31, 2025.

B. Manner of Payment. All rent and other payments due from Tenant shall be made to Landlord in lawful money of the United States of America at Landlord's address for notice hereunder, or to such other person or at such other place as Landlord may from time to time designate in writing.

C. Delinquency and Late Charges; Interest.

1. Tenant hereby acknowledges that its late payment of rent and other sums due hereunder will cause Landlord to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult or impracticable to ascertain. Such costs include,

without limitation, processing and accounting charges and overtime wages. Accordingly, any payment of rent or other sum due hereunder that remains due and unpaid for a period of ten (10) days after it becomes due and payable shall be subject to a delinquency charge of ten percent (10%) of the delinquent amount. The parties agree that such charge represents a fair and reasonable estimate of the costs Landlord shall incur by reason of Tenant's late payment. Landlord shall apply any monies received from Tenant first to any accrued delinquency charges and then to any rent then due. Acceptance of such delinquency charges by Landlord shall not constitute a waiver of Tenant's default with respect to such overdue amount. The delinquency charge is in addition to all other remedies that Landlord may have under this Lease or at law.

2. Any amount due to Landlord, if not paid when due, shall bear interest from the date due until paid at the rate of the twelve percent (12%) per annum. Interest shall not be payable on delinquency or late charges nor on any amounts upon which such charges are paid by Tenant, to the extent such interest would cause the total interest to exceed that legally permitted. Payment of interest shall not excuse nor cure any default hereunder by Tenant.

D. Accord and Satisfaction. Landlord's acceptance of a lesser amount of rent or other sum due hereunder shall not be deemed to be other than on account of the earliest rent or payment due and shall be applied by Landlord as provided in subsection D.1. No endorsement or statement on any check or letter accompanying any such check or payment shall be deemed an accord and satisfaction, and Landlord may accept such check or payment and pursue any other remedy available under this Lease or at law. Landlord may accept any partial payment from Tenant without invalidation of any contractual notice required hereunder (if required) and without invalidation of any notice required pursuant to California Code of Civil Procedure Section 1161, et seq., or any successor statute.

4. PROPERTY AND OTHER TAXES

A. Possessory Interest Taxes. The property interests created by this Lease may be subject to property taxation and Tenant, in whom the possessory interest is vested, will be responsible for the timely payment of any property taxes levied on such possessory interest. Tenant agrees to pay before delinquency all lawful taxes, assessments, fees or charges which at any time may be levied by the state, county, city or any tax or assessment levying body against the transfer of the leasehold interest hereunder upon recordation or otherwise, or upon any activity carried on under this Lease, any interest in this Lease or any possessory right which Tenant may have in or to the Property or the Property by reason of its use or occupancy thereof or otherwise.

B. City of Berkeley Assessments. Tenant also shall be responsible for and shall pay prior to delinquency all assessments imposed against the Property and/or the Property by the City. Tenant acknowledges that City has established certain assessment districts within the City of Berkeley and that all properties within the assessment districts are subject to annual assessments. The City reserves the right to create additional districts and to terminate any such district(s). Tenant shall be billed for each such assessment in the same manner as other property owners and lessees in the City.

C. Personal Property and Other Taxes. In addition to all other sums to be paid by

Tenant hereunder, Tenant shall pay, before delinquency, any and all taxes levied or assessed during the term of the Lease on Tenant's equipment, furniture, fixtures, merchandise, and other personal property located in the Property, and shall pay, or shall reimburse Landlord for, any and all assessments (including, without limitation, all assessments for public improvements, services or benefits, irrespective of when commenced or completed), excises, levies, business taxes, Lease, permit, inspection and other authorization fees, transit fees, service payments in lieu of taxes and any other fees or charges of any kind, which are levied, assessed, or imposed by any public authority: (i) upon or measured by rental payable hereunder, including without limitation, any gross income tax or excise tax levied by the City of Berkeley, Alameda County, the State of California, the Federal Government or any other government body with respect to the receipt of such rental; (ii) upon or with respect to the development, possession, leasing, operation, management, maintenance, alteration, repair, use or occupancy by Tenant of the or any portion thereof; (iii) upon, measured by or reasonably attributable to the cost or value of Tenant's equipment, furniture, fixtures, merchandise, and other personal property located at or in the Premises or by the cost or value of any improvements made by Tenant to the Property, regardless of whether title to such improvements shall be in Tenant or Landlord; or (iv) upon this Lease or any document to which Tenant is a party creating or transferring an interest in the Property.

D. Tenant's Right to Contest. Tenant may, at no cost to Landlord, reasonably contest the legal validity or amount of any taxes, assessments, or charges for which Tenant is responsible under this Lease, and institute such proceedings as Tenant considers necessary; provided, however, that Tenant shall at all times protect Landlord from foreclosure of any lien, and that Landlord shall not be required to join in any proceeding or contest brought by Tenant.

5. USE OF PREMISES

A. The Premises shall be used by Tenant to create a vibrant community space that draws young people, families, working artists, and other members of the public, to Live Oak Theater. Tenant will manage theater rentals, open to the public, and will conduct marketing and outreach to expand the community's awareness and use of the space. Tenant may use the Premises for Tenant-run productions and events, and rentals for local theater performances, as well as for events like performing arts classes, staged readings, recitals, open mic events, film screenings, holiday shows, professional development, training events, and presentations (e.g. "TED talk"-type events).

B. Landlord agrees that Tenant may operate a box office within the lobby area of the theater provided that tenant first obtain all necessary licenses and permits for operation from local and state governments.

C. Tenant may operate a concession stand within the lobby area of the theater provided that Tenant first obtain all necessary licenses and permits for operation from local and state governments.

D. Adult-oriented businesses, as defined in the City of Berkeley Zoning Code, are not permitted to use the premises.

E. At all times, Tenant agrees to provide adequate personnel to operate and manage the theater and ensure that safe and efficient management of the Premises.

F. At Tenant shall comply with all applicable safety standards in effect at any given time, and take all necessary steps to ensure that its participants and patrons are properly supervised to prevent injury to participants and others. Tenant will provide adequate supervision of the participants and patrons at all times while using the Premises.

G. Landlord shall have no responsibility for Tenant's furnishings, property or equipment that may be lost, stolen or damaged.

H. Tenant acknowledges that the Premises is located within Live Oak Park and agrees to require its employees, participants, and patrons who use the Premises to abide by standards of behavior common to the general park use.

I. Tenant agrees to cooperate with the City in promoting community participation in Tenant's programs and activities held on the Premises.

J. Tenant shall operate its business on and about the Premises in a manner consistent with the use permitted herein and the standards promulgated by Landlord.

K. In renting space, or at any other time, Tenant shall not represent itself as an agent of the City of Berkeley or of Landlord.

L. Tenant shall not, without the written consent of the Landlord:

1. place, construct, or maintain in, on, or about the Premises or within Live Oak Park any advertisement media, except for the bulletin board location outside the Live Oak Community Center and the current theater sign designated for advertising, subject to Berkeley Municipal Code, Title 20; including without limitation, searchlights, flashing lights, loudspeakers, or other similar media or device;

2. warehouse or stock on the Premises any goods, wares or merchandise other than that which is directly related to the Tenant's use of the Premises;

3. store, display or sell goods or merchandise on the Premises or place or permit portable signs or other devices to be stored or to remain on the Premises;

4. use or permit any portion of the Premises to be used as living or sleeping quarters;

5. sell, distribute, display, or offer for sale any item, which, in Landlord's good faith judgment, may tend to detract from the image of Live Oak Park.

M. Tenant shall not do or permit to be done in, on, or about the Premises anything which is prohibited by or may conflict with any law, statute, ordinance or governmental rule or regulation now in force or hereafter enacted or promulgated, which is prohibited by the standard forms of special form or commercial general liability insurance or which may cause a cancellation of any insurance policy covering Live Oak Park, Live Oak Community Center or the Premises or any of its contents, or (except with the prior written consent of Landlord) which

may increase the existing rate of or affect any special form or commercial general liability insurance or other insurance upon Live Oak Park, Live Oak Community Center or the Premises, or any of its contents. In the event Tenant does or permits to be done anything or keeps or permits to be kept anything on or about the Premises, Live Oak Park, or Live Oak Community Center which increases the existing rate of such insurance upon Live Oak Park, Live Oak Community Center or the Premises or any of its contents, Tenant shall pay the amount of any such increase promptly upon Landlord's demand. Tenant shall not do or permit anything to be done which will in any way obstruct or interfere with the rights of other lawful users of Live Oak Park and Live Oak Community Center including, without limitation, tenants, their employees or invitees, disturb or annoy them, or use or allow the Premises to be used for any improper, unlawful or objectionable purpose. Tenant shall not maintain or permit any nuisance in or about the Premises or commit or suffer to be committed any waste in or upon the Premises.

N. No auction, fire, bankruptcy, distress, clearance, or going-out-of-business sale shall be conducted on the Premises nor shall any sign or advertisement regarding such activity be posted in or about the Premises.

O. Tenant shall not use or permit the Premises to be used in any manner or permit anything to be brought into or kept therein which would (i) violate the certificate of occupancy for the Premises; (ii) make it impossible or extraordinarily difficult to obtain special form coverage, commercial general liability or other insurance required to be furnished by Tenant under this Lease; (iii) cause structural injury to any part of the Premises; (iv) impair or interfere with the proper operation and maintenance of the Premises and/or Live Oak Park and Live Oak Community Center; or (v) violate any of Tenant's other obligations under this Lease.

P. If any governmental license or permit, other than a certificate of occupancy, shall be required for the proper and lawful conduct of Tenant's business, Tenant shall procure and maintain such license or permit and submit the same for inspection by Landlord. Tenant at all times shall comply with the terms and conditions of each such license or permit.

Q. Nothing shall be done in or about the Premises by Tenant or anyone having a contractual relationship with Tenant that will result in substantial interference, by themselves or third parties, with normal operation and use of Live Oak Park and Live Oak Community Center or the means of ingress and egress thereto ("Substantial Interference"). Tenant shall use every effort to eliminate Substantial Interference, including legal action. If Tenant fails to bring an immediate halt to any Substantial Interference, Landlord shall have the right (i) to take action and require Tenant to undertake and eliminate such Substantial Interference and (ii) to commence any legal action to eliminate such Substantial Interference. Any agreement entered into by Tenant with regard to use of the Premises shall contain a provision reserving to Tenant all of the necessary rights and remedies to permit Tenant to comply with its obligations under this provision and authorizing Landlord to enforce the terms of such provision if Tenant fails to do so.

6. FREE CITY USE

The City may have free use of the space up to 8 days per year. In Year 1, Landlord will identify dates for the first year at the start of the lease. In Years 2 and 3, Landlord will provide dates 6 months in advance. As needed, Tenant may negotiate different dates with Landlord approval.

7. ANNUAL PERFORMANCE REVIEW

During the three-year Initial Term of the lease, Landlord and Tenant staff will annually review the performance of the lease in terms of community use of the theater, rental costs and revenue, and condition of equipment and premises. This review will inform Landlord's decision to exercise the option period, and conditions therein.

8. USE OF LIVE OAK PARK PROPERTY

A. The parties acknowledge that Tenant has, as a member of the general public, the non-exclusive right, in common with others duly authorized by Landlord, and subject to all generally applicable laws and regulations, to use Live Oak Park.

B. Tenant agrees that except as otherwise provided in this Lease, it is not a covenant or condition of this Lease or of any other agreement with Tenant that Landlord undertake or cause to be undertaken any development or redevelopment of the Property or Live Oak Park or Live Oak Community Center, and Landlord shall incur no liability whatsoever to Tenant for failure to undertake such development or redevelopment.

C. Landlord at all times shall have the right and privilege of making such changes in and to Live Oak Park and Live Oak Community Center (other than to the Premises) from time to time which in its sole opinion are deemed to be desirable or appropriate, including the location and relocation of stairways, sidewalks, pathways, driveways, streets, entrances, exits, automobile parking spaces, the direction and flow of traffic, designation of prohibited areas, landscaped areas, utilities and all other facilities; provided, however, that the foregoing is not intended to entitle Landlord to unreasonably effect changes that would materially and adversely affect access to or visibility of the Premises, except temporarily during periods of construction. Landlord shall have the right to establish, promulgate, and enforce such reasonable rules and regulations concerning Live Oak Park, as it may deem necessary or advisable for the proper and efficient management, operation, maintenance and use thereof, and Tenant shall comply with the same.

D. Landlord at all times shall have the sole and exclusive management and control of Live Oak Park or Live Oak Community Center, including without limitation, the right to lease, license or permit the use of space within Live Oak Park or Live Oak Community Center to persons for the sale of merchandise and/or services and the right to permit advertising displays, educational displays, displays of art, and promotional activities and entertainment.

E. Nothing contained herein shall be deemed to create any liability to Landlord for any personal injury, or any damage to motor vehicles, vessels, or other property of Tenant's members, employees or others, unless caused by the gross negligence or willful misconduct of Landlord, its agents, servants or employees. Tenant is solely responsible for the security of the Premises, and for the safety of those using the Premises pursuant to this Lease or any permits or licenses from the City. Tenant acknowledges that if Landlord provides security guards or police patrols for Live Oak Park or Live Oak Community Center or any portion thereof, Landlord does not represent, guarantee or assume responsibility that Tenant or any person or entity will be secure from losses or injury caused by the acts of third parties and does not assume responsibility for any such illegal acts. Tenant hereby waives any present or future claims Tenant may have

against Landlord, whether known or unknown, for bodily injury or property damage arising from the performance of such security agents. City shall not be obligated to provide any public liability or property damage or loss insurance for the benefit of Tenant or any other person or entity.

F. Tenant will use its best efforts to maintain effective relations with other users of Live Oak Park, Live Oak Community Center and with neighbors. Tenant shall park vehicles only in legal and/or designated parking areas and only for the legal period of time; shall deposit all trash in legal containers; shall not deposit food or material of any kind on adjacent Premises; and shall respect the sensitive environment of Live Oak Park.

G. Tenant shall not interfere with the free and unobstructed access by the public to Live Oak Park. Tenant shall not preclude other users of Live Oak Park or Live Oak Community Center from exercising a different use without first obtaining any and all appropriate permits. Tenant shall be obligated to permit such access to Live Oak Park as required for consistency with applicable laws of the State of California, the Grant, and/or City's plans adopted from time to time; however, this sentence is not intended to, and shall not be construed to, confer any right of action upon any third party.

H. Landlord reserves to itself the right to grant to others in the future nonexclusive utility easements over, under, through, across, in or on the Premises in locations that will not unreasonably interfere with Tenant's access to or use of the Premises. Any interference shall be temporary, and all work on the Premises shall proceed expeditiously. Tenant shall be given reasonable notice before commencement of any work on the Premises. In the event the installation or maintenance of such future utility lines in such easements causes any damage to the Premises, or any portion thereof, or other facilities located upon the Premises, including but not limited to pavement, curbs and sidewalks, the same shall be repaired by Landlord at its expense, if not so repaired by the party installing and maintaining the line. Landlord shall hold harmless and indemnify Tenant from all claims arising out of the grant or use of such a utility easement, except to the extent they result from the negligence or willful misconduct of Tenant or its sub-lessees or sub-tenants.

9. EQUIPMENT AND INVENTORY

The premises include sound and lighting equipment and theater furniture and fixtures that make it a fully operational theater as-is. Tenant will maintain or replace equipment and inventory as needed to keep the theater in good repair and fully operational. See Exhibit X for a list of equipment and inventory included within this lease. Tenant acknowledges that this equipment and inventory is the property of the Landlord, and will remain with the theater at the termination of the lease.

10. SERVICES

A. Landlord will pay for gas, electric, water and sewer costs, as these costs are on a shared meter with the Live Oak Community Center.

B. Tenant will make arrangements for and pay for all other utilities and services,

including but not limited to garbage, internet, alarm service, pest control, janitorial and all fees and periodic charges related thereto.

C. Landlord makes no representation or warranty that the supply of any utility or service to the Premises will not be interrupted, delayed or reduced.

D. Landlord shall not be liable for damages to either person or property; nor shall Landlord be deemed to have evicted Tenant; nor shall there be any abatement of any rent; nor shall Tenant be relieved from performance of any covenant on its part to be performed hereunder by reason of any (i) breakdown of equipment or machinery utilized in supplying utilities or services; (ii) interruption of or failure to supply or delay in supplying any such utilities or services; (iii) the limitation or restriction on use of water, electricity gas, or telecommunications service serving the Property or Live Oak Park or Live Oak Community Center; or (iv) failure to repair or cure any of the foregoing, except in the case of Landlord's gross negligence or willful misconduct.

11. OBLIGATION OF TENANT TO REMOVE PERSONAL PROPERTY

Upon the expiration of this Agreement, Tenant is obligated to remove any personal property placed in the Premises by the Tenant. If any personal property does remain on the Premises upon the expiration of the Agreement it will be considered abandoned personal property, which will be removed, by the Landlord and the Tenant will be responsible for all costs associated with removing the personal property from the Premises.

12. ALTERATIONS AND IMPROVEMENTS

A. Tenant acknowledges that Landlord owns the Premises. Tenant accepts the Premises from Landlord in its "as is" condition, the conditions that exist as of the Effective Date of this Lease. Tenant acknowledges that Landlord makes no representation or warranty concerning (i) the physical condition of the Premises; (ii) the Premises suitability for Tenant's proposed use; or (iii) the presence of any Hazardous Substance in or about the Property or the Premises, except as otherwise expressly set forth in this Lease. Landlord has encouraged Tenant to make its own physical inspection of all aspects of the Property and the Premises and to conduct its own investigation as to the suitability of the Property and the Premises for Tenant's use.

B. Tenant shall not make any alterations, additions or improvements to the Premises (i) costing in excess of $5,000 for any single instance or $15,000 in the aggregate for any twelve (12) consecutive months or (ii) affecting the Premises' structure or utility systems, or attach any fixture or item of equipment thereto without Landlord's prior written consent. All such alterations, additions, or improvements shall be made at Tenant's sole expense in accordance with Landlord's General Design Requirements (if any) and the plans and specifications (including specifications for materials to be used in connection therewith) and a statement of the estimated cost of such work submitted to and approved by Landlord (collectively the "Plans and Specifications"). If the cost thereof exceeds $5,000 for any single instance, or if such Tenant's work involves the Premises' structure or utility systems, any contractor or person selected by Tenant must be a licensed contractor. Landlord, in its sole discretion, shall approve or disapprove Tenant's request and may disapprove Tenant's use of any materials or substances,

including but not limited to asbestos and fiber glass, which Landlord, in its sole discretion, deems potentially hazardous, toxic or threatening to health. To the extent that Tenant's work shall require a building permit or other permits from the City of Berkeley, and/or any other governmental agency, Tenant shall not perform any of Tenant's work until Tenant has obtained all requisite permits. Tenant further shall comply with all prevailing wage requirements of California Labor Code Sections 1720 et seq., to the extent such requirements are applicable to Tenant's work.

C. Tenant shall not repair, replace or modify any utility system located within the Premises without the Landlord's prior written consent. Tenant is responsible for the repair of any damage to any utility system, structural element of the Premises, facilities of Landlord or any other facilities arising out of Tenant's construction activities or Tenant's negligence or willful misconduct; provided, however, such provision is not intended to and shall not be interpreted to make any other person or entity a third party beneficiary thereof.

D. This Lease specifically prohibits Tenant, or any other party, from expanding uses or structures allowed on the Premises beyond those designated in use permits approved by the City of Berkeley. Notwithstanding approval of any new Use Permit allowing expansion, or any future expansion of the uses in existing buildings, or additions to existing buildings, or construction of any new buildings, or moving existing buildings onto the Premises, are all subject to the prior written approval of the Landlord and all are subject to the environmental review and permit regulations and approvals of same by all applicable local, state, and federal agencies.

E. If Tenant proposes to make or construct any alterations, improvements, additions or fixtures that affect any portion of the Premises or any structures located on the Premises that are allowed under an existing use permit, Tenant shall first provide the Landlord with thirty (30) days prior written notice. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed, provided Tenant obtains all required permits.

F. Tenant shall not substantially deface or change any floors, walls, ceilings, roofs, or partition any of the structures or improvements on the Premises without first providing thirty (30) days written notice to Landlord. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed, provided Tenant obtains all required permits. Except as may be specifically approved in writing by Landlord, Tenant shall require all contractors to provide a labor and materials bond for the full amount of any contract for improvements that exceed $50,000. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant in, at, upon or about the Premises and which may be secured by any mechanic's, material men’s or other lien against the Premises or Landlord's interest therein.

All alterations, improvements or additions that are now or in the future attached permanently to the Premises shall be the Property of Landlord and shall remain with the Property at the termination of this Lease, except that Landlord can elect within thirty (30) days of the termination of the Lease to require Tenant, at its cost, to remove any equipment that Tenant has affixed to the Premises.

G. 1. Tenant agrees that to the extent it is required to comply with the prevailing

wage requirements, Tenant shall assure that all workers are paid the prevailing rate of per diem wages, and travel and subsistence payments (defined in applicable collective bargaining agreements filed in accordance with Section 1773.8 of the California Labor Code), in effect on the date of Landlord's first approval of a building permit or other approval of the work. Copies of the applicable prevailing rate of per diem wages are on file at Landlord's principal office and will be made available to any interested party on request. Tenant agrees to post a copy of the prevailing rate of per diem wages at the Property. Tenant, as a penalty to Landlord, shall forfeit Twenty-Five Dollars ($25) for each calendar day, or portion thereof (or such other sum as specified from time to time by Section 1775 of the California Labor Code), for each worker paid less than the applicable prevailing rates for such work or craft in which such worker is employed. The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by Tenant.

2. Tenant agrees to keep or cause to be kept by each contractor and subcontractor an accurate payroll record for each worker employed on Tenant's work covered by this subsection H showing all of the information specified in subsection (a) of Section 1776 of the California Labor Code. All such payroll records shall be certified, available for inspection and filed in accordance with the procedures specified in subsections (b)-(e) inclusive of Section 1776 of the California Labor Code. In the event of noncompliance with the foregoing requirements concerning payroll records which continues for more than ten (10) days after Landlord gives Tenant written notice specifying in what respects Tenant must comply, Tenant shall forfeit, as a penalty to Landlord, for each worker Twenty-Five Dollars ($25) for each calendar day, or portion thereof, until strict compliance is effectuated. Tenant shall be responsible for complying with Section 1777.5 of the California Labor Code concerning apprenticeable occupations, with respect to all work covered by that section. For purposes of the prevailing wage requirements of this subsection, Tenant shall be deemed to be a "contractor" as that term is used in Sections 1720 et seq., of the California Labor Code. Except where the context otherwise requires, the definitions of terms and phrases contained in the State prevailing wage law, Sections 1720 et seq., of the California Labor Code, and in the implementing administrative regulations, shall apply to the same terms and phrases which are used in the prevailing wage requirements of this subsection H.

13. LIENS

Tenant shall keep the Premises, Live Oak Community Center and Live Oak Park free from any liens arising out of any work performed, materials furnished or obligations incurred by Tenant. In the event that Tenant shall not cause any such liens to be released of record, Landlord shall have, in addition to all other remedies provided herein or by law, the right (but not the obligation) to cause the same to be released by such means as Landlord shall deem proper, including payment of the claim giving rise to such lien. All sums paid and all expenses incurred by Landlord in connection therewith shall be reimbursed by Tenant promptly on demand. Landlord shall have the right to post and keep posted on the Premises any notices (including, without limitation, notices of non-responsibility pursuant to California Civil Code Section 3094) that Landlord may deem proper for protection of Landlord and the Premises. Tenant shall give Landlord at least ten (10) business days' prior notice of the date of commencement of any Tenant's work on or in the Premises to allow Landlord to post such notices.

14. TENANT AND LANDLORD MAINTENANCE OBLIGATIONS

A. Tenant agrees that during the entire term of this Lease, at its own cost and expense, it shall keep and maintain the Premises, and all leasehold improvements, fixtures, furniture, and other improvements located on the Premises in good-quality order, repair and condition. Except as otherwise provided in this Lease, Tenant shall perform, at its own cost and expense, any and all maintenance, removal of graffiti, repairs, or rehabilitation to the Premises, whether required by deterioration or by operations of Tenant or otherwise.

B. To the extent applicable, Tenant hereby waives the provisions of Civil Code Sections 1941 and 1942, and any other provision of law now or hereafter in effect, with regard to the habitability of the Property and the Premises.

C. "Good-quality order, repair and condition", as used herein, shall mean the maintenance, repair, or renovation of the Premises, equipment, furniture, fixtures, outdoor lighting, signage, and appurtenances necessary to keep and maintain the Premises in efficient and attractive condition, given the nature and age of the Premises, at any time during the term of this Lease.

D. Tenant shall provide its own janitorial service for the Premises, and all of Tenant's rubbish shall be removed by Tenant to such location(s) on the Premises or within Live Oak Park as may be designated by Landlord for pick-up and disposal.

E. In the event of a dispute that Landlord and Tenant cannot informally resolve, Tenant’s only remedy against Landlord shall be the right to terminate this Lease, effective thirty (30) days from the delivery of written notice to Landlord.

F. Nothing in this Section 11 shall be deemed to affect or impair Landlord's rights under Section 9 of this Lease. Tenant acknowledges that Landlord has no obligation and has made no promises to alter, remodel, improve, repair, decorate or paint the Premises or to improve the Premises, or any part thereof. Landlord has made no representations respecting the condition of the Premises, Live Oak Community Center or Live Oak Park, except as specifically set forth in this Lease.

15. EXTRAORDINARY COSTS

Tenant accepts the Premises in “as-is” condition. Tenant is responsible for all expenses associated with the operation, maintenance, and needed improvements to maintain the property in good condition. If unforeseen improvements with extraordinary costs are determined necessary by both the Landlord and Tenant, the parties agree to meet to discuss options for funding. Tenant acknowledges that the Landlord makes no representation that it will fund any improvements.

16. ENVIRONMENTAL

A. Tenant shall follow all environmental rules and regulations as they apply to City agencies. Specifically, Tenant shall minimize waste and recycle and compost, as per Recycling

and Composting Guidelines for City Buildings. Tenant must participate in a recycling service provided by the City or provide an acceptable alternative with the approval of the City's Recycling Supervisor. To that end, Tenant shall:

1. Assign someone to be in charge of its recycling programs, and to communicate needs and questions to the City's Solid Waste Management Division.
2. Recycle corrugated cardboard, office papers and beverage containers (glass bottles, plastic bottles, and cans)
3. Place collection containers for paper at convenient locations.
4. Educate employees and program participants about recycling procedures.
5. Recycle batteries and office equipment (contact the City's Solid Waste Management Division for information about vendors).
6. Tenant shall recycle construction waste from tenant improvements.
7. Tenant shall conserve energy.

17. DAMAGE OR DESTRUCTION

A. In the event the Premises are damaged by fire, flood, earthquake, act of God, the elements, or other casualty, then (unless this Lease is terminated pursuant to this Section 13) Tenant shall forthwith repair the same, at its sole expense. In this event, Tenant shall be solely responsible for the loss, repair, and replacement of its equipment and leasehold improvements.

B. Anything in subsection A to the contrary notwithstanding, neither Tenant nor Landlord shall have any obligation to repair or rebuild the Premises following damage or destruction thereto if the damage or destruction is due to any cause or casualty other than one against which the responsible party is required to carry insurance or actually does carry insurance and such party reasonably estimates that the cost of repair or rebuilding exceeds ten percent (10%) of the replacement cost of the Premises, as the case may be. If the responsible party elects not to repair any damage or destruction pursuant to this provision, such party shall give the other party notice of such election within sixty (60) days after the date of such damage or destruction; and this Lease shall terminate as of the date of such damage or destruction.

C. Tenant hereby waives the provisions of California Civil Code Sections 1932 and 1933 and any other statutes now or hereafter in effect which relate to termination of a lease when leased Premises is damaged or destroyed and agrees that such event shall be governed by the terms of this Lease.

18. INDEMNIFICATION

A. To the fullest extent permitted by law, Tenant shall (1) immediately defend and (2) indemnify Landlord, and its directors, officers, and employees from and against all liabilities regardless of nature, type, or cause, arising out of or resulting from or in connection with the Lease. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. The Tenant's obligation to indemnify applies regardless of whether a liability is a result of the negligence of any other person, unless it is adjudicated that the liability is caused by the sole active negligence or sole willful misconduct

of an indemnified party.

B. The duty to defend is a separate and distinct obligation from the Tenant's duty to indemnify. The Tenant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by the Landlord, the Landlord and its directors, officers, and employees, immediately upon submittal to the Tenant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. A determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Tenant from its separate and distinct obligation to defend Landlord. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Tenant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Tenant may submit a claim to the Landlord for reimbursement of reasonable attorneys' fees and defense costs.

C. The review, acceptance or approval of any of Tenant's work or work product by any indemnified party shall not affect, relieve or reduce the Tenant's indemnification or defense obligations. This Section survives the termination of this Lease. The provisions of this Section are not limited by and do not affect the provisions of this Lease relating to insurance.

D. Liabilities subject to this Section include any claim of discrimination or harassment, including but not limited to sexual harassment, arising from the conduct of the Tenant or any of the Tenant's officers, employees, agents, licensees, or subcontractors. In the event of a discrimination or harassment complaint against any employee, agent, licensee or subcontractor of the Tenant or its subcontractors, the Tenant shall take immediate and appropriate action in response to such complaint, including, but not limited to termination or appropriate discipline of any responsible employee, agent, licensee or subcontractor.

19. INSURANCE

A. Tenant, at its sole expense, shall procure and maintain the following insurance:

1. Commercial general liability insurance insuring Tenant against any liability arising out of its use, occupancy, repair or maintenance of the Premises, Live Oak Community Center, Live Oak Park, with a combined single limit of not less than $2,000,000 for injury to or death of one or more persons in any one accident or occurrence and Property damage in any one accident or occurrence. Such comprehensive general liability insurance shall include fire liability coverage and public liability and Property damage insurance, including personal injury, broad form Property damage, blanket contractual, and other coverage as may be reasonably required by Landlord. Landlord shall have the right, from time to time, to require Tenant to increase the amount of its comprehensive general liability insurance coverage if, in Landlord's reasonable opinion, the amount of such coverage is not sufficient in light of the risks insured and Tenant's use of the Premises, Live Oak Community Center, or Live Oak Park.

2. Special Form Property insurance for cost of damage to the Premises, including, without limitation, during any term of construction of Tenant's work, builders' All-Risk Insurance. Such insurance shall include coverage for vandalism and malicious mischief and

cost of demolition and increased cost of construction by reason of changes in applicable ordinances/laws and shall not contain a co-insurance clause.

B. All policies of insurance and all renewals thereof shall be approved as to form and sufficiency by Landlord's Risk Manager and shall be issued by good and responsible companies qualified to do and doing business in California and rated A+: XIII or better in the most recent version of Best's Insurance Guide. Each of the required insurance coverages except for workers compensation (i) shall name Landlord and each of its Affiliates as additional insureds and, with respect to casualty insurance, as their respective interests may appear and (ii) shall provide that it may not be canceled or altered by the insurer in such manner as to adversely affect the coverage unless sixty (60) days' prior notice is given by certified mail to Landlord at the address set forth in Section 35 below, or to such place as Landlord may from time to time designate in a notice to Tenant.

C. An original certificate of each policy of insurance shall be delivered to Landlord prior to the date the Premises is delivered to Tenant and from time to time during the Term. If Tenant shall fail to procure or maintain any insurance required hereunder or shall fail to furnish to Landlord any duplicate policy or certificate, Landlord may obtain such insurance; and any premium or cost paid by Landlord for such insurance shall be reimbursed by Tenant promptly upon Landlord's demand. Tenant shall make good faith efforts to ensure that at least sixty (60) days prior to the expiration of any such policy, an extension endorsement showing that such insurance coverage has been or will be renewed or extended shall be delivered to Landlord and if, despite such good faith efforts, such extension endorsement cannot be timely delivered, Tenant shall cause to be delivered to Landlord within said time other reasonable documentary evidence of renewal of coverage and shall continue exercising diligent efforts to deliver to Landlord the required extension endorsement. If such coverage is canceled or reduced, Tenant, within ten (10) days after receipt of written notice of such cancellation or reduction in coverage but in no event later than the effective date of cancellation or reduction, shall deliver to Landlord a certificate showing that the required insurance has been reinstated or provided through another insurance company(ies). Upon Tenant's failure to so deliver such certificate, Landlord may, without further notice and at its option, (1) exercise Landlord's rights as provided in this Lease or (2) procure such insurance coverage at Tenant's expense and Tenant shall promptly reimburse Landlord for such expense.

D. If any of the insurance required in this Section 15 is provided under a claims-made form of policy, Tenant shall maintain such coverage continuously throughout the Term and without lapse for a period of not less than five (5) years beyond the termination of this Lease, to the effect that should occurrences during the Term give rise to claims made after termination of this Lease, such claims shall be covered by such claims-made policies.

E. Each of Tenant's Property insurance policies insuring the Premises and Tenant's Property in the Premises shall include a waiver of the insurer's right of subrogation against Landlord, or, if such waiver should be unobtainable or unenforceable, (i) an express agreement that such policy shall not be invalidated if the assured waives, before the casualty, the right of recovery against any party responsible for a casualty covered by the policy or (ii) any other form of permission concerning the assured's right to waive its right of recovery. If such waiver, agreement or permission shall not be, or shall cease to be, obtainable, Tenant shall so notify Landlord promptly after learning thereof.

F. Tenant hereby releases Landlord with respect to any claim (including a claim for negligence) which Tenant might otherwise have against Landlord for loss, damage or destruction of Tenant's Property occurring during the Term to the extent to which Tenant is insured under a policy (ies) containing a waiver of subrogation or agreement or permission to release liability, as provided in E. above. If, notwithstanding the recovery of insurance proceeds by Tenant for such loss, damage or destruction, Landlord is liable to Tenant with respect thereto or is obligated under this Lease to make replacement, repair, restoration or payment, then (provided Tenant's right of full recovery under its insurance policies is not thereby prejudiced or otherwise adversely affected) the amount of the net proceeds of the Tenant's insurance against such loss, damage or destruction shall be offset against Landlord's liability to Tenant therefore or shall be made available to Landlord to pay for replacement, repair or restoration, as the case may be. Nothing contained herein shall relieve either party of any duty to repair, restore or rebuild imposed elsewhere in this Lease or shall nullify any abatement of rent provided for elsewhere in this Lease.

G. If Tenant employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the Landlord. The workers' compensation insurance shall: provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the Landlord; **provide for a waiver of any right of subrogation against Landlord to the extent permitted by law**; and be approved as to form and sufficiency by the Landlord's Risk Manager.

H. If a death, serious personal injury, or substantial Property damage occurs in connection with the performance of this Lease, Tenant shall immediately notify the Landlord's Risk Manager. If any accident occurs in connection with this Lease, Tenant shall promptly submit a written report to Landlord, in such form as the Landlord may require. This report shall include the following information: 1) name and address of the injured or deceased person(s); 2) name and address of Tenant's subtenant, if any; 3) name and address of Tenant's liability insurance carrier; and 4) a detailed description of the accident, including whether any of Landlord's equipment, tools or materials were involved.

I. Tenant shall forward all insurance documents to:

Parks, Recreation & Waterfront Department
City of Berkeley
2180 Milvia St., 3rd Floor
Berkeley, CA 94704

20. COMPLIANCE WITH LAWS

A. Tenant, at its sole expense, shall promptly comply with all applicable laws, ordinances, rules, regulations, permits or requirements now or hereafter in effect (whether foreseen or unforeseen by Landlord or Tenant), with the requirements of any board of fire underwriters or similar body now or hereafter constituted; with any occupancy certificate issued by any public officer and with the provisions of all recorded documents affecting the Premises, insofar as any of the foregoing relate to or affect the condition, use or occupancy of the Premises.

Such compliance by Tenant shall include, without limitation, compliance with all obligations to alter, maintain, or restore the Premises, or construct improvements in or to the Premises, regardless of cost and regardless of when during the term of the Lease the work is required.

B. Tenant acknowledges that conducting its operations at the Premises and making certain alterations and improvements may require an authorization, approval or permit (collectively, "Regulatory Approval") from a governmental authority having jurisdiction over the Premises. Tenant shall be solely responsible for obtaining any such Regulatory Approval, and Tenant shall not seek any Regulatory Approval without first obtaining the approval of Landlord. All costs associated with applying for and obtaining any necessary Regulatory Approval shall be borne by Tenant. Tenant shall be solely responsible for complying with any and all conditions imposed by regulatory agencies as part of a Regulatory Approval; however, Landlord shall not take any action that would materially interfere or prevent Tenant from complying with all such conditions. Any fines or penalties imposed as a result of the failure of Tenant to comply with the terms and conditions of any Regulatory Approval shall be paid and discharged by Tenant, and Landlord shall have no liability, monetary or otherwise, for said fines and penalties, except to the extent that such fines or penalties were caused by the willful acts or omissions of Landlord. To the fullest extent permitted by law, Tenant agrees to indemnify and hold Landlord and its officers, agents and employees harmless from and against any loss, expense, cost, damage, attorneys' fees, penalties, claims or liabilities which Landlord may incur as a result of Tenant's failure to timely obtain or comply with the terms and conditions of any Regulatory Approval. Landlord agrees to cooperate (but only to the same extent and in the same manner as a non-public entity could so cooperate, and not as an exercise of Landlord's police or regulatory power) with Tenant in filing, processing and obtaining all Regulatory Approvals, and upon request of Tenant, to join with Tenant as co-applicant in filing, processing and obtaining all Regulatory Approvals; provided, however, that Landlord may refuse to file, process or obtain Regulatory Approvals or to join Tenant as a co-applicant if Landlord determines in its sole and absolute discretion that it is not in Landlord's best interest to do so. Nothing contained herein shall be deemed to limit or otherwise constrain Landlord's discretion, powers, and duties as a regulatory agency with certain police powers.

C. Tenant understands and agrees that Landlord is entering into this Lease in its capacity as a landowner with a proprietary interest in the Premises and not as a regulatory agency of the City of Berkeley with certain police powers. Landlord's legal status shall in no way limit the obligation of Tenant to obtain any required approvals from Landlord's departments, boards, or commissions that have jurisdiction over the Premises. By Landlord's entering into this Lease, neither Landlord nor any of City Council, boards, commissions, agencies, departments, or Affiliates obligates itself to any other governmental agent, board, commission or agency, or to Tenant, or to any other individual or entity, with regard to any discretionary action relating to development or operation of the Premises or Live Oak Park. Discretionary action includes but is not limited to rezonings, variances, environmental clearances, or any other governmental agency approvals that may be required or desirable for the improvement, alteration, or operation of the Premises or Live Oak Park. By entering into this Lease, Landlord is in no way modifying or limiting the obligation of Tenant to cause the Premises to be used and occupied in accordance with all laws.

21. ASSIGNMENT AND SUBLEASE

A. Any provision of this Lease to the contrary notwithstanding, Tenant shall not directly or indirectly, by operation of law or otherwise, transfer, assign, pledge, encumber or hypothecate this Lease or all or any portion of the Premises or Tenant's interest in and to the Premises (collectively, an "Assignment") or sublet the Premises or any portion thereof or permit the Premises or any portion thereof to be used, occupied or managed by anyone other than Tenant pursuant to any Lease, use or concession agreement or otherwise (collectively, a "Sublease") without first obtaining Landlord's written consent. Any assignment, encumbrance, or sublease without Landlord's written consent shall be voidable and, at Landlord's election, shall constitute a default. City has the sole discretion to determine whether to agree to any sublease or assignment. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of this paragraph.

B. Neither this Lease nor any interest therein shall be assignable or transferable in proceedings in attachment, garnishment, or execution against Tenant, in voluntary or involuntary proceedings in bankruptcy or insolvency or receivership taken by or against Tenant or by any process of law. Possession of the Premises shall not be divested from Tenant in such proceedings or by any process of law without the prior written consent of Landlord.

C. Tenant expressly waives any rights that it might otherwise be deemed to possess pursuant to applicable law, including without limitation, Section 1997.040 of the California Civil Code, to limit any remedy of Landlord pursuant to Section 1951.2 or 1951.4 of the Code by means of proof that enforcement of a restriction on use of the Premises would be unreasonable.

22. INSPECTION

Landlord may enter the Premises at all reasonable times (with reasonable advance notice except in case of emergency) (i) to inspect the same; (ii) to exhibit the same to prospective purchasers, mortgagees or tenants; (iii) to conduct tests, inspections and surveys to determine whether Tenant is complying with all of its obligations hereunder; (iv) to post notices of nonresponsibility or other notices that may be permitted hereunder; (v) to post "to Lease" signs of reasonable size upon the Premises during the last ninety (90) days of the Term; and (vi) to make repairs required or permitted to be made by Landlord or repairs to any adjoining space or any utility systems or to make repairs, alterations or additions to any other portion of the Premises or Live Oak Park; provided, however, that all such work shall be done as promptly and with as little interference to Tenant as reasonably possible. Tenant hereby waives all claims against Landlord for any injury or inconvenience to or interference with Tenant's business or any loss of occupancy or quiet enjoyment of the Premises resulting from Landlord's entry into the Premises or any work performed therein by Landlord. Landlord shall at all times have a key to all doors in and about the Premises (excluding Tenant's vaults, safes and similar areas designated by Tenant in writing in advance), and Landlord shall have the right to use any and all means which Landlord may deem proper in an emergency to obtain entry to the Premises. Tenant also shall provide Landlord with written notice of the name, address, telephone number, and Tenant's account number of the burglar alarm company (if any) utilized by Tenant for the Premises. Any entry to the Premises by any of said means or otherwise shall not under any circumstances be deemed a forcible or unlawful entry into or a detainer of the Premises or an eviction (actual or constructive) of Tenant from the Premises.

23. DEFAULT

The occurrence of any one of the following shall constitute an event of default on the part of Tenant:

A. Failure to Use Premises. Failure to use the Premises as specified in Sections 5 and 6.

B. Nonpayment of Rent. Failure to pay any installment of rent or any other sum due and payable hereunder upon the date when such payment is due, such failure continuing for a period of five (5) days after written notice of such failure; provided, however, that Landlord shall not be required to provide such notice more than twice during any consecutive twelve (12) months with respect to non-payment of any portion of rent, the third such non-payment during any consecutive twelve (12) months constituting an event of default without requirement of notice.

C. Other Obligations. Failure to perform any obligation, agreement or covenant under this Lease, such failure having continued for thirty (30) days after notice of such failure from Landlord or such longer period as is reasonably necessary to remedy such default, provided that Tenant has commenced to remedy the default within such thirty (30) day period and shall continuously and diligently pursue such remedy until such default is cured.

D. General Assignment. A general assignment by Tenant for the benefit of creditors.

E. Bankruptcy. The filing of a voluntary petition in bankruptcy by Tenant, or the filing of an involuntary petition by Tenant's creditors, which involuntary petition remains undischarged for a period of thirty (30) days. In the event that under applicable law the trustee in bankruptcy or Tenant has the right to affirm this Lease and to continue to perform the obligations of Tenant hereunder, such trustee or Tenant, in such time period as may be permitted by the bankruptcy court having jurisdiction, shall cure all defaults of Tenant hereunder outstanding as of the date of affirmance and shall provide to Landlord such adequate assurances as may be necessary to ensure Landlord of the continued performance of Tenant's obligations hereunder. Any transferee (by operation of law or otherwise) must provide Landlord with adequate assurance of its future performance under this Lease. In the event of Tenant's bankruptcy, insolvency or reorganization, the parties specifically intend that the actions of the trustee or Tenant in assuming and/or assigning this Lease shall be governed by Section 365 of Title 11 of the United States Code applicable to shopping center leases.

F. Receivership. The employment of a receiver to take possession of all or substantially all of Tenant's assets in the Premises.

G. Insolvency. The attachment, execution or other judicial seizure of all or substantially all of Tenant's assets in or on the Premises; the admission by Tenant in writing of its inability to pay its debts as they become due; the filing by Tenant of a petition seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future law or regulation; the filing by Tenant of an answer admitting or failing timely to contest a material allegation of a petition filed against Tenant in any such proceeding or if, within thirty (30) days after the commencement of any proceeding against Tenant seeking reorganization or arrangement, composition, readjustment, liquidation,

dissolution or similar relief under any present or future law or regulation, such proceeding shall not have been dismissed.

H. Release of Hazardous or Toxic Substances or Materials and Other Environmental Impacts. Any release or discharge in, on, under, around, or from the Premises and/or Live Oak Park by Tenant, its agents or employees of Hazardous Substances which has not been fully cleaned up within ten (10) days after such release or discharge. Any negative impacts to the natural habitat and environment of Live Oak Park caused by Tenant that are documented by a qualified, independent source and for which reasonable remediation measures are not available, or the Tenant fails to cooperate with the Landlord in implementing in a timely manner reasonable measures intended to mitigate any negative impacts.

I. Illegal Drugs. Any release or discharge of chemicals, toxics, solution in connection with the manufacturing and mixing of any illegal substance on the premises.

J. Non-compliance with lease term. Failure to pay all rents or sums due, failure to perform any of the obligations, such failure continuing for 30 days after notice from the landlord of said default.

24. REMEDIES UPON DEFAULT

A. Termination. In the event of the occurrence of any event of default, Landlord shall have the right immediately to terminate this Lease by written notice and at any time thereafter to recover possession of the Premises or any part thereof and to expel and remove Tenant, any other person or party occupying the same and all Premises located therein, by any lawful means and to reenter the Premises without prejudice to any of the remedies that Landlord may have under this Lease or under law or equity.

B. Continuation After Default. In the event of any default, this Lease shall continue in effect for so long as Landlord does not terminate this Lease under subsection A above. In such case, Landlord may enforce all its rights and remedies under this Lease, including without limitation, the right to recover rent as it becomes due, and all of its rights and remedies under law. Acts of maintenance, preservation, efforts to relet the Premises for Tenant's account or the appointment of a receiver upon application of Landlord to protect Landlord's interest under this Lease shall not constitute an election to terminate this Lease or Tenant's right to possession.

C. Damages Upon Termination. Should Landlord terminate this Lease pursuant to subsection A above, in addition to any other rights and remedies to which it may be entitled under applicable law, Landlord shall be entitled to recover from Tenant: (i) the worth at the time of the award of the unpaid rent and other amounts which had been earned at the time of termination; plus (ii) the worth at the time of the award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rent loss that Tenant proves reasonably could have been avoided; plus (iii) the worth at the time of the award of the amount by which the unpaid rent for the balance of the Term after the time of award exceeds the amount of such rent loss that Tenant proves reasonably could be avoided; plus (iv) any other amount necessary to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform its obligations under this Lease or which, in the ordinary course of things, would likely result therefrom, including without limitation, the

costs and expenses (including brokerage commissions and advertising costs) incurred by Landlord, with or without terminating the Lease, (1) in retaking possession of the Premises; (2) in cleaning and making repairs and alterations to the Premises reasonably necessary to return the Premises to good condition for the use permitted by this Lease and otherwise to prepare the Premises for reletting;(3) in removing all persons and personal property from the Premises and transporting and storing any of Tenant's personal property left at the Premises, although Landlord shall have no obligation to remove, transport, or store any of such personal property; and (4) in reletting the Premises for such term, at such rent and upon such other terms and conditions as Landlord in its sole discretion may deem advisable; plus (v) such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time under California law. The "worth at the time of award" of the amounts referred to in (i) and (ii) shall be computed with interest at the maximum rate allowed by law. The "worth at the time of award" of the amount referred to in (iii) shall be computed by discounting such amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award plus one percent (1%).

D. Computation of Rent For Purposes of Default. For purposes of computing unpaid rent which would have accrued and become payable pursuant to subsection C above, unpaid rent shall include the total rent for the balance of the term of the Lease.

E. Remedies Cumulative. All rights, privileges and elections or remedies of the parties are cumulative and not alternative to the extent permitted by law and except as otherwise specifically provided herein.

F. No Waiver. Landlord's waiver of any breach of a covenant or condition hereof, or Landlord's failure to declare any default immediately upon occurrence thereof or a delay in taking any action in connection therewith shall not waive such breach or such covenant or condition or any subsequent breach thereof. The subsequent acceptance of rent or other monies by Landlord shall not be deemed a waiver of any preceding default by Tenant, other than the failure of Tenant to pay the particular rent or other sum so accepted, regardless of Landlord's knowledge of such default at the time of its acceptance of rent.

G. No Right of Redemption. Tenant waives any right of redemption or relief from forfeiture under California Code of Civil Procedure Sections 1174 and 1179 or any other present or future law in the event Tenant is evicted or Landlord takes possession of the Premises by reason of Tenant's default.

25. ENVIRONMENTAL OBLIGATIONS

A. Tenant shall not, without Landlord's prior written consent (which consent may be granted or denied in Landlord's sole discretion), install, bring into or release or discharge in, on, under, around, or from the Premises any (i) asbestos-containing materials, (ii) electrical transformers, fluorescent light fixtures with ballasts or other equipment containing PCB's or (iii) materials which constitute hazardous, extremely hazardous or toxic materials under the Resource Conservation and Recovery Act, the California Hazardous Waste Control Act, the Comprehensive Environmental Response Compensation and Liability Act, the California Safe Drinking Water and Toxic Enforcement Act of 1986 or any other applicable law or regulation concerning hazardous or toxic materials, (collectively "Hazardous Substances") and has not done so prior to the effective date of this Lease. Any Hazardous Substances which are used, stored,

treated, disposed of or released from the Premises by Tenant or its representatives, agents, employees or invitees, shall be used, stored, treated, released and disposed of in accordance with all applicable laws and regulations.

B. If Tenant knows or has reasonable cause to believe that any Hazardous Substance has been released on or beneath the Premises, Tenant shall immediately notify the Berkeley Police Department and the Toxic Management Office and promptly give written notice of same to Landlord. If Tenant knows or has reasonable cause to believe that such substance is an imminent and material danger to public health or safety, Tenant shall take all actions necessary to alleviate such danger. Tenant shall provide to Landlord as promptly as possible, and in any event within five business days after Tenant first receives or sends the same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Premises or Tenant's use thereof and concerning Hazardous Substances. Tenant shall not negotiate or enter into any settlement agreement, consent decree or other compromise in respect of Hazardous Substances affecting the Premises or the Premises without first giving Landlord prior written notice and full opportunity to appear, intervene or otherwise protect Landlord's rights and interests.

C. Without limitation of the provisions of Section 14 hereof, Tenant shall indemnify, defend and hold Landlord and its affiliates harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities or losses which arise during or after the term of this Lease as a result of the handling of Hazardous Substances on the Premises, or Live Oak Park by Tenant, its agents or invitees, including without limitation, all costs of monitoring, investigating, and remediation of the same, damages for diminution in the value of the Premises, damages for the loss or restriction on use of rentable or usable space or of any amenity of the Premises, damages arising from any adverse impact on marketing of any such space and sums paid in settlement of claims, attorneys' fees, consultant fees and expert fees. This indemnification by Tenant includes, but is not limited to, costs incurred in connection with any investigation of site conditions or any clean-up, remediation, removal or restoration work requested by Landlord or required by any federal, state or local governmental agency or political subdivision because of Hazardous Substance present in the soil or groundwater in, on or under the Premises or in any improvements. Without limiting the foregoing, if the presence of any Hazardous Substance in, on, under or about the Premises caused or permitted by Tenant results in any contamination of the Premises or Live Oak Park, Tenant, at its sole expense, promptly shall take all action that is necessary to return the Premises to the condition existing prior to the introduction of such Hazardous Substance in, on, under or about the Premises; provided that Landlord's approval of such actions shall first be obtained, which approval shall not be unreasonably withheld so long as such actions could not potentially have any material adverse effect upon the Premises. Tenant's obligations under this Section 21.C. shall survive the expiration or termination of this Lease.

26. LANDLORD'S RIGHT TO CURE

All covenants to be performed by Tenant shall be performed at Tenant's sole cost and expense and without abatement of rent. Without limiting Landlord's rights under any other provision of this Lease, if Tenant shall fail to pay any sum of money or shall fail to perform any other act and such failure shall have become an event of default under Section 19, Landlord, without waiving or releasing Tenant from any of its obligations, may make (but shall not be obligated to make) any such payment or perform any such other act. All sums so paid by

Landlord and all necessary incidental costs shall be deemed additional rent and shall be payable to Landlord immediately upon Landlord's written demand.

27. EMINENT DOMAIN

A. If all or any part of the Premises shall be taken as a result of the exercise of the power of eminent domain, this Lease shall terminate as to the part so taken on the earlier of the dates that title vests in the condemning authority or such authority takes possession of the Premises. In the case of a partial taking, either Landlord or Tenant shall have the right to terminate this Lease as to the balance of the Premises by written notice to the other party within thirty (30) days after such date of taking; provided, however, that Tenant shall have no right to terminate this Lease unless the portion of the Premises taken shall be of such extent and nature as substantially to impede or impair Tenant's use of the balance of the Premises. In the event of any such taking, Landlord shall be entitled to all compensation, damages, income, rent, awards and interest that may be paid or made in connection with such taking. Tenant shall have no claim against Landlord for the value of any unexpired Term; however, Landlord shall cooperate with Tenant if Tenant seeks to recover, at its sole expense, proceeds or awards paid to compensate for damage to the "goodwill" associated with Tenant's business. Any such amounts recovered shall belong to Tenant.

B. If any part of the Premises shall be so taken and this Lease shall not be terminated, then this Lease shall continue in full force and effect, except that the Rent shall be reduced in the same proportion that the rentable area of the Premises taken bears to the original rentable area of the Premises. Landlord, upon receipt of the award, shall make all necessary repairs and alterations (exclusive of Tenant's trade fixtures, furniture, furnishings, personal Premises, decorations, signs and contents) to restore the portion of the Premises remaining to as near its former condition as the circumstances will permit and to restore the Premises to the extent necessary to constitute the portion of the Premises not so taken a complete architectural unit. Landlord, in any event, shall not be required to spend for such repairs and alterations an amount in excess of the amount received by Landlord as damages for the taking of such part of the Premises; and Tenant, at its sole cost and expense, shall make all necessary repairs and alterations to Tenant's trade and lighting fixtures, furniture, furnishings, personal Premises, decorations, signs and contents.

C. As used herein, the "amount received by Landlord" shall mean that portion of the award received by Landlord as damages from the condemning authority which is free and clear of all prior claims or collections by Landlord and less reasonable attorneys' and appraisers' fees and expenses.

28. SUBORDINATION

A. This Lease shall be subject and subordinated to (i) all ground or underlying leases which have been or may hereafter be executed affecting the Premises, (ii) any Declaration of Covenants, Conditions and Restrictions now or hereafter recorded affecting Live Oak Park and Live Oak Community Center, all without the necessity of having further instruments executed on behalf of Tenant to effectuate such subordination.

B. Tenant agrees to execute and deliver upon demand such further instruments or

documents as may reasonably be required by Landlord to evidence any such subordination of this Lease. Tenant hereby constitutes and appoints Landlord, as Tenant's attorney-in-fact, coupled with an interest, to execute and deliver any such instrument(s) on behalf of Tenant.

29. NO MERGER

The voluntary or other surrender of this Lease by Tenant, or a mutual cancellation thereof, shall not work a merger and shall, at the option of Landlord, terminate all or any existing subleases or subtenancies or operate as an assignment to it of any or all such subleases or subtenancies.

30. TRANSFER BY LANDLORD

In the event the original Landlord or any successor owner of Live Oak Park shall sell or convey the Premises, or any portion thereof that includes the Premises, all liabilities and obligations on the part of the original Landlord or such successor owner shall terminate. All such liabilities and obligations thereupon shall be binding only upon the new owner. Tenant agrees to attorn to such new owner.

31. ESTOPPEL CERTIFICATES

From time to time, Tenant shall execute and deliver to Landlord promptly upon request a certificate certifying (i) that this Lease is unmodified and in full force and effect or, if there has been any modification, that this Lease is in full force and effect as modified, and stating the date and nature of each such modification; (ii) the date to which rent and other sums payable hereunder have been paid; (iii) that no notice has been received by Tenant of any default which has not been cured, except as to defaults specified in such certificate; (iv) that Landlord is not in default under this Lease and that Tenant has no claims, charges, offsets or defenses against Landlord, or specifying the nature of any such default or claim, charges, offsets or defense; and (v) such other matters as may be reasonably requested by Landlord. Any such certificate may be relied upon by any prospective purchaser, vendee, or other party. If Tenant fails to execute and deliver any such certificate within ten (10) business days after Landlord's written request, such failure, at Landlord's election, shall be conclusive against Tenant that this Lease is in full force and effect, without modification (except as may be represented by Landlord), that there are no uncured defaults in Landlord's performance, and that not more than one month's rent has been paid in advance.

32. HOLDING OVER

If, after the expiration of the Term of the Lease, Tenant remains in possession of the Premises with Landlord’s consent all provisions of this Lease shall remain in effect with the following exceptions: (1)Tenant shall become a tenant from month-to-month, such tenancy terminable on thirty (30) days’ notice given at any time by either party; and (2) the Rent shall increase to 120% of the amount of the rent when the Lease expired.

33. CHANGES BY LANDLORD

A. The description of the Premises and the location of any Premises utility system(s),

including without limitation electrical, plumbing, shall be subject to such minor changes as Landlord determines to be necessary or desirable in the course of any construction performed by or under the authorization of Landlord. No such changes shall invalidate or affect this Lease. Landlord shall effect such changes using reasonable efforts not to disturb Tenant's business. Tenant shall have no claim against Landlord for abatement of rent or loss of business as a result of any such disturbance.

B. Landlord shall have the right in its sole discretion to, among other things, change permitted land uses, install, maintain and remove public improvements, change the arrangement, character, use or location of entrances or passageways, walkways, streets, sidewalks, parking areas, stairs, landscaping, toilets, and other facilities and portions of Live Oak Park and Live Oak Community Center, and to change the name, number or designation by which the Premises is commonly known. None of the foregoing shall be deemed an actual or constructive eviction of Tenant, nor shall it entitle Tenant to any reduction of rent hereunder or result in any liability of Landlord to Tenant; provided, however, Landlord shall not unreasonably obstruct or interfere with access to or the lines of sight toward the Premises.

34. GOVERNING LAW

This Lease shall be governed by the laws of the State of California.

35. SECURITY DEPOSIT

As security for the full and faithful performance by Tenant of each and every term, provision, covenant, and condition of this Lease, Tenant shall deposit with Landlord in an amount of **SEVEN HUNDRED DOLLARS ($700)**, unless waived in whole or in part by Landlord. Such security shall be deposited on or before the Effective Date of this Lease.

If Tenant defaults in respect to any of the terms, provisions, covenants and conditions of this Lease, including but not limited to the payment of rent, Landlord may use the security deposit or any portion of it to cure the default or compensate the Landlord for all damage sustained by Landlord resulting from Tenant's default. If Landlord so uses any portion of the security deposit, Tenant will restore the security deposit to its original amount within ten (10) days after written demand from Landlord.

Landlord will not be required to keep the security deposit separate from its own funds and Tenant shall not be entitled to interest on the security deposit. The security deposit will not be a limitation on Landlord's damages or other rights under this Lease, or a payment of liquidated damages or an advance payment of the rent. If Tenant pays the rent and performs all of its other obligations under this Lease, Landlord shall return the unused portion of the security deposit to Tenant within sixty (60) days after the end of the term. Landlord may deliver the security deposit to a purchaser of the Premises and be discharged from further liability with respect to it.

36. SIGNAGE

The size, design, material and location of any sign, marquee, awning, decoration or other attachment, advertising material or lettering on the Premises (collectively "signage") shall be subject to Landlord's prior written approval. All such signage shall comply with the criteria

outlined in Berkeley Municipal Code, Title 20 and shall be subject to the following provisions:

A. Tenant, at its sole expense, shall submit to Landlord a written description of all proposed signage, including dimensions, color, proposed location and other pertinent information ("Signage Proposal"). Landlord shall review the Signage Proposal and shall notify Tenant in writing of its approval, or reason(s) for its disapproval, within thirty (30) business days after Landlord's receipt of the Signage Proposal. If disapproved, Tenant shall make all required modifications to the Signage Proposal and shall resubmit the same to Landlord within seven (7) days after its receipt of Landlord's disapproval.

B. Within ten (10) days after Landlord's approval of the Signage Proposal, Tenant, at its sole expense, shall cause to be prepared and submitted to Landlord two (2) sets of plans ("Sign Plans") reflecting in detail the information contained in the approved Signage Proposal. Landlord shall review the Sign Plans within thirty (30) days after Landlord's receipt of the same.

C. Upon Tenant's receipt of its sign permit from Landlord, Tenant shall construct and/or install all signage shown on the Sign Plans; in any event, however, Tenant shall complete such construction and/or installation not later than thirty (30) days after the sign permit is issued, unless otherwise agreed to by the City in writing.

D. Upon Landlord's request, Tenant immediately shall remove any signage that Tenant has placed or permitted to be placed in, on or about the Premises contrary to the terms of this Section 32. If Tenant fails to do so, Landlord may enter upon the Premises and remove the same at Tenant's expense. Tenant, at its sole expense, shall maintain and replace all approved signage and shall repair, at its sole expense, any damage to the Premises caused by the erection, maintenance or removal of any signage, including any damage caused by Tenant's removal of its signage at the expiration or earlier termination of the Lease. Tenant also shall comply with such regulations as may from time to time be promulgated by Landlord governing the signage of all tenants in Live Oak Park.

37. NO PARTNERSHIP

It is expressly understood and agreed that Landlord shall not be deemed in any way or for any purpose a partner, agent or principal of Tenant, in the conduct of its business or otherwise, or a joint venture or member of a joint enterprise with Tenant.

38. NO WAIVER

Landlord's waiver of Tenant's breach of any covenant or condition shall not be deemed a waiver of any subsequent breach of the same or any other covenant or condition, nor shall any custom or practice which may develop between the parties in the administration of the terms hereof be construed to waive or to lessen the right of Landlord to insist upon Tenant's performance in strict accordance with the terms of this Lease.

39. NOTICES

All notices, demands, consents or approvals which may or are required to be given by either party shall be in writing and shall be deemed to have been received when delivered

personally or on the earlier of the date of actual receipt or two (2) business days following deposit in the United States mail, registered or certified, postage prepaid, addressed as follows:

To Tenant: Youth Musical Theater Company
1000 42nd Street
Oakland, CA 94608

To Landlord: Parks, Recreation & Waterfront
City of Berkeley
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

With copy to: City Manager
City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

Notices to Landlord regarding Hazardous Substances required by Section 21 hereof shall be sent both to the above addresses and to such other place as either party may from time to time designate in a written notice to the other party, or in the case of Tenant, delivered to the Premises.

Tenant will appoint an agent to receive the service of all proceedings, demands, and notices hereunder the person in charge of or occupying the Premises at the time. If no person shall be in charge of or occupying the same, then such service may be made by attaching the same on the main entrance of the Premises.

40. COMPLETE AGREEMENT

This Lease is intended by the parties as the final expression of their agreement with respect to such terms as are included herein and may not be contradicted by evidence of any prior or contemporaneous agreement. The parties further intend that this Lease constitutes the complete and exclusive statement of its terms, and no extrinsic evidence whatsoever may be introduced in any judicial or other proceeding involving this Lease. The language and all parts of this Lease shall be construed as a whole and in accordance with its fair meaning and not restricted for or against either party. This Lease may be modified or amended only by a written instrument signed by both parties.

41. REQUESTS FOR CONSENT; WAIVER OF CLAIM

Tenant hereby waives any claim for damages against Landlord that it may have based upon any assertion that Landlord unreasonably has withheld or has delayed any consent or approval, and Tenant's sole remedy shall be an action for specific performance of such provision, injunction or declaratory judgment. In the event of a final determination in Tenant's favor, the requested consent or approval shall be deemed to have been granted.

42. INTERPRETATION

The use of masculine, feminine, or neuter genders shall include the other genders, and the singular shall include the plural and vice-versa. Headings are intended for convenience only and shall not be referred to in construing any provision. If there is more than one party as Tenant, the obligations imposed upon Tenant shall be joint and several. If any provision(s) of this Lease shall be found, to any extent, to be invalid or unenforceable the remainder of the Lease shall not be affected thereby.

43. SUCCESSORS AND ASSIGNS

This Lease shall be binding upon and shall inure to the benefit of Landlord, its successors and assigns, and shall be binding upon and shall inure to the benefit of Tenant, its heirs, successors and (to the extent assignment may be permitted hereunder) assigns.

44. AUTHORITY

If Tenant is a corporation or partnership, each of the persons executing this Lease on behalf of Tenant covenants and warrants that Tenant is a duly authorized and existing corporation or partnership, that Tenant has and is qualified to do business in California, that Tenant has full right and authority to enter into this Lease and that each person signing on behalf of Tenant is authorized to do so.

45. UNAVOIDABLE DELAYS

A. In the event that Tenant or Landlord is delayed, directly or indirectly, from the performance of any act or thing required to be done or performed under the terms or conditions hereof by acts of the other party to this Lease, acts of God, fire, floods, inclement weather, unavoidable governmental action, strikes or labor difficulties of any and all kinds, shortages of or delay in the delivery of materials, acts of war, riot and civil commotion, or by any other cause beyond the reasonable control of Tenant or Landlord, as the case may be, such failure shall not be deemed to be a breach of this Lease or a violation of any such covenants or conditions and the time within which Tenant or Landlord must perform any such act shall be extended by a period of time equal to the period of delay arising from any of such causes.

B. Notwithstanding any provision of this Section 41 or any other provision of this Lease to the contrary, it is understood and agreed that there shall be no abatement of, or delay in the commencement of, or payment of any sum due to Landlord under this Lease.

46. TIME OF THE ESSENCE

Time is of the essence of each and every covenant and condition of this Lease.

47. BROKERAGE

Landlord and Tenant hereby represent and warrant, each to the other, that they have not disclosed this Lease or the subject matter hereof to, and have not otherwise dealt with, any broker, finder or any other person, firm, corporation or other legal entity so as to create any legal right or claim of whatsoever kind or nature for a commission or similar fee or compensation with respect to the Premises or this Lease. Landlord and Tenant hereby indemnify each other against,

and agree to hold each other harmless from, any liability or claim (and all expenses, including attorneys' fees, incurred in defending any such claim or in enforcing this indemnity) for a real estate brokerage commission or similar fee or compensation arising out of or in any way connected with any claimed dealings with the indemnitor and relating to the Premises or this Lease.

48. CITY NON-DISCRIMINATION ORDINANCE

A. Tenant hereby agrees to comply with the provisions of the Berkeley Municipal Code ("B.M.C."), including without limitation Chapter 13.26, as amended from time to time. In the performance of its obligations under this Lease, Tenant agrees as follows:

1. Tenant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

2. Tenant shall permit Landlord access to records of employment, employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the reasonable opinion of Landlord, are necessary to monitor compliance with this non-discrimination provision. In addition, Tenant shall fill out, in a timely fashion, forms supplied by Landlord to monitor this non-discrimination provision.

B. Tenant understands that this Lease is governed by City Council Resolution No. 58,664 – N.S. This resolution, as may be amended from time, stipulates that Tenant's memberships policies may be reviewed by the City for compliance therewith at any time, and that unsatisfactory membership policies may result in non-renewal of this Lease or termination by the City.

49. NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

A. If Tenant provides any aid, service or benefit to others on the Landlord’s behalf, Tenant shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Tenant shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination against individuals with disabilities or ensuring that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the Landlord.

B. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All of Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

50. CONFLICT OF INTEREST PROHIBITED

A. In accordance with California Government Code Section 1090, Berkeley City Charter Section 36 and B.M.C. Chapter 3.64, neither Tenant nor any employee, officer, director, partner or member of Tenant, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a board, a committee or commission member of Landlord, who has directly or indirectly influenced the making of this Lease.

B. In accordance with California Government Code Section 1090 and the Political Reform Act, (Government Code Section 87100 *et seq.*,) no person who is a director, officer, partner, trustee, employee or consultant of Tenant, or immediate family member of any of the preceding, shall make or participate in a decision made by Landlord or any of its boards, commissions or committees, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Tenant, except to the extent permitted by 2 California Code of Regulations, Section 18700(c)(2).

C. Interpretation of this paragraph shall be governed by the definitions and provisions used in the Political Reform Act, Government Code section 87100 *et seq.*, its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, as amended from time to time.

51. NUCLEAR FREE BERKELEY

Tenant agrees to comply with B.M.C. Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

52. OPPRESSIVE STATES

A. In accordance with Resolution No. 59,853 – N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to, the following entities:

(1) The governing regime in any Oppressive State.

(2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.

(3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of this Lease) for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

B. For purposes of this Lease, the Tibet Autonomous Region and the provinces of Ado, Kham, and U-Tsang shall be deemed oppressive states.

C. Tenant's failure to comply with this paragraph shall constitute a default of this Lease and Landlord may terminate this Lease pursuant to Section 19. In the event that Landlord terminates this Lease due to a default under this provision, Landlord may deem Tenant a non-responsible bidder for five (5) years from the date this Lease is terminated.

53. BERKELEY LIVING WAGE ORDINANCE (LWO)

A. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance (LWO). If Tenant employs six (6) or more part-time or full-time employees, and generates $350,000 or more in annual gross receipts, Tenant will be required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

B. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance. If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased Premises, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this paragraph shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in Section 19 herein.

C. If Tenant is subject to the LWO, Tenant shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject premises. Subtenants shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the leased Premises.

D. If Tenant fails to comply with the requirements of this the LWO and this lease, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 19.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of $50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Tenant's failure to pay all of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

54. BERKELEY EQUAL BENEFITS ORDINANCE (EBO)

A. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

B. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be a considered a default, subject to the provisions of Section 19 of this lease.

C. If Tenant fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 20.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of $50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Tenant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Tenant's breach.

55. REQUIRED ACCESSIBILITY DISCLOSURE

A. Landlord hereby advises Tenant that the Premises and Facility have undergone an inspection by a certified access specialist, and Tenant acknowledges receipt of findings from that inspection. Except to the extent expressly set forth in this Ground Lease, Landlord shall have no liability or responsibility to make any repairs or modifications to the Premises or the Project in order to comply with accessibility standards. The following disclosure is hereby made pursuant to applicable California law:

B. "A Certified Access Specialist (CASp) can inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject premises, the commercial property owner or lessor may not prohibit the lessee or tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of the lessee or tenant, if requested by the lessee or tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises." [Cal. Civ. Code Section 1938(e)]. Any CASp inspection shall be conducted in compliance with reasonable rules in effect at the Premises with regard to such inspections and shall be subject to Landlord's prior written consent.

56. AUDIT

Pursuant to Section 61 of the Berkeley City Charter, the City Auditor's Office, or its designee, may conduct an audit of Tenant's financial, performance and compliance records

maintained in connection with the operations and services performed under this Lease, and with the payments made under this Lease. In the event of such audit, Tenant agrees to make all such financial, performance and compliance records available to the Auditor's Office, or to its designee. City agrees to provide Tenant an opportunity to discuss and respond to any findings before a final audit report is filed.

57. CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER

Tenant has obtained a City business license as required by B.M.C. Chapter 9.04, and its license number is written below; or, Tenant is exempt from the provisions of B.M.C. Chapter 9.04 and has written below the specific B.M.C. section under which it is exempt. Tenant shall pay all state and federal income taxes and any other taxes lawfully assessed and due. Tenant certifies under penalty of perjury that the taxpayer identification number written below is correct.

58. SURVIVAL

The provisions of this Lease and obligations of Tenant, that by their nature, are to be performed after or are to survive termination of this Lease shall survive such termination.

59. EXHIBITS

Exhibit A, and any other exhibit, addendum or schedule referenced in this Lease are made a part hereof by this reference.

IN WITNESS WHEREOF, the parties hereto have executed this Lease at Berkeley, California effective as of the Effective Date.

LANDLORD:

CITY OF BERKELEY
A municipal corporation

By: _____ _____
City Manager Date

Approved as to form: Registered by:

_____ _____ _____ _____
City Attorney Date City Auditor Date

Attest:

_____ _____
City Clerk Date

TENANT:
YOUTH MUSICAL THEATRE COMPANY
A non-profit organization

By: _____ _____
Jennifer Boesing, Executive Director Date

TENANT INFORMATION

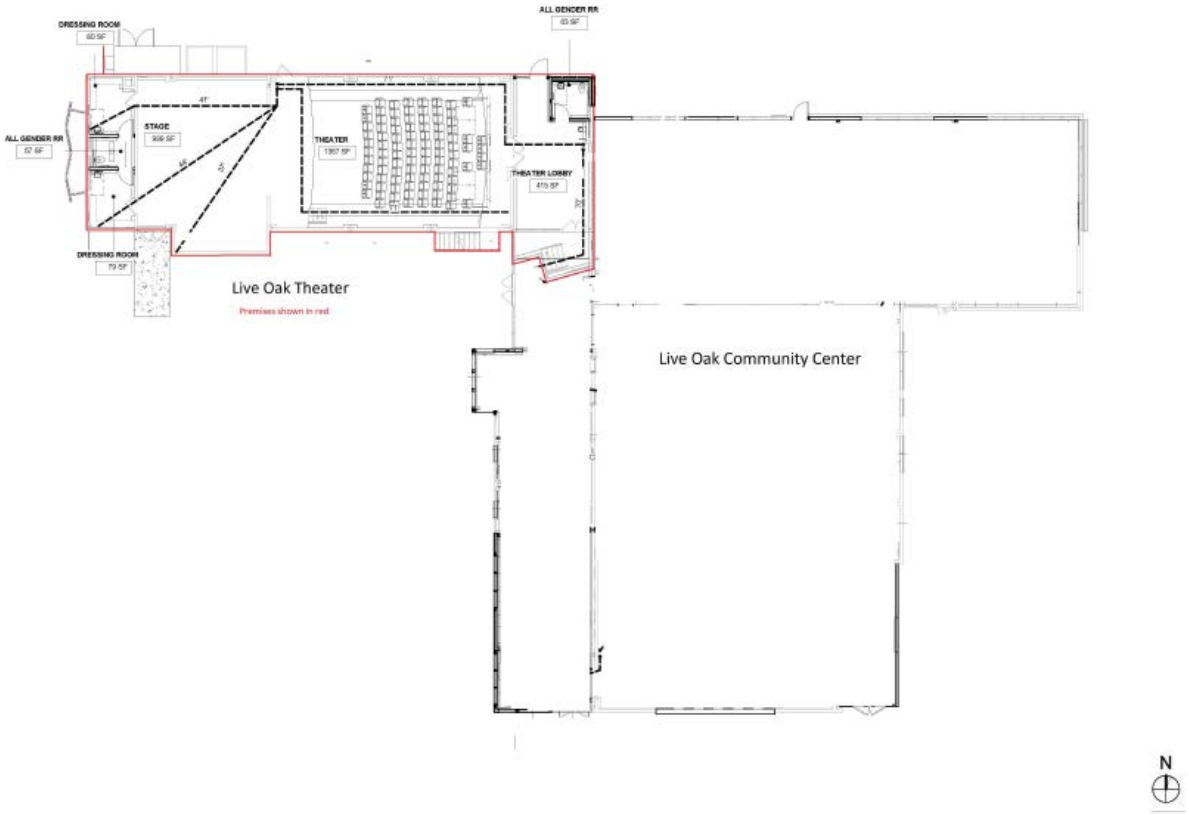
Tax Identification No.
Incorporated: Yes No
Certified Woman Business Enterprise: Yes____ No ____
Certified Minority Business Enterprise: Yes ____ No ____
Certified Disadvantaged Business Enterprise: Yes No
City Business License No. _____, or Exempt pursuant to B.M.C. Section _____

Exhibit "A": Leased Premises

Live Oak Theater:

That portion of the Live Oak Community Center known as Live Oak Theater, occupying the area as depicted in Figure 1. The Premises comprises approx. 3,000 sq ft, and includes an entry foyer and restroom, 91 theater seats, stage, backstage area with 2 dressing rooms and restroom, and sound/light booth.

Figure 1: Live Oak Theater Premises



05

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of July 8, 2024 (special), July 9, 2024 (special and regular), July 22, 2024 (special), July 23, 2024 (specials and regular), July 29, 2024 (special), July 30, 2024 (special and regular) August 5, 2024 (special).

CONTACT PERSON

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

Attachments:
1. July 8, 2024 – Special Closed City Council Meeting
2. July 9, 2024 – Special City Council Meeting
3. July 9, 2024 – Regular City Council Meeting
4. July 22, 2024 – Special 3:00 p.m. City Council Meeting
5. July 23, 2024 – Special 3:30 p.m. City Council Meeting
6. July 23, 2024 – Special 5:30 p.m. City Council Meeting
7. July 23, 2024 – Regular City Council Meeting
8. July 29, 2024 – Special City Council Meeting
9. July 30, 2024 – Special City Council Meeting
10. July 30, 2024 – Regular City Council Meeting
11. August 5, 2024 – Special City Council Meeting

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, JULY 8, 2024

4:30 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1606133036. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 613 3036**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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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.

Preliminary Matters

Roll Call: 4:35 p.m.

Present: Kesarwani, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Taplin, Bartlett

Councilmember Taplin present at 4:37 p.m.

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

CLOSED SESSION:

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

1. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2)**

   a. Workers' Compensation Matter WCAB Case Number: #ADJ17732423

   Action: M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ17732423.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

   b. Workers' Compensation Matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130

   Action: M/S/C (Arreguin/Wengraf) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

   c. Workers' Compensation Matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007

   Action: M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

OPEN SESSION:

Item 1a:
City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ17732423.

Item 1b:
City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130.

Item 1c:
City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007.

Adjournment

Action: M/S/C (Arreguin/Hahn) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 4:54 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 8, 2024.

_____
Mark Numainville, City Clerk

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

Tuesday, July 9, 2024
5:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 5:03 p.m.

Present: Tregub, Hahn, Lunaparra, Humbert, Arreguin

Absent: Kesarwani, Taplin, Bartlett, Wengraf

Councilmember Taplin present at 5:04 p.m.

Councilmember Kesarwani present at 5:17 p.m.

Action Calendar

1. **Youth Voting in Berkeley School Board Elections; Ordinance providing for voting by persons aged 16 and 17 years old for office of School Director; Resolution providing for youth voting in November 2024 School Board elections**
   From: City Attorney
   Recommendation:
   1. Adopt an ordinance providing for youth voting by persons aged 16 and 17 years old for office of School Director pursuant to Article III, Section 5(3) of the City Charter;
   2. Adopt a Resolution calling for youth voting for the office of School Director in the November 2024 Election.
   Financial Implications: None
   Contact: Farimah Brown, City Attorney, (510) 981-6950
   Action: 5 speakers. M/S/C (Arreguin/Hahn) to:
   1. Adopt first reading of Ordinance No. 7,928–N.S. Second reading scheduled for July 23, 2024.
   2. Adopt Resolution No. 71,435–N.S.
   Vote: Ayes – Kesarwani, Taplin, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

Adjournment

Action: M/S/C (Arreguin/Tregub) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

Adjourned at 5:32 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 9, 2024.

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, July 9, 2024
6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
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Preliminary Matters

Roll Call: 6:28 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: None

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

Report from Closed Session

The City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel as follows:

1) Approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ17732423.

2) Approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130.

3) Approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007.

Ceremonial Matters

1. Adjourned in Memory of Former Councilmember Max Anderson
2. Adjourned in Memory of Yuan Cong, Buddhist Priest
3. Adjourned in Memory of Narsai David, Local Activist

City Manager Comments:

The Interim City Manager noted several upcoming events including Derby Day at the West Campus Pool (7/12), Movie Night at Strawberry Creek Park (7/12), Music at Ohlone Park (7/13), and the Echo Lake Teen Backpack Trip.

Public Comment by Employee Unions: 3 speakers.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Lunaparra/Taplin) to accept an urgency item from Councilmember Lunaparra pursuant to Government Code Section 54954.2(b)(2) entitled Rights Against the Criminalization of Unhoused Individuals Due to Their Status. Item added to the Action Calendar.
Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – Kesarwani, Wengraf, Humbert.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 22 speakers.

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

Recess 8:13 p.m. – 8:32 p.m.

Consent Calendar

1. Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,924-N.S. regarding amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Control Ordinance.
First Reading Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – Kesarwani, Wengraf, Humbert.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,924–N.S.

Consent Calendar

2. FY 2025 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,925-N.S. setting the FY 2025 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of $0.0629 (6.29 cents) per square foot of improvements for dwelling units and setting the rate for all other property at $0.09519 (9.519 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; David Sprague, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,925–N.S.

3. FY 2025 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,926-N.S. adopting the FY 2025 Annual Appropriations Ordinance (AAO) in the amount of $793,319,711 (gross appropriations) and $686,125,119 (net appropriations).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,926–N.S.

4. Police Accountability Board – Appointment of New Member
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Taplin.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,436–N.S.

5. Policies and Timelines for Filing Ballot Measure Arguments
From: City Manager
Recommendation: Adopt a Resolution establishing policies and timelines for filing ballot measure arguments in the November 5, 2024 General Municipal Election.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,437–N.S.

Consent Calendar

6. Grant Application: Bureau of Justice Assistance Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the federal Bureau of Justice Assistance (BJA) in an amount not to exceed $300,000 for the Body-Worn Camera Policy and Implementation Program.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000, Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,438–N.S.

7. Contract: Gallup, Inc for Employee Engagement and Development
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Gallup, Inc for reporting, coaching and learning tools and resources that focus on employee strengths-based development as a sole source. The contract will be effective August 1, 2024 and end on September 30, 2026 in an amount not to exceed $150,000. The contract may be extended for up to four additional years at a cost not to exceed an additional $75,000 per year.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,439–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.

8. Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for Three Fire Engines and Two Aerial Fire Trucks
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to purchase three Pierce Enforcer 1500 GPM Type 1 Fire Engines and two Pierce Enforcer Tractor Drawn Aerials by executing: 1. Purchase Agreement with Pierce Manufacturing, Inc. in an amount not to exceed $7,353,115, providing for California sales tax of $751,206 and pre-pay discount of $951,353; and 2. Increase the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp. by $9,492,845 (prior to sales tax, equipment only) yielding an amended total NTE amount of $26,693,305 on Contract No. 078804-1 (8068) with financing pursuant to the amendment to be paid over 7 years at an annual interest rate of 4.1438% and a first payment commencing no later than April 9, 2025.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,440–N.S.

Consent Calendar

9. Community Emergency Response Team (CERT) Civilian Instructor – Establish Job Class Specifications and Salary Range
From: City Manager
Recommendation: Adopt a Resolution establishing the unrepresented job class specifications of – and salary range for – Community Emergency Response Team (CERT) Civilian Instructor, with an hourly range of $31.5568 to $38.7241.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,441–N.S.

10. Contract No. 32000224 Amendment: GovInvest, Inc. for Labor Costing Software and Analysis Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000224 with GovInvest, Inc. for labor costing software and analysis services to cover the period May 23, 2023 to June 30, 2026 for a total cost not to exceed $375,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,442–N.S.

11. Contract: Rincon Consultants, Inc. for Environmental Support Services for the Berkeley Water Transportation Pier Ferry Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rincon Consultants, Inc (Rincon) in an amount not to exceed $3,080,000 which includes $280,000 of contingency to provide environmental support services for the Berkeley Water Transportation Pier Ferry Project (Project) for the period July 15, 2024 through June 1, 2027.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,443–N.S.

12. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2024 Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Street Rehabilitation FY 2024 Project, Specification No. 24-11624-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc. and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed $12,361,800.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,444–N.S.

Consent Calendar

13. Community Health Commission Comments on Dark Skies Ordinance
From: Community Health Commission
Recommendation: For the City Council to (a) refer to the Planning Commission, the Public Health Comments on the Dark Skies Ordinance which was previously referred to the Planning Commission; (b) refer to the City Manager, a request to ask the Department of Public Works to implement a moratorium on installation of street lighting and building lighting for use at night exceeding 3,000 Kelvin.
Financial Implications: See report
Contact: Kellie Knox, Commission Secretary, (510) 981-5400
Action: Recommendation not approved.
Vote: Ayes – Bartlett, Tregub; Noes – Kesarwani, Taplin, Wengraf, Humbert, Arreguin; Abstain – Hahn, Lunaparra.

Council Consent Items

14. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds to the Port Chicago Alliance; and Official Co-Sponsorship of Port Chicago Weekend 2024
From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Hahn to the Port Chicago Alliance – a 501(c)(3) non-profit organization – to support Port Chicago Weekend 2024, raising awareness of the legacy of the Port Chicago 50, with funds relinquished to the City's general fund for this purpose from discretionary Council Office Budgets of Councilmember Hahn and any other Councilmembers who would like to contribute, and register the City of Berkeley's official Co-Sponsorship of Port Chicago Weekend 2024.
Financial Implications: Councilmember's Discretionary Funds - $500
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 71,445–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $250; Councilmember Wengraf - $250; Councilmember Tregub - $250; Councilmember Lunaparra - $250; Councilmember Bartlett - $250; Councilmember Taplin - $500.

Consent Calendar

15. Amend Item to Remove the Dwight Way/Telegraph Avenue Intersection from the List of Intersections Being Considered for Additional Surveillance Technology
From: Councilmember Lunaparra (Author)
Recommendation: Amend Council action that was passed at the January 30, 2024 Council meeting to remove the Dwight Way/Telegraph Avenue intersection from the list of intersections being considered for additional surveillance technology.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.

Action Calendar

16. Referral Response: Gap Analysis of Berkeley's Homelessness System of Care
From: City Manager
Recommendation: Receive and file a report and presentation from staff, responding to the City Council's July 13, 2021 referral to the City Manager to analyze current homelessness expenditures and programs and to explore recalibrating and prioritizing investments to align with the 1-2-4 All Home Regional Action Plan framework.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: 11 speakers. Presentation made and report received.

17. ***Removed from the Agenda by the City Attorney* Youth Voting in Berkeley School Board Elections; Ordinance Providing for Voting By Persons Aged 16 and 17 Years Old for Office of School Director; Resolution Providing for Youth Voting in November 2024 School Board Elections**
From: City Attorney
Contact: Farimah Brown, City Attorney, (510) 981-6950

Action Calendar – New Business

18. Initiative Petition – Initiative Ordinance Establishing Direct Rental Payments and Amending the Rent Stabilization Ordinance
From: City Manager
Recommendation:
1. Take action on the initiative petition to:
a. Adopt the provisions of the measure without alteration.
-OR-
b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 3 speakers. M/S/C (Arreguin/Lunaparra) to:
1. Adopt Resolution No. 71,446–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate Mayor Arreguin and Councilmember Lunaparra to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Vote: All Ayes.

19. Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger
From: City Manager
Recommendation:
1. Take action on the initiative petition to:
a. Adopt the provisions of the measure without alteration.
-OR-
b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Scheduled for the July 30, 2024 special meeting for ballot measures.

Action Calendar – New Business

20. Initiative Petition – Ordinance Creating a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks and Pedestrian Paths (Fix the Streets & Sidewalks)
From: City Manager
Recommendation:
1. Take action on the initiative petition to:
a. Adopt the provisions of the measure without alteration.
-OR-
b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Scheduled for the July 30, 2024 special meeting for ballot measures.

21. Initiative Petition – Initiative Ordinance Requiring the Adoption of Minimum Indoor Air Quality Standards in City-Owned and City-Leased Buildings
From: City Manager
Recommendation:
1. Take action on the initiative petition to:
a. Adopt the provisions of the measure without alteration.
-OR-
b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Scheduled for the July 30, 2024 special meeting for ballot measures.

22. Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)
From: City Manager
Recommendation:
1. Take action on the initiative petition to:
a. Adopt the provisions of the measure without alteration.
-OR-
b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Scheduled for the July 30, 2024 special meeting for ballot measures.

Council Action Items

23. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals
(Reviewed by the Land Use, Housing, & Economic Development Committee)
From: Councilmember Harrison (Author)
Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.
Policy Committee Recommendation: Refer item to City Council with a qualified negative recommendation with the caveat that the ordinance cannot be passed without consideration and approval by the Planning Commission, and it is likely that elements of the proposal would violate State housing law.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Consent Calendar and referred to the City Attorney for a legal opinion on the item. Requested that the item return to the Council agenda when the legal opinion is complete.

24. Condemning the University of California's Anti-Labor Actions and Legal Tactics
From: Councilmember Lunaparra (Author)
Recommendation: Adopt a Resolution Condemning the University of California's Anti-Labor Actions and Legal Tactics.
Financial Implications: Staff time
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: 15 speakers. M/S/C (Lunaparra/Arreguin) to adopt Resolution No. 71,447–N.S. with the resolved clauses revised at the meeting by Councilmember Lunaparra as noted below.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the City of Berkeley opposes any illegal actions or ULPs by UC against its employees; and

BE IT FURTHER RESOLVED, the City of Berkeley registers its opposition to legal tactics that may undermine the labor rights of hundreds of thousands of public sector workers; and

BE IT FURTHER RESOLVED, the City of Berkeley reaffirms its support for the rights of all workers to be safe from ~~physical and mental~~ harm in their workplaces; and

BE IT FURTHER RESOLVED, the City of Berkeley opposes all forms of illegal retaliation against employees for exercising their First Amendment rights; and

BE IT FURTHER RESOLVED, the City of Berkeley urges the UC to participate in PERB's resolution process[9] ~~and resolve the ULPs~~, as offered by PERB and accepted by UAW Local 4811; and

FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, Regents of the University of California, the President of the

Council Action Items

University of California Michael Drake, the Chancellor of the University of California Berkeley Richard Lyons, Congresswoman Barbara Lee, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – Humbert; Abstain – Wengraf.

Action: M/S/C (Lunaparra/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – Kesarwani, Wengraf, Humbert.

Urgent Item: Rights Against the Criminalization of Unhoused Individuals Due to Their Status
From: Councilmember Lunaparra (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's commitments to enact no additional restrictions to effectively prohibit sleeping by an unhoused individual if there is no shelter space available in the jurisdiction for the unhoused individual to sleep, to not impose criminal penalties for sleeping in public spaces without first making an offer of shelter, and to construct, repurpose, and offer non-congregate shelter and permanent housing options whenever possible.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

Action: M/S/Failed (Lunaparra/Taplin) to adopt the resolution as submitted.
Vote: Ayes – Taplin, Bartlett, Tregub, Lunaparra; Noes – Kesarwani, Humbert; Abstain – Hahn, Wengraf, Arreguin.

Action: 16 speakers. M/S/Carried (Arreguin/Kesarwani) to refer the item to the City Attorney for analysis and schedule a closed session for consideration of the issue.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Humbert, Arreguin; Noes - Lunaparra.

Information Reports

25. LPO NOD: 1401 Le Roy Avenue, #LMSAP2024-0002
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Adjournment

Action: M/S/C (Arreguin/Taplin) to suspend the rules and adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:26 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on July 9, 2024.

_____
Mark Numainville, City Clerk

Communications

Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger
1. Daniel Tahara
2. Steve Meckfessel

Item #22: Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)
3. Barbara Gilbert (2)

North Berkeley Bart and Bike Lane Concern
4. Walter Wood
5. Kenneth Yip
6. Gloria Schild
7. John Rea
8. Dan Auten
9. Anya Davis

Shipping Containers at 2556 Haste Street
10. 45 Similarly-worded form letters

People's Park
11. Summer Brenner
12. Moni Law

Stormwater Plan
13. Susan Schwartz, President, Friends of Five Creeks

West Campus Pool
14. Veronica Labarca

In Home Support Services
15. Carol Denney

Southside Complete Streets
16. Tom

Sidewalk Safety Concerns
17. Max Ventura

Safe Streets
18. Peggy Mulligan

Aurora Theater
19. Josh

Wireless Radiation
20. Ellen Marks

Ohlone Greenway Trail
21. Carleen Mandolfo

Driveway Concerns
22. K. Lazer

PG&E Bills
23. Dave Margulius

Anti-Mask Law
24. Dorothea Dorenz

Insurance Reform Information
25. Chief David Sprague, Berkeley Fire Department

Golden Duplex Designation
26. Peg

12 Panoramic Way
27. Ken Peterson
28. Lisa Handwerker

Information Request
29. Mike

BESO Notice
30. Robert Richerson

Soft Story Retrofit
31. Todd Andrew

Middle East Conflict
32. Erwan Illian (3)
33. Michael Fullerton
34. Marianne Olney-Hamel

AC Transit Bus Stop Guidelines
35. Ryan Lau

EHS Day
36. Phoebe Thomas (Sorgen)

URLs Only
37. Russbumper (8)
38. Crustyrusty
39. Keith Bayne (3)

Newsletter
40. Vivian Warkentin

Supplemental Communications and Reports 1

Item #7: Contract: Gallup, Inc for Employee Engagement and Development
41. Revised material, submitted by Fire Department

Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger
42. Revised material, submitted by City Attorney
43. Janice Schroeder
44. Tonya Love
45. Erin Diehm
46. 13 Similarly-worded form letters

Item #22: Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)
47. The-Anh Cao

Supplemental Communications and Reports 2

Item #16: Referral Response: Gap Analysis of Berkeley's Homelessness System of Care
48. Revised material, submitted by City Manager's Office

Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger

49. Marcia
50. MaryAnn Furda
51. John Smail and Melanie Lawrence
52. 3 Similarly-worded form letters

Item #23: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals (Reviewed by the Land Use, Housing, & Economic Development Committee)
53. Nancy Richerson
54. MeR
55. Gail Martin

Supplemental Communications and Reports 3

Item #16: Referral Response: Gap Analysis of Berkeley's Homelessness System of Care
56. Presentation, submitted by City Manager's Office

Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger
57. Liana Warren, on behalf of the Sierra Club
58. Brianna McGuire

Item #23: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals (Reviewed by the Land Use, Housing, & Economic Development Committee)
59. Jo Ann Driscoll
60. Chris Chen

Item #24: Condemning the University of California's Anti-Labor Actions and Legal Tactics
61. Sandra Oseguera Sotomayor, on behalf of the Graduate Assembly of the University of California, Berkeley

Urgent Item: Rights Against the Criminalization of Unhoused Individuals Due to Their Status
62. Supplemental material, submitted by Councilmember Lunaparra
63. Morgan Maxwell

Miscellaneous Communications
64. Eid

Attachment 4

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, JULY 22, 2024

3:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1404 LE ROY AVENUE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1608742239. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 874 2239**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 3:06 p.m.

Present: Kesarwani, Bartlett, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Taplin, Tregub

Councilmember Tregub present at 3:23 p.m.

Councilmember Taplin present at 4:10 p.m.

Public Comment - Limited to items on this agenda only – 26 speakers

CLOSED SESSION:

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

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

   a. Workers' Compensation matter WCAB Case Number: ADJ10187918

   Action: M/S/C (Arreguin/Taplin) to authorize the City Manager to settle by a stipulated Award of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918.
   Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Absent – Kesarwani.

   b. Workers' Compensation matter WCAB Case Number: ADJ18579793

   Action: M/S/C (Arreguin/Taplin) to authorize the City Manager to settle by a stipulated Award of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, as to a workers' compensation matter WCAB Case Number: ADJ18579793.
   Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Absent – Kesarwani.

2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2):**

   a. Claim of Paul Wescott

   Action: M/S/C (Arreguin/Taplin) to authorize the City Attorney's Office to settle the claim for a total amount of $24,930.82
   Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Absent – Kesarwani.

3. **PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):**

   Title of position to be filled: Director of Health, Housing and Community Services

   Action: No reportable action taken.

4. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2):**

   a. City of Grants Pass, Oregon v. Johnson (2024) 144 S.Ct. 2202

   Action: Item continued to a closed session meeting on July 29, 20204 at 4:00pm.

5. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8**

   Property Address: 1001 University Avenue, Berkeley CA
   Agency Negotiators: LaTanya Bellow, City Manager's Office; Dionne Early, Public Works
   Negotiating Parties: City of Berkeley and Berkeley Food Network
   Property Owner: City of Berkeley
   Under Negotiation: Lease Price and Terms

   Action: No reportable action taken.

6. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS AND LEGAL COUNSEL; CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8, 54956.9(d)(1) and (2):**

   Property Address: 3201 Adeline Street, Berkeley CA
   Agency Negotiators: LaTanya Bellow, City Manager's Office; Dionne Early, Public Works
   Negotiating Parties: City of Berkeley and the Black Repertory Group
   Property Owner: City of Berkeley
   Under Negotiation: Lease Price and Terms

   Action: No reportable action taken.

7. **CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

   Negotiators: LaTanya Bellow, Interim City Manager, Anne Cardwell, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

   Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

   Action: No reportable action taken.

OPEN SESSION:

Item 1a:
City Council met in closed session on July 22, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a Compromise and Release settlement with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918.

Item 1b:
City Council met in closed session on July 22, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ18579793.Public Reports of actions taken pursuant to Government Code section 54957.1.

Adjournment

Action: M/S/C (Arreguin/Taplin) to adjourn the meeting.
Vote: Ayes – Taplin, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Absent – Kesarwani, Wengraf.

Adjourned at 7:57 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 22, 2024.

_____
Mark Numainville, City Clerk

Attachment 5

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, July 23, 2024
3:30 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1600197323. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 019 7323**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 3:36 p.m.

Present: Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 3:47 p.m.

Action Calendar – Public Hearings

1. Zoning Ordinance and General Plan Amendments Relating to Middle Housing
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion:
1. Adopt the first reading of an Ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of "middle housing" in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R ("low-density residential districts"); and
2. Adopt a Resolution amending the General Plan Designations and Land Use diagram for the same purpose.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 91 speakers.

Action: M/S/Failed (Lunaparra/Humbert) to direct staff to return with an ordinance based on the Planning Commission recommendation, except R1-H, which would return to Council after the evacuation study is complete, and including the amendments from Mayor Arreguin and Councilmember Kesarwani except for density maximums.
Vote: Ayes – Taplin, Bartlett, Lunaparra; Noes – Hahn, Wengraf; Abstain – Kesarwani, Tregub, Humbert, Arreguin.

Action: M/S/Carried (Arreguin/Kesarwani) to provide Council direction to staff to prepare a Middle Housing Ordinance that:

Exempts application in the Hillside Overlay Zone and ES-R District, as staff originally proposed. Council expresses its desire to receive and review the Fire Department's Evacuation Study in order to better understand public safety risks prior to consideration of Middle Housing standards in this zone.

Outside of the Hillside Overlay Zone, make the following amendments:

MAXIMUM DENSITY PER ACRE STANDARD. Include a maximum density per acre standard as follows:
R-1 - 40 units/acre - Resulting in 5 units on a 5,000 square foot lot
R-1A - 50 units/acre - Resulting in 6 units on a 5,000 square foot lot
R-2 - 50 units/acre - Resulting in 6 units on a 5,000 square foot lot
R-2A - 60 units/acre - Resulting in 7 units on a 5,000 square foot lot

Action Calendar – Public Hearings

MU-R - 60 units/acre - Resulting in 7 units on a 5,000 square foot lot

REGULATE THE SIZE OF ONE NEW PRIMARY UNIT. A large single-family home with multiple bedrooms can be an affordable housing option when rented out to students, young professionals, a group of artists, or others wishing to live together in a communal fashion. To maintain this option while controlling against excessively large single-family homes, place a limit on the size when these standards are used to create one primary unit: **the primary unit square footage may be no more than half the lot size (i.e., 2,500 square feet maximum primary unit size for a lot of 5,000 square feet or 3,000 square feet maximum primary unit size for a lot of 6,000 square feet, etc.), or no larger than 2,500 square feet, whichever is greater**. These square footage limitations shall also apply to home additions for a primary unit (when there is only one primary unit on the lot) seeking approval via Zoning Certificate; one primary unit that exceeds these square footage limitations for a home addition would require an Administrative Use Permit.

HEIGHT. **Maximum height of 35 feet or 3 stories in order to provide certainty that structures do not exceed three stories. Delete maximum average height of 28 feet** in order to ensure that ceiling heights are not substandard; a maximum average height is more costly to design and build, and less energy efficient. Keep the 22 feet lower height limit within 15 feet of the rear property line.

FRONT- AND REAR-SETBACK. To provide greater flexibility for smaller parcels and promote backyard space, **the front- and rear-setback are to be a total of 20 feet combined, with a minimum of 5 feet in the front and a minimum of 5 feet in the rear**. This is to ensure that smaller parcels are not required to maintain a 15-foot front setback and lose the possibility of a private backyard, which might encourage fencing of the front facing open space–a deleterious outcome for promoting neighborhood cohesion. Existing front yards vary in depth from five- to 15 feet currently.

NEIGHBOR NOTICE. Require a neighbor notice for neighboring properties similar to the requirement under the Accessory Dwelling Unit Ordinance. The language from the Accessory Dwelling Unit Ordinance should be adapted for the Middle Housing Ordinance:

1. *Scope and Timing of Notice.* Notice of an ADU application shall be mailed to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the building permit application to the City.

2. *Content of Notice.* Notice shall provide the address of the project, allowable hours of construction, a link to the City's webpage, and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource or information deemed relevant.

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

REFERRAL
Refer $200,000 to the November AAO #1 budget process to fund a citywide historic context statement. This document would describe broad patterns of historical development and identify property types of significance to help establish criteria for protecting cultural resources within the City. After developing a citywide historic context statement, the Council

Action Calendar – Public Hearings

expresses its intent to fund and conduct a citywide historic resource survey to identify resources for landmark initiation.

The motion also includes the amendments listed below:

- Request to provide opportunity to have community workshops throughout the city in the time between now and when staff brings the ordinance back to Council
- Analysis of 5,000 sq. ft. for density standard for illustrative purposes
- More through General Plan analysis
- Report back on how this ordinance current proposal interfaces with Mini Dorm Ordinance and the potential for more mini dorm configurations
- Analysis of how this ordinance conforms to Demolition Ordinance

Public hearing continued to a future date.

Vote: All Ayes.

Adjournment

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

Adjourned at 8:42 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 23, 2024.

_____
Mark Numainville, City Clerk

Communications

Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing
1. JT Rueppel

Supplemental Communications and Reports 1

Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing
1. Supplemental material submitted by Fire Department
2. Lisa Goodman
3. Kevin Burke
4. Jonathan Bailey
5. 3 Similarly-worded form letters

Supplemental Communications and Reports 2

Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. Revised material, submitted by Planning and Development Department
2. Kevin Donahue
3. Alene
4. Stephanie Lesh
5. Evan Tschuy
6. Zachary Russ
7. Becca Schonberg
8. Greg Wilson (2)
9. Yoanna T (2)
10. Gil and Charlotte Ferrey
11. Baeo Maltinsky
12. Sandra
13. Ican Kristian
14. Elizabeth Snowden and Charles P. Smith
15. Aimee Baldwin
16. Phyllis Orrick
17. Gabriel Abud
18. Ariana Mayorga
19. Fredda Cassidy
20. Robert Breuer
21. Cindy Larson
22. Richard Hiersch
23. Susan Nunes Fadley
24. Steve Shoemaker
25. Geoff Holton
26. Ryan Heller
27. David Johnson
28. George Roth
29. Jeffrey Kaplan
30. Amanda Le
31. Brandon Yung
32. Sarah Wittmer
33. Bruce Chamberlain
34. Kristine Fowler
35. Stefano DellaVigna
36. Elizabeth Horowitz
37. Sally Nelson
38. Shirley Kirsten
39. David A. Coolidge
40. Peggy Kelly
41. Bill Hickman
42. Housing Advisory Commission
43. Jim Williams
44. Ilaf Esuf, on behalf of Assemblymember Buffy Wicks
45. David Fielder
46. Christopher Wagstaff and Barbara O’Brien
47. Michael Tompkins

48. Judy Ziajka
49. Summer Brenner
50. Christopher Hamilton
51. Joshua Schraiber
52. Pamela Brett
53. Chris Simon
54. Alfred Twu
55. Anthony Bruce
56. Ben Paulos
57. Carol Cohen
58. Dawn D
59. George McCord
60. Ingrid Crickmore
61. Nori Hudson
62. Sam Kaplan Pettus
63. Isabelle Gaston
64. Sabina McMurtry
65. Roya Arasteh
66. Janice Murota
67. Gail Greenwood
68. Sheila Jordan
69. Robert Dering
70. Mori Costantino
71. Ross Bernet
72. Alex S. Merenkov
73. Mike Dunham
74. Lev Marcus
75. Timothy Ross
76. Joan Hart
77. John Rice
78. Harriet Ann Goldman
79. Julie Goldobin
80. Michael Lonergan
81. Norah Piehl
82. Lauren Parsons
83. Jennifer Bloch
84. Alex Dodd
85. Kevin Donahue
86. John Allen
87. Elijah Ravitz-Campbell
88. Vanessa Hardy
89. Joel Millar
90. Claire Mecredy
91. Robert Gammon, on behalf of Senator Nancy Skinner
92. Aaron Rumph
93. Sandi Peters
94. Libby Lee-Egan
95. Kit vanbuskirk
96. Daniel Abud
97. Peggy Radel

98. Randolph Bush
99. Harold Ruddick
100. Jed Harris
101. AnnMarie Mitchell
102. Amrita Singhal and Michael Tubach
103. Shirley Issel
104. David Nasatir
105. Carol Hirth
106. Chris Mammen
107. Alan Pearson
108. Cheryl Newbrough
109. D Chaney
110. Teresa Clarke
111. Sally Adams
112. Lisa and Joe Ungerer
113. Mandy Aftel
114. Jerrold Cooper
115. Alan Pearson
116. Jane Graly
117. Jennifer Cobb
118. Carol Beth
119. Karen Cilman
120. Zuzana Licko
121. Leila Moncharsh on behalf of Berkeley Architectural Heritage Association
122. Claudia L. Deering
123. Stefanie and William Guynn
124. Ruth Muschel
125. Bill and Judy Hein
126. Colin McRae (2)
127. Kathleen Metz
128. Alane Suhr
129. Matthew Cha
130. Michael Walden and Judith Schelly
131. Bruce Stangeland
132. Terri McGinnis
133. Jane W Ellis
134. Berkeley Neighborhoods Council Executive Committee
135. Jamy Faulhaber
136. Steve Kanofsky (2)
137. Carla and Dolph Rempp
138. Cate Leger
139. Jack Litewka
140. Patrick Brinich-Langlois
141. Katie Johnson
142. Ray and Nancy Yep
143. Linda Schacht and John Gage
144. Jan
145. Emily Brod
146. Judith C. Brown
147. Thea Lerner Daniels

148. Gary Forbes
149. Kay Licina
150. Justin Kao
151. Kay Schwartz
152. Janice Pardoe
153. Michael Cassidy
154. Andrea Altschuler
155. Molly Fraker
156. Judith Barish
157. Mark Petrofsky
158. Sam Greenberg, on behalf of East Bay for Everyone
159. Reuben Arnold
160. Louise Laufersweiler and Warren Sharp
161. Ellen Goldblatt
162. Meagan Gamache
163. Spencer Klein, Ruth Ehrenkrantz, and Micah Klein (2)
164. Lawrence & Lisa Hanf
165. Jane Steinberg-Michahelles and Thomas Michahelles (2)
166. Joan Hart
167. Patricia T Kelly
168. Genevieve Boissier Dreyfus
169. Andrea Cohen
170. Stephanie Manning
171. Sara Rahimian
172. David Mendelsohn
173. Francesca Rizzardi
174. Ellen Thomsen
175. Margery Lackman
176. Deborah Reade
177. Madeline Feingold
178. Gail Nanao
179. Claudia Koch
180. Jean Michel Nowak
181. Daren Fields
182. Meri K. Issel
183. William J Tomei
184. Anita Kumar
185. Robin Hollenberg
186. Chris Jaffe
187. Lucinda Olney
188. David Shiver
189. Brendan Folie
190. Harry Delmer
191. Martin Guerrero
192. Eduardo Pineda
193. Diane Kanegae
194. Suzanne Marr
195. Jean-Luc Szpakowski
196. Donna DeDiemar
197. Gregg Garfinkle

198. Richard A. Laden and Marie-Paule Laden
199. Mary Staats
200. Fredrica Drotos
201. Mark and Lisa Follman
202. Jacqueline Beth
203. Nicole Chabot
204. Jean-Jacques Dethier
205. Phyllis Olin
206. Gina Rieger
207. Jack Kurzweil
208. Diane Mintz
209. Leslie Sakai
210. Tawny Reynolds
211. Michael E. Smith, Richmond Fire Department
212. Kim Markison
213. Emily Walker
214. David Lovato
215. Andrew Jeffries and Ellen McDonald
216. Serina Garst
217. Terry Tsai
218. Rikesh Lal
219. Sasha Futran
220. Paul Fritz
221. Janet Levenson
222. Sara Sarasohn
223. C. Rahav
224. Lynn McAlister
225. Dan Frank
226. Jordan Burns
227. Doug Baker
228. Katharina U. Kaiser
229. Carolyn Sun
230. Keith Bratton
231. Robin Kibby
232. Rachna handa
233. Paul Bickmore
234. Grant Pezeshki
235. Chris Harrelson
236. Rick Cole
237. Andrew Han, on behalf of Elmwood Business Association (2)
238. Tallulah
239. Romi Manheim
240. James Baker
241. Avi Samelson
242. Robert Munch
243. Jasmine Mote
244. Auros Harman
245. Frances and Randolph Starn
246. Richard Neese
247. Anne Weinberger

248. Alene Pearson
249. Robin Kibby
250. Tucker Holstun
251. Madison Page Raasch
252. Chris Gilbert
253. Adam Elkins
254. Sheryl Rose
255. Adam Sandler
256. Warren J. Wells
257. Ashvin Nair
258. Clayton Allen
259. Leigh Stewart
260. Kenny Yip
261. Vamsi Uppala
262. Marice Ashe
263. Nathan Lazarus
264. Bill Sherer
265. Soheila Bana, on behalf of the West Contra Costa Fire Safe Council (WCCFSC)
266. Morris Fuller
267. Frances Christie
268. Trevor H. Wu
269. Benjamin Ou
270. Zachary Russ
271. Vishal Ganesan
272. Alex Mandel
273. Victor Ichioka
274. Max Gara
275. Katherine Hansen
276. Anant Sahai
277. Mary Staats
278. Andrea Pflaumer
279. Christine Birch
280. Will Gilbreath
281. Charles Scawthorn
282. Amelie Mel de Fontenay
283. Arjun Mukerji
284. Lynn Glaser
285. Natalie Leimkuhler
286. Andrea Kean and David Spinner (3)
287. Richard Misrach and Myriam Misrach (2)
288. David Rouslin
289. L. John Harris
290. Dwight Pilz
291. Mike Luby
292. Richard Chambers
293. Alicia Telford
294. D. Fong
295. Stephen Taylor
296. Chris Martiniak
297. Mrs C Gill

298. Katherine Hilton
299. Kim Marienthal
300. Peter Esmonde
301. Anne Pardee and Steve Beckendorf
302. Ben Feldman
303. Robert Riemer
304. Seth Kimball
305. Roger and Zoe Hill
306. Eric King
307. Jennifer Knight
308. Chris McKee
309. Sally J. Sutherland Goldman
310. JHF (2)
311. Mark Morris
312. Carrie Dovzak
313. Samira Nedungadi
314. Martina Reaves
315. Robert and Kiana Kehlmann
316. David and Miriam Wilson
317. Bob Fabry
318. Alexandra Baloff
319. Calley Wang
320. Maren Bell
321. Richard Hackenberg
322. Suzanne McKee
323. Shelley Golomb
324. Emily Benner
325. Laura Katz
326. Ann Rojas-Cheatham
327. Mari Vlastos
328. Caroline Winnett
329. Ewald Detjens
330. Ellen Archilla (2)
331. Jacques Watteyne
332. Bruce A. Smith and Patrice C. Ignelzi
333. Terry Bloomsburgh
334. Emily Fox
335. Michael Parman
336. Jim Haydel
337. Marian Wolfe
338. Carolyn McNiven
339. Joel Lewenstein
340. Hallie Strock
341. Jacalyn Thompson (2)
342. Susan Ashley
343. Helen Toy
344. Juliet Lamont and Phil Price
345. Mary Lou Allen
346. Margaret F. Mancuso
347. Ken Krich

348. Irene Storch
349. Mary Lee Noonan
350. Howard Hertz
351. Samantha Johnston
352. Eva Diez
353. Eric Weaver
354. Chris Ohman
355. Nadia Almasalkhi
356. Robert and Marla Kane (2)
357. Mary B
358. Bob Flasher
359. Mary R Price
360. Roberta C. Brooks
361. Rikesh Lal
362. Walter Geist
363. Michael A. Marletta
364. Walter Alvarez
365. Robert Dering (2)
366. David, Phyllis and Alyse Ritvo
367. Nancy Rader, on behalf of Henry DeNero and the Berkeley FireSafe Council
368. JoAnn Lorber and Martin Lorber
369. Judith Baker
370. Martin Lorber and JoAnn Lorber
371. Diane Gerstler
372. Helen Conrad Stroud
373. Walter Geist
374. Noel Pond-Danchik
375. Robert Smith
376. Josephine A. Perry
377. Bruce H. Feingold
378. John Reykjalin
379. Lelise Schwartz
380. David Scott
381. Jeanne Allan
382. Samuela Evans
383. Pamela Doolan
384. David Shere
385. Carlo and Margareta Sequin
386. Christine Reed
387. John Blaustein and Terry Pink Alexander
388. Francie Shaw
389. Paul Opsvig and Susan Opsvig
390. Ann Goldman
391. Naomi Pearce (2)
392. Jeffrey and Kim Haltiner
393. Helene Whitson
394. Ruth Phillips
395. Carla Kraus
396. Rohil Prasad
397. Susan Taylor

398. Donna Graves (2)
399. Charlotte von der Hude
400. Steve Robey
401. Patricia and Martin St. John
402. Michael Scott
403. Richard Bruehl
404. Sarah Rossman
405. Gary Grimm and Ann Holsberry
406. Vicki Piovia
407. George Killingsworth
408. Marko Lovic
409. Harold and Sabrina Newman
410. Margaret Hurlbert
411. Andrea and Stan Washburn
412. Jennifer A. Chatman
413. Rick Dishnica
414. Liliana Cardile and Stefano Schiavon
415. David Cohn
416. Jo Anne Wallace
417. Grace Yang
418. Anne Sturbaum
419. Andre Pegeron
420. Jodi Alperstein
421. Gary Croner (2)
422. Andrew Zukoski
423. Ted Joseph
424. Kathryn and Lewis Shepler
425. Susan Chainey
426. Catalina Ruiz-Healy
427. Jennifer Cobb and Maurice Obstfeld
428. Karen Holtermann
429. Mark Welge
430. Zela (Zee) G. Claiborne
431. Debby Roosevelt
432. Linda Della
433. Linda De Lucchi
434. Paula Morgan
435. Shmuel Weissman
436. Jean Krois
437. Dianne Ayres
438. Ed Vine
439. Judith Fairchild
440. Liz Horowitz
441. Candace Hyde-Wang
442. Ivan and Sarah Diamond
443. Abbot Foote
444. Susie Wallenstein
445. Karen Friedman
446. Andrea Cassidy
447. Peter and Cynthia Hecker

448. Jack Kurzweil
449. Karl Bemesderfer
450. Amy Di Costanzo
451. Rocky Offner
452. Linda Wood
453. Sarah Baughn
454. Sharon Solkowitz
455. Ruth Shapiro
456. Judy Logan
457. David Sherertz
458. Ednah Beth Friedman
459. Barclay Ogden
460. Meryl Siegal
461. Peter Metcalf
462. Nancy Gillette
463. Marian Wolfe
464. Anna Korn
465. Gladys Block
466. Kay Serrurier
467. Helen Silverberg
468. Ann Hasse
469. Rodney Merrill
470. Biana Walser
471. Hillary Reinis
472. Linda Twilling
473. Stephen Vonder Haar
474. Michele Maguire Merrill
475. Malcolm Plant
476. George Buffington
477. Grace Wood
478. Allison Satchell
479. John Spitzer
480. Nicole Laddish
481. John Parman
482. Linda Rosen
483. Guo Xu (2)
484. Chris Cullander
485. Michael McGowan
486. Nancy G.
487. Heather Gilbert
488. Barbara Gilbert
489. Bebe McRae
490. Ellen Pasternack (2)
491. Larry Hyman
492. Ann Krooth
493. Barbara Vaughan
494. Cindy Rosenthal (2)
495. Mark Schneiderman
496. Krista Denton
497. Colby Hatton

498. M. Hilary Roberts
499. Daniel Keller
500. Carol Reitan
501. Grace Munakata
502. Erin B
503. Michael Tanzillo
504. Alan W Shindel
505. L. John Harris
506. Petra Lamberson (2)
507. Isaac Liu
508. Barbara Freeman
509. Sharon Entwistle
510. Zach Franklin and Sofia Zander
511. Richard Chambers
512. Bob Flasher
513. Joan Garvin
514. John Parman
515. Larry Hyman
516. Julie Goldobin
517. Marshall Kirk McKusick
518. Lisa Fruchtman
519. Amruth Uppaluri
520. Alan W Shindel
521. Moe Wright
522. Janice Thomas
523. Andrew Jeffries and Ellen McDonald
524. David Shaddock and Toby Furash
525. Lisa Titus
526. Sally Francis
527. Anna Avellar
528. Carol Reitan
529. Stefano DellaVigna
530. Elsa Tranter
531. Karen Weil
532. Michael Saler
533. Janice Thomas
534. Ann Krooth
535. John Kadlick
536. Gaurav Kumar
537. Kori Kody
538. Susan Morris
539. Christopher Kutz
540. Seraphina Nix
541. Wendy Stock
542. Michael C
543. Karen Kissler
544. Kaethe Weingarten
545. Terry Mandel
546. Barbara Davis
547. Barbara Freeman

548. Daniel Martinez-Krams
549. Brian Gilbane
550. Pam Zelnik
551. Nicolas L. McMullan
552. Debbie Kendall
553. Karen Lou
554. Gus Guinan
555. Oren
556. Lee Ann Bryant
557. Susan Frankel and Moshe Maler
558. Danny White
559. Frederique Wynberg
560. Eleanor Cloutier
561. Paul Schwartz
562. Barbara Cohn
563. Diane Weber
564. Vanessa Vega
565. Stephen Fick
566. Sachu Constantine
567. Rebecca Mills
568. Lynne Clenfield
569. Tony Warwick
570. Victoria Kahn
571. Beth Feingold
572. Bronya Feldmann
573. Diane Mintz
574. Thomas and Rosalyn Jamison
575. Schuyler Bailey
576. Susan Bailey
577. Olivia Olds
578. Otto Williams (2)
579. Jeffrey Heller
580. Phil Allen
581. Esther Brass-Chorin
582. Arlene Baxter
583. Dennis Mulqueeney
584. Donna Grethen (2)
585. Ian Grubb
586. Toni Mester
587. Steve Tracy
588. Eli Moore
589. Colby Olds
590. Kathryn Raphael
591. Tom Edwards
592. Eric Scheie
593. Marvin Snow
594. Nashua Kalil
595. Audrey Tse Tanzillo
596. Jesse Greenspan
597. Wes Boyd

598. Chuck Cornwall
599. Tom Edwards
600. Jennifer Sowerwine
601. Melanie Curry
602. Martha Staskawicz
603. Yen Trac
604. Marilyn Margulius (2)
605. Charles McKinley
606. Tim Holton
607. Deb Trillia
608. Patricia Reedy
609. Craig Raphael
610. Jennifer Monahan
611. David Moore
612. D. Miller Wise
613. Arjun Mukerji
614. Steven Douglas
615. John Horton
616. Jean Fichtenkort
617. Blair and Helaine Prentice
618. Dr. Lin
619. Hilary Read
620. Val Cipollone
621. Chelsea Hodge
622. Paul Litsky
623. Sharon Richey
624. Robin Galer
625. Colleen Busch
626. Clara Collier
627. Anand Subramani
628. Harris Cohn
629. Rebecca Mills
630. Andrea Cohen
631. Karen Weil
632. Paul Schwartz
633. Andrea Higdon
634. Andrea Pflaumer
635. Victoria Kahn
636. Robin Kibby
637. Richard Frankel
638. Barbara Cohn
639. Anna Avellar
640. Vanessa Vega
641. Tamara Holden-Gurin (2)
642. Miles Johnson
643. Tony Warwick
644. Ruth Langridge
645. Anna Tchetchetkine
646. Elsa Tranter
647. Charlotte von der Hude

648. Brian Gilbane
649. Marc Hedlund
650. Jean Weininger (2)
651. Robert and Diana Kehlmann
652. Lynne Clenfield
653. Jennifer Chatman and Russell Barnett
654. Diane Weber
655. Andrea Kean and David Spinner
656. Tom and Jane Kelly (2)
657. Jacob Kopczynski
658. Barbara Davis
659. Ellen Pasternack
660. 26 Letters of Support
661. 11 Letters of Opposition
662. 3 Substantially similarly worded letters
663. 3 Substantially similarly worded letters
664. 4 Substantially similarly worded letters
665. 57 Substantially similarly worded letters
666. 53 Substantially similarly worded letters
667. 64 Substantially similarly worded letters

Supplemental Communications and Reports 3

Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

668. Thea Davison
669. Lisa Pfeiffer
670. Jeanne M. Brenna
671. David Mostardi
672. Thomas Dattilo
673. Grant Thompson
674. Kevin L. Jones
675. Samuela Evans
676. Jil Geller
677. Meghana Gadgil
678. Julie Snyder
679. Jane Metcalfe
680. Samuel Olds
681. Dr. Susan Brand (2)
682. Enid Camps
683. Karen Gilligan
684. Rachel Kiekhofer
685. Dr. Zachary Cosenza
686. Abby and Jim
687. Margo Webster
688. Helene Vilett
689. Diana Keena
690. Elizabeth Snowden and Charles P. Smith (2)
691. Allison Kidder
692. Janice Murota
693. Tamara Abrams

694. Martha Rabkin
695. James M. Lloyd on behalf of California Housing Defense Fund
696. Kurt Ribak
697. Carla Woodworth
698. Brenda Shank
699. Deane Bruce
700. David Lerman (2)
701. Linda M. Schweidel
702. Lance Williams
703. Vivian Pisano
704. Marsha Weintraub and Stuart Hellman (2)
705. Fred Schlachter (3)
706. Gail Greenwood
707. Michael Scandling
708. Georjana Barnes
709. Samira Nedugadi
710. Ellen Matthews
711. Stephen Born (2)
712. Paula Aiello
713. Laura Fujii
714. Champe
715. Janet Anderson
716. F. Banuett
717. Kathryn Krahenbuhl
718. Andi Chang
719. Jennifer Winch
720. Joel Krajewski
721. Tim
722. William Springer
723. Katie Johnson
724. Stuart Hellman
725. Tami Boulet and Nick Rizza
726. Claire Sherman and Ed Anisman
727. Kate Pope
728. Emily Warden
729. Gretchen Carlson
730. Kamal Kapadia and Matthias Fripp
731. Hayne Leland
732. Bohun Kinloch
733. Bob Byrne
734. Nelson and Katherine Graburn
735. Cvalk65
736. Patricia Young and Robert Young
737. Linda Currie
738. Sharon Rollins Singer
739. Mary Behm-Steinberg
740. Janet Huseby
741. Joshua
742. David Socholitzky
743. Thomas Eusterbrock (2)

744. Austin Henderson
745. Reba Jones
746. Michael Keenan
747. Steven
748. Judy Casey and Vin Dunn
749. Oskar Cross
750. Katinka Wyle
751. Dan Slobin
752. Marilyn Vihman
753. Patrick Kehoe
754. Krista Denton
755. Georgia Maslowski
756. Mitchell Fleischer
757. Judy Dale
758. Susan Louie
759. Carolyn West
760. Margaret Torn
761. Andrea
762. Lisa Lum and Michael Hohmeyer (2)
763. Buro Mookjeri
764. Susan Aumiller
765. Brian
766. Joan Guilford
767. Michael Roche
768. Brian
769. Suzanne Jones
770. Will Freyman
771. Irene L. Collaco
772. Michael Thouati
773. Stephen Twigg
774. Kathy Scandling
775. Jessica Rohman
776. Susan Schwartz
777. John Stenzel
778. Susan and Roy Bogas
779. Christopher Buckley
780. Elizabeth Miles
781. Sandra Emerson
782. Sean Kennedy and Maxine Skaggs Kennedy
783. Tom Johnston
784. Laura Louis
785. Tomas Balogh
786. Dalia C. Nagel (2)
787. Verna Winters
788. Jenny Wenk
789. Barryett Enge
790. Lance Director Nagel (2)
791. Theresa Frantz
792. Roz Smith
793. Elizabeth Ditmars

794. Kent Oberheu
795. Noreen Axelson
796. Kelly Hammargren
797. Vincent Pham
798. Patricia Brink
799. Dr. Barbara Schick
800. Audrey Richards
801. Teresa Tan
802. Andrew Livsey
803. Marissa Moss
804. John Di Ruocco
805. Richard Illgen and Michaelyn Jones
806. Andrew Beahrs
807. Lauren and David Moore
808. Paula Versano and Alan Tansman
809. Gail Machlis
810. Scott Shenker
811. Deborah Brown
812. Jacquelyn D Evans
813. Nadia B. Le Bon
814. Mike and Sharon Trott
815. William Guynn
816. Liza Lutzker
817. Esta Brand
818. Debra Savate
819. Rutie Adler (2)
820. Manuela Albuquerque and Christopher McKenzie
821. Pamela Helms (2)
822. Megan Cole
823. Stephanie Antalocy
824. Margaret Simon
825. Celeste Goyer on behalf of the Casita Coalition
826. Darrell Owens
827. Laura Ide
828. Lhndl
829. Voters in Berkeley
830. Sarah Herbold
831. David
832. Martine Kraus
833. Joan Grant
834. Simone Hoelck
835. Jill Uyeda
836. Maria Sakovich
837. Steven Woodall and Lila Crutchfield
838. Tasha Leverette
839. Nomi Harris
840. Xanthippe Phillips
841. Rochelle
842. Tina de Benedictis
843. Jen

844. Leni Siegel
845. Bre C
846. Donna Brookman
847. William Laves
848. Virginia Browning
849. Naor Deleneau
850. Jane Wenger
851. Doris Sloan
852. Melanie Feakins
853. Lisba Fowler
854. Cheryl and Alan Rinzler
855. Todd Darling and Linda Jensen Darling
856. Deborah Leeds
857. Les Guliasi (2)
858. Margaretta M. Lovell and Stephanie Rose
859. Ethan Karp and Sue Lynn Thomas
860. Joan Killeen
861. Holly M. Smith
862. Susan Whitman
863. Stephanie Wade (2)
864. Bonnie Borucki
865. Jessica Samuels
866. Andrew Bestwick
867. Luri Quaglia
868. Rose Ellen
869. Randall Gee
870. Gary Ingram and Anita Ingram
871. Alesia Connelly
872. Sara and Harvard Holmes
873. Kate and Daniel Funk
874. Michael Roberts
875. PD Marshall and G Penegor
876. Steve Bedrick
877. Alan Bernheimer
878. Emilie Strauss
879. Joe Van Steen
880. Stephen Sites and Lisa Krepela
881. Susan Orbuch
882. Nancy Carleton
883. Robert Stokstad
884. Carl Yerkovich
885. Karen Khor
886. Cynthia Cowgill
887. Vihaan Mitra
888. Jodi Kaufman
889. Alan Bern
890. Jesse Pollak
891. Candace and Richard Medress
892. Robert Stoner
893. Constance Rivemale

894. Nick Greene
895. Ian Meyers
896. Donna Lurie
897. Jen Bilik (2)
898. Kenny Stone
899. Constance Anderson
900. Susan Duncan
901. Cheryl Keller Brooks
902. Kuniko Weltin-Wu
903. Tyler Friedman
904. Victoria deMara
905. Jim Corr
906. Reanna and Reed Kalna
907. Joan Wager
908. Heidi Hartman (3)
909. Richard Jackson
910. Michael Tripp and Sara Lee
911. Gary Facente
912. Steve Seid
913. Alex Takaoka
914. Diego Aguilar-Canabal
915. Ellen Hahn
916. Stephanie Thomas
917. Carol Whitman Simpson
918. Lota and Mac Rygiel
919. Andrew Uzane Schneiderman
920. Jennifer Drapeau
921. Lynne Rodezno
922. Lucinda Olney
923. Kathy Aschheim
924. Kim Sharrar
925. Holly Singh
926. Ila Rosenzweig
927. Rudabeh Pakravan and Kristen Sidell
928. Melanie Lawrence and John Smail
929. Mary Canavan
930. Lou Ponticas
931. Bonnie Mattison
932. Erika Wodinsky and John Dresslar
933. Pallop Wilairat
934. Jeanne Schuman
935. Stephanie McCoy
936. Dorothea Dorenz
937. Jim Hynes
938. Fred Bamber
939. Cynthia Dorfman
940. Luke Terlaak Poot
941. Greg Gurnick
942. Megan
943. Rocky

944. Maxina Ventura
945. Heather Hernandez
946. Karen Fagerstrom
947. Joan E. Sarnat and David Hoffman
948. Charlotte Nolan
949. Anna Urrea
950. Sterling Kinnell
951. Ann Swidler
952. Jim Hanson
953. Tamara Thebert
954. C. Wolf
955. Jovi Tseng
956. Sean Lincoln
957. Suzanne Marr
958. Maragret Fouda
959. Kris Kargo
960. Jean Peters
961. Susan O'Neal
962. Florie Wezelman "Beany"
963. Susanna Porte
964. L. Ruth
965. Marlene Lieberman
966. Steven Roselaren
967. Rebecca Hooley
968. Chris Cosgrove
969. Endless Energy
970. Pat Nomura
971. Ted Matley
972. Xander Boutelle
973. Sabina
974. Ellen Greenblatt
975. Nancy Becker
976. Theo
977. Chris Cullander
978. Alan Pearson
979. Sbschickman
980. Shael Barger
981. Nancy Carleton
982. Bill Kristy
983. Gerald Morrison
984. Laura Spiekerman
985. Ryan
986. Steve Ratcliff
987. Tiffany Cotter
988. Karen Chapman
989. Sheryl Drinkwater
990. Eric King
991. Brian Rosenberg
992. Joan and Don Wilson
993. Wendy

994. Ellen Evers
995. 3 Similarly worded form letters
996. 3 Similarly worded form letters
997. 7 Similarly worded form letters
998. 34 Similarly worded form letters

999. Presentation, submitted by Planning and Development Department

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

Tuesday, July 23, 2024
5:30 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1600197323. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 019 7323**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

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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.

Preliminary Matters

Roll Call: 8:42 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: None

Action Calendar – New Business

1. **Resolution Approving Amended Home Loan Documents in Consideration for City Manager Dee Williams-Ridley Separation Agreement**
   From: Mayor Arreguin (Author)
   Recommendation: Adopt a Resolution amending former City Manager Dee Williams-Ridley's Home Loan Agreement with the City.
   Financial Implications: See report
   Contact: Jesse Arreguin, Mayor, (510) 981-7100
   Action: 7 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 71,448–N.S.
   Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – Hahn.

Adjournment

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

Adjourned at 8:54 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 23, 2024.

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Resolution Approving Amended Home Loan Documents in Consideration for City Manager Dee Williams-Ridley Separation Agreement

1. Barbara Gilbert

Supplemental Communications and Reports 3

- None

Attachment 7

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, July 23, 2024
6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 9:22 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: None

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

Ceremonial Matters

1. Recognition in Memory of Former Councilmember Max Anderson
2. Recognition of the 2024 Berkeley Music and Arts Summit
3. Adjourned in Memory of Sonya Massey, Victim of Police Violence

Report from Closed Session

The City Council met in closed session on July 22, 2024, pursuant to Government Code Section 54956.9(d)(2), and provided direction to outside counsel and approved a Compromise and Release settlement with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918 and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ18579793.

The Council also authorized the City Attorney to settle the Claim of Paul Wescott for total amount of $24,930.82.

City Manager Comments:

1. Movies in the Park, Friday July 26 – How to Train Your Dragon
2. Tuolumne Family Camp Comedy Weekend
3. Olympic Day in San Pablo Park

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

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

1. FY 2025 Special Tax Rate: Fund the Provision of Library Services
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,927-N.S. to recommend that the Berkeley City Council set the FY 2025 tax rate for funding the provision of Library Services in the City of Berkeley at $0.2800 (28.00 cents) per square foot for dwelling units and $0.4233 (42.33 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Tess Mayer, Library, (510) 981-6100, Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,927–N.S.

2. Youth Voting in Berkeley School Board Elections; Ordinance providing for voting by persons aged 16 and 17 years old for office of School Director
From: City Attorney
Recommendation: Adopt second reading of Ordinance No. 7,928-N.S. providing for youth voting by persons aged 16 and 17 years old for office of School Director pursuant to Article III, Section 5(3) of the City Charter.
First Reading Vote: Ayes – Kesarwani, Taplin, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,928–N.S.

3. Municipal Code Amendments for Measure KK Compliance and Updated Settlement Authority
From: City Attorney
Recommendation: Adopt first reading of an Ordinance amending Chapter 2.56 and Sections 2.36.040, 4.04.100, 4.04.110, and 7.12.020 of the Municipal Code to conform to Section 113 of the City Charter (Measure KK), and to increase the City Attorney's authority to settle claims up to $50,000.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted first reading of Ordinance No. 7,929–N.S. with an amendment in Section 2.56.040. Second reading scheduled for July 30, 2024.

Consent Calendar

4. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of $161,280 for fitness center memberships for City employees for the period July 1, 2024 through June 30, 2025.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted Resolution No. 71,449–N.S.

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 2024
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $4,525,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

6. Public Facility Improvement Program Funds for Insight Housing's (formerly Berkeley Food and Housing Project) Dwight Way Center
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Reallocate $549,785 of FY24 Measure P funds from Insight Housing's (IH) Russel Street Residence rehabilitation project to their Dwight Way Center (DWC) rehabilitation project; and 2. Execute all resultant agreements and amendments with IH for the above-mentioned funds.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,450–N.S.

7. Appointment of Priscilla Villanueva to the Board of Library Trustees
From: City Manager
Recommendation: Adopt a Resolution appointing Priscilla Villanueva to the Board of Library Trustees ("BOLT") for a term of four years beginning September 4, 2024.
Financial Implications: None
Contact: Tess Mayer, Library, (510) 981-6100
Action: Adopted Resolution No. 71,451–N.S.

Consent Calendar

8. License Agreement: Masaba LLC., DBA Roaming Bean Coffee Vendor at the Waterfront
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement with Roaming Bean Coffee to operate at the Berkeley Waterfront for a three-year term, ending July 31, 2027.
Financial Implications: $11,498 - Revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,452–N.S.

9. Lease Agreement: Youth Musical Theater Company for the properties at 2925 and 2945 Bolivar Drive, Aquatic Park
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's properties at 2925 and 2945 Bolivar Drive in Aquatic Park for a term of ten years, anticipated to begin September 1, 2024 and ending August 31, 2034, with one five-year option.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted first reading of Ordinance No. 7,930–N.S. Second reading scheduled for July 30, 2024.

10. Assembly Bill 481, 2023 Annual Military Equipment Report
From: City Manager
Recommendation: Adopt a Resolution approving the 2023 Annual Military Equipment Report.
Financial Implications: Staff time
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,453–N.S.

11. Contract: Alta Planning & Design for Adeline Street Transportation Improvements Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alta Planning & Design for Preliminary Engineering and Environmental Studies for the Adeline Street Transportation Improvements Project for an amount not-to-exceed $1,256,120.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,454–N.S.

Consent Calendar

12. Contract: Buhler Commercial for FY 2023 Retaining Wall and Storm Drain Improvement Project (Specification No. 23-11616-C & 23-11614-C)
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the FY 2023 Retaining Wall and Storm Drain Improvement Project; 2. Accepting the bid of Buhler Commercial as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until project completion, in accordance with the approved plans and specifications in an amount not to exceed $1,973,708.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,455–N.S.

13. Contract No. 31900102 Amendment: Nute Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900102 with Nute Engineering (Nute) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by $500,000, for a total amount not to exceed $900,000, and extending the term of the contract from June 30, 2024 to June 30, 2025.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,456–N.S.

14. Amending the 1956 Maintenance Agreement with Caltrans to include new I-80 Gilman Interchange
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute an amendment to the 1956 Freeway Maintenance Agreement between the City and Caltrans to include new I- 80/Gilman Interchange facilities.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,457–N.S.

Consent Calendar

15. Change Football Game Day Parking Restrictions in Residential Preferential Parking Zones
From: City Manager
Recommendation: Adopt a Resolution modifying parking restrictions in specified Residential Preferential Parking (RPP) zones on University of California, Berkeley (UC Berkeley) home football game days as follows:
1. Remove game day parking restrictions and enforcement in RPP zones G and F north of UC Berkeley campus;
2. Allow visitor parking on game days in RPP zones B and D for up to two-hours with enhanced fines (per Resolution No. 69,089-N.S., adopted September 10, 2019, enhanced fines on football game days are $225);
3. Allow parking on game days on a one-block stretch of Bancroft Way between College Avenue and Bowditch Street for up to two-hours;
4. Allow parking on game days on College Avenue between Dwight Way and Parker Street for up to two-hours with enhanced fines;
5. Allow parking on game days on Oxford Street between Hearst Avenue and Center Street.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300, Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,458–N.S.

16. Lease for Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street
From: Director of Police Accountability
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a ten-year lease agreement with The Shamszad Family Living Trust for the property located at 1900 Addison Street, Suites 300 and 350, with a lease term beginning on September 1, 2024.
Financial Implications: See report
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950
Action: Adopted first reading of Ordinance No. 7,931–N.S. Second reading scheduled for July 30, 2024.

Action Calendar – Public Hearings

17. Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program
From: City Manager
Recommendation: Conduct a public hearing on:
1. Substantial amendments to the federal Program Years (PY) 2018, 2019, 2020, and 2021 Annual Action Plans (AAP), which propose a total reallocation of $478,500 of Community Development Block Grant (CDBG) funds from the Senior Disabled (Home) Loan Rehabilitation Program (SDLRP) to the Public Facility Improvement Program;
2. Allocating $450,000 of the reallocated funds to Insight Housing's (IH) existing public facility rehabilitation project at 2140 Dwight Way, and
3. Allocating $52,775 to Larkin Street Youth Services' (LSYS) existing public facility rehabilitation project at 3404 King St ($28,500 from above reallocated funds and $24,275 from available PY 2024 funds).
Upon conclusion of the hearing, adopt a Resolution authorizing the City Manager or her designee to:
a. Approve the CDBG public facility funding allocations for two public facility improvement projects, $450,000 for IH and $52,775 for LSYS;
b. Submit the Substantial Amendments to the PY 2018, 2019, 2020, and 2021 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD); and
c. Execute all resultant agreements and amendments with IH and LSYS and for the above-mentioned funds.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Public Testimony: The Mayor opened the public hearing. 3 speakers.
M/S/C (Arreguin/Taplin) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Tregub/Arreguin) to adopt Resolution No. 71,459–N.S.
Vote: All Ayes.

Action: M/S/C (Arreguin/Tregub) to suspend the rules and extend the meeting to 11:15 p.m.
Vote: All Ayes.

Action: M/S/C (Arreguin/Bartlett) to suspend the rules and extend the meeting to 11:25 p.m.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – Taplin; Abstain – Wengraf.

Council Action Items

18. Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space
From: Councilmember Lunaparra (Author)
Recommendation: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle at the intersection of Dwight Way and Telegraph Avenue as Public Open Space Pursuant to BMC chapter 6.42.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: 15 speakers. M/S/Failed (Lunaparra/Tregub) to adopt the resolution amended to include additional stakeholder engagement.
Vote: Ayes – Bartlett, Tregub, Lunaparra; Noes – Kesarwani, Taplin, Wengraf; Abstain – Hahn, Humbert, Arreguin.

Information Reports

19. LPO NOD: 8 Greenwood Common, #LMSAP2024-0001
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Removed from the agenda by the City Manager.

20. Alameda County Transportation Commission Rail Safety Enhancement Program – Phase A
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Removed from the agenda by the City Manager.

21. Annual Report on Landmarks Preservation Commission (LPC) Actions
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.

Adjournment

Adjourned at 11:25 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on July 23, 2024.

_____
Mark Numainville, City Clerk

Communications

Bike Lane Construction
1. D.A. (2)
2. Tom
3. Julia (2)
4. Voters

Traffic Control Signage
5. David Lerman

Longfellow Middle School Relocation
6. Liz Lutzker

Berkeley Federation of Teachers
7. Matt Meyer

Ohlone Dog Park
8. Ohlone Dog Park Neighbors

Fair and Open Bargaining
9. Jamie Cooney
10. Moni Law

UC Master Leasing
11. Barbara Gilbert

Aurora Theater
12. Josh

Civic Center Park
13. Anna Weinstein

Restaurant Inspection Results
14. David Lerman

Panoramic Way
15. Lisa and Ilana Handwerker (2)
16. Nick Thurlow

Café
17. Barbara Gilbert
18. Isabelle Gaston

Diversity and Inclusion
19. Moni Law

Sidewalk Safety Concern
20. Max

Lime Scooters
21. Laarni Mathias (2)
22. Summer Brenner

Water Drainage
23. Maha Parameswaran

Tesla, Harrison St.
24. John Craner, CEO, Downtown Berkeley Association

Grizzly Peak Blvd.
25. Bruce Brody

Shipping Containers at 2556 Haste St.
26. Tobias Damm-Luhr

World Skate
27. Jerry Bekkers, World Skate Facility Department Director

North Berkeley Affordable Housing
28. Kim Klein
29. Dorothea Dorenz

Crime in Berkeley
30. Nina Lyons

Arson Fires
31. Barbara Gilbert

CROP Invitations
32. Eugene Dey (6)

Middle East Conflict
33. Aaron
34. Shanna Bowie
35. Jessica Kim
36. Erwan Illian (3)
37. Russbumper (2)

Towing Concern
38. William Race

Rental Board
39. Scott

Flag Hanging from Civic Building
40. Jessica Pearlman
41. Dorothea Dorenz

URLs Only
42. Russbumper (6)
43. Erwan Illian

Newsletter
44. Berkeley Art Center
45. Russbumper (2)
46. Vivian Warkentin

Supplemental Communications and Reports 1

Item #17: Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program
47. Supplemental material submitted by Health, Housing, and Community Services

Supplemental Communications and Reports 2

Item #15: Change Football Game Day Parking Restrictions in Residential Preferential Parking Zones
48. Alex Knox

Item #18: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space
49. Revised agenda material submitted by Councilmemeber Lunaparra
50. Alex Knox

Supplemental Communications and Reports 3

Item #10: Assembly Bill 481, 2023 Annual Military Equipment Report
51. Jose D. Murrillo on behalf of the Police Accountability Board

Item #17: Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program
52. Helen Walsh (3)

Item #18: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space
53. Terri Compost
54. Sylvia
55. Laura Smiley (2)

56. Stephanie Thomas

Miscellaneous Communication
57. Eid

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, JULY 29, 2024

4:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1404 LE ROY AVENUE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1618709267. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 870 9267**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 4:06 p.m.

Present: Kesarwani, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Taplin, Bartlett

Councilmember Taplin present at 4:10 p.m.

Councilmember Bartlett present at 4:31 p.m.

Public Comment - Limited to items on this agenda only – 19 speakers

CLOSED SESSION:

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

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

   a. *Gregory J. Dabel, Trustee v. City of Berkeley*, Alameda County Superior Court, Case No. 24CV076653.

   Action: No reportable action taken.

2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2):**

   a. City of Grants Pass, Oregon v. Johnson (2024) 144 S.Ct. 2202

   Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

Action: M/S/C (Arreguin/Taplin) to adjourn the meeting.
Vote: Ayes – Taplin, Bartlett, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Tregub, Wengraf.

Adjourned at 6:04 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 29, 2024.

_____
Mark Numainville, City Clerk

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

Tuesday, July 30, 2024
3:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

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Preliminary Matters

Roll Call: 3:13 p.m.

Present: Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 3:16 p.m.

Councilmember Bartlett present at 3:36 p.m.

Action Calendar

1. Initiative Petition – Ordinance Creating a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks and Pedestrian Paths (Fix the Streets & Sidewalks) *(Continued from July 9, 2024)*
From: City Manager
Recommendation:
1. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 4 speakers. M/S/C (Arreguin/Bartlett) to:
1. Adopt Resolution No. 71,460–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. No members designated to file arguments on behalf of the City Council.
Vote: All Ayes.

2. Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS) *(Continued from July 9, 2024)*
From: City Manager
Recommendation:
1. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 9 speakers. M/S/C (Arreguin/Taplin) to:
1. Adopt Resolution No. 71,461–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. No members designated to file arguments on behalf of the City Council.
Vote: All Ayes.

Action Calendar

3. Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger *(Continued from July 9, 2024) (Item contains revised material)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: No direct fiscal impacts

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

Action: 11 speakers. M/S/C (Arreguin/Humbert) to:

1. Adopt Resolution No. 71,462–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. No members designated to file arguments on behalf of the City Council.

Vote: All Ayes.

Action Calendar

4. Initiative Petition – Initiative Ordinance Requiring the Adoption of Minimum Indoor Air Quality Standards in City-Owned and City-Leased Buildings
(Continued from July 9, 2024)
From: City Manager
Recommendation:
1. Take action on the initiative petition to:
a. Adopt the provisions of the measure without alteration.
-OR-
b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 6 speakers. M/S/C (Arreguin/Tregub) to:
1. Adopt Resolution No. 71,463–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election, amended to change the ballot question as written below.

*Shall the measure setting **new** indoor air quality standards for City-owned and -leased buildings; prohibiting compliance with those standards through the use of air filtration or disinfection technologies emitting ozone, volatile organic compounds, oxidation byproducts, excessive sound, or ultraviolet light; requiring repair, closure, evacuation, and/or provision of alternative services to the public due to building closure when standards are not met; and creating a private right to sue over alleged violations, be adopted?*

2. Designated Mayor Arreguin and Vice-Mayor Wengraf to file ballot measure arguments on behalf of the City Council.
Vote: All Ayes.

Action Calendar

5. Community Survey Results and Direction on Potential November 2024 Arts & Culture Ballot Measure
From: City Manager
Recommendation:
1. Receive the presentation of the results of the community survey; and
2. Provide direction to staff on whether to prepare final language for City Council approval or decide not to place the measure on the November 2024 ballot.
Financial Implications: None at this time
Contact: Anne Cardwell, City Manager's Office, (510) 981-7000
Action: 4 speakers. M/S/C (Arreguin/Taplin) to direct staff not to pursue a ballot measure regarding the arts for the November 5, 2024 election.
Vote: All Ayes.

Action: M/S/C (Arreguin/Tregub) to accept revised materials from Mayor Arreguin on Item 6.d.
Vote: All Ayes.

Public Comment on Item 6 – 27 speakers.

6a. Ballot Measure – Tax Measure to Reauthorize the General Tax on the Distribution of Sugar-Sweetened Beverage Products
From: City Attorney
Recommendation:
1. Adopt a Resolution placing the attached measure reauthorizing the general tax on the distribution of sugar-sweetened beverages on the ballot for the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications:
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: M/S/C (Arreguin/Hahn) to:
1. Adopt Resolution No. 71,464–N.S. placing the attached measure reauthorizing the general tax on the distribution of sugar-sweetened beverages on the ballot for the November 5, 2024 General Municipal Election, amended to include new wording for the ballot question as follows.

Shall the measure to remove the current January 1, 2027 expiration date and extend until ended by voters the general tax on the distribution of sugary drinks and sweeteners, paid by distributors at the rate of 1¢ per fluid ounce, previously approved by voters in 2014, with exceptions for small retailers, milk products, and baby formula, raising approximately $1,150,000 per year for general government use, be adopted?

2. Designated Mayor Arreguin, Councilmember Hahn, and Councilmember Lunaparra to submit ballot measure arguments on behalf of the City Council.
Vote: All Ayes.

Action Calendar

6b. Ballot Measure – Tax Measure to Fund Berkeley Public Library Operations and Services
From: City Attorney
Recommendation:
1. Adopt a Resolution placing the attached special parcel tax measure for library operations and services on the ballot for the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950, Tess Mayer, Library, (510) 981-6100
Action: M/S/C (Arreguin/Wengraf) to:
1. Adopt Resolution No. 71,465–N.S. placing the attached special parcel tax measure for library operations and services on the ballot for the November 5, 2024 General Municipal Election.
2. Designated Councilmember Hahn to file ballot measure arguments on behalf of the City Council
Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to designate Councilmembers Hahn and Bartlett to file ballot measure arguments on the library tax on behalf of the City Council.
Vote: All Ayes.

6c. Ballot Measure – Increasing the Parks, Trees and Landscaping Maintenance Tax
From: City Attorney
Recommendation:
1. Adopt a Resolution placing the attached measure to increase the parks, trees and landscaping maintenance tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950, LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: M/S/C (Taplin/Lunaparra) to:
1. Adopt Resolution No. 71,466–N.S. placing the attached measure to increase the parks, trees and landscaping maintenance tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designated Councilmembers Hahn, Taplin, and Humbert to file ballot measure arguments on behalf of the City Council.
Vote: All Ayes.

Action Calendar

6d. Ballot Measure Amending Chapter 7.52 of the Berkeley Municipal Code to Increase and Extend the General Real Property Transfer Tax
From: City Attorney
Recommendation:
1. Adopt a Resolution placing the attached measure to increase and extend the City's Real Property Transfer Tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950, LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: M/S/C (Arreguin/Hahn) to:
1. Adopt Resolution No. 71,467–N.S. as written in revised materials submitted by Mayor Arreguin including revised ballot measure text in Exhibit A placing the measure to increase and extend the City's Real Property Transfer Tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designated Mayor Arreguin and Councilmembers Hahn, Tregub, and Bartlett to file ballot measure arguments on behalf of the City Council.
Vote: All Ayes.

7. Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot
From: Councilmember Lunaparra (Author)
Recommendation:
1. Refer to staff to write a resolution submitting the Berkeley Tenant Protection and Right to Organize Act to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: 0 speakers. M/S/C (Arreguin/Hahn) to continue Item 7 to the special meeting on August 5, 2024 including revised material in Supplemental Communications Packet #2 from Councilmember Lunaparra.
Vote: All Ayes.

Action Calendar

8. Alternative Ballot Measure to Large Buildings Fossil Fuel Emissions Tax Ballot Initiative
From: Councilmember Tregub (Author)
Recommendation:
Adopt a Resolution to place on the ballot an alternative measure to the initiative-submitted Fossil Fuel Emission Tax Ballot Measure for Large Buildings. This alternative measure was crafted with input from various stakeholders, including labor, environmental organizations, and the small business and nonprofit community.
-OR-
Direct staff to provide analysis, by the August 5, 2024, Special Meeting of the Berkeley City Council, of placing on the ballot a companion measure to the above-referenced initiative-submitted Fossil Fuel Emission Tax Ballot Measure, and to recommend alternative actions to mitigate certain unintended consequences of the initiative should it be adopted by Berkeley voters.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: 12 speakers. M/S/Failed (Tregub/Lunaparra) to adopt the revised recommendation in Supplemental Communications Packet #2 from Councilmember Tregub to develop an alternate ballot measure.
Vote: Ayes – Tregub, Hahn, Lunaparra; Noes – Kesarwani, Taplin, Bartlett, Wengraf, Humbert; Abstain – Arreguin.

Information Reports

9. Analysis and Response to Questions regarding Two Pavement/Sidewalk-Related Voter Initiatives on the November 5, 2024 Ballot
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Received and filed.

10. Section 9212 Report: Large Buildings Fossil Fuel Emissions Tax
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

11. Analysis and Response regarding the Aerosols Requirements of the "Healthy City Buildings" Voter Initiative on the November 5, 2024 Ballot
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Received and filed.

Adjournment

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

Adjourned at 7:27 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 30, 2024.

_____
Mark Numainville, City Clerk

Communications

Item 3. Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger
1. Tom Parrish, on behalf of Berkeley Repertory Theatre

Item 5. Community Survey Results and Direction on Potential November 2024 Arts & Culture Ballot Measure
2. Civic Arts Commission

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #3: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger *(Continued from July 9, 2024) (Item contains revised material)*
3. Maria Schell Hassid on behalf of the David Brower Center
4. Daniel Tahara
5. Ric O'Connell
6. Lyanne Mendez on behalf of David Clark on behalf of Sutter Health
7. Esme Danko on behalf of Gen Yasuda and Diane Yasuda, Berkeley Bowl Owners

Item #6d: Ballot Measure Amending Chapter 7.52 of the Berkeley Municipal Code to Increase and Extend the General Real Property Transfer Tax
8. Supplemental agenda material submitted by Councilmember Hahn

Item #7: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot
9. Revised agenda material submitted by Councilmember Lunaparra
10. Biel Delgado Trabal
11. Evan Mills
12. Rosina Keren
13. Rex Brooks
14. Michael Parman

15. Jean Sanchirico
16. Robin Kibby
17. Bhima Sheridan
18. Labi Rabiu
19. Phoebe Thomas (Sorgen)
20. Molly Miller
21. Kathleen Castillo
22. Negeene Mosaed (2)
23. Gail Martin
24. Julia Cato
25. Alfred Twu
26. Lynn Cooper
27. Leslie Firestone
28. Willia Bogert
29. Lisa Teague
30. Lisa Camasi

Item #8: Alternative Ballot Measure to Large Buildings Fossil Fuel Emissions Tax Ballot Initiative

31. Revised agenda material submitted by Councilmember Tregub

Supplemental Communications and Reports 3

Item #1: Initiative Petition – Ordinance Creating a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks and Pedestrian Paths (Fix the Streets & Sidewalks) *(Continued from July 9, 2024)*

32. David Lerman
33. Pamela Michaud

Item #3: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger *(Continued from July 9, 2024) (Item contains revised material)*

34. Emily Winston (2)
35. John Caner
36. Mary Lins
37. Rebecca Franke
38. Barry Braden
39. Jessica Trauner
40. Mark Rhoades
41. Susan Sunstein
42. Ken Goldenberg
43. Beth Roessner
44. David Lerman
45. Barbara Gilbert (2)

Item #5: Community Survey Results and Direction on Potential November 2024 Arts & Culture Ballot Measure

46. Presentation submitted by David Mermin and Nikolai Schweber on behalf of Lake Research Partners

Item #6b: Ballot Measure – Tax Measure to Fund Berkeley Public Library Operations and Services

47. Presentation submitted by Tess Mayer
48. Tess Mayer
49. Pamela Michaud

Item #6d: Ballot Measure Amending Chapter 7.52 of the Berkeley Municipal Code to Increase and Extend the General Real Property Transfer Tax

50. Supplemental agenda material submitted by Mayor Arreguin
51. Lucy Armentrout
52. Andrea Gordon
53. Julie Guifoy
54. Pamela Michaud
55. Peter Hosemann
56. David Lerman
57. Lucia Hammond
58. Kristina McLaughlan
59. Jeff DeMartini

Item #7: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot

60. Molly Miller
61. Susan Beaty
62. Ira Serkes (2)
63. Phil Allen
64. Dan McDunn
65. Gregory Kalkanis
66. Cindy Girvani Leerer
67. Summer Brenner
68. Max Smith
69. Debbie Woods
70. Sara Sebahar
71. J. Mejia
72. Mark Tarses (2)
73. Cate Leger
74. Roger Hallsten
75. Cris Benton
76. Toni Mester (2)
77. Carole Rotblatt
78. Alison Simon
79. Rafael Jaime
80. Debbie S.
81. Jil Geller
82. Jason Kaminsky
83. Claudia Benton
84. Sam Goldman
85. Karla Simmons (2)
86. Gale G.
87. Mary Lai
88. Mackinzie Farnell
89. Isobel Schneider
90. Brad Hirn
91. Margot R. Lederer

92. Alicia Moore
93. Sue Britson
94. Mike Perlmutter
95. Poala Laverde
96. Susan Andres
97. Barbara Abrams and Gary Root
98. Alex Levy
99. John J. Parman
100. John and Nancy Woo (2)
101. Sam Smith
102. Monica Rohrer
103. Yash Narvaneni
104. Clare Woakes
105. Elizabeth Hubbell
106. Laura Tepper
107. Bahman Ahmadi
108. Kevin Rose-Williams
109. Kristin Richerson
110. Kathie Hardy
111. Susan Payne
112. Shira Shopov
113. The Berkeley Tenants Union Steering Committee
114. Allyson Noman
115. Pamela Michaud
116. Hope DeMarco
117. Marguerite Talley
118. Julieta Pisani McCarthy (2)

Item #8: Alternative Ballot Measure to Large Buildings Fossil Fuel Emissions Tax Ballot Initiative

119. Jocelyn Goldsmith- De Sana
120. Beth Roessner

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, July 30, 2024
6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1611538218. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 153 8218**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 7:53 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Tregub

Councilmember Tregub present at 7:55 p.m.

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

The City Auditor presented the Fiscal Year 2025 Audit Plan.

City Manager Comments:

The Interim City Manager noted several upcoming community events including National Night Out (8/6) at McGee Avenue and the Marina; Roller-skate Party (8/15) at Grove Park; Movies in the Park showing Teenage Mutant Ninja Turtles at Cedar Rose Park (8/16).

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Tregub) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Appointment of Director of Health, Housing and Community Services.
Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled McGee Avenue Baptist Church: Funding for McGee Avenue Baptist Church in partnership with City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds.
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 16 speakers.

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

Consent Calendar – Continued Business

A. Municipal Code Amendments for Measure KK Compliance and Updated Settlement Authority *(Continued from July 23, 2024)*
From: City Attorney
Recommendation: Adopt second reading of Ordinance No. 7,929-N.S. amending Chapter 2.56 and Sections 2.36.040, 4.04.100, 4.04.110, and 7.12.020 of the Municipal Code to conform to Section 113 of the City Charter (Measure KK), and to increase the City Attorney's authority to settle claims up to $50,000.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,929–N.S.

B. Lease Agreement: Youth Musical Theater Company for the properties at 2925 and 2945 Bolivar Drive, Aquatic Park *(Continued from July 23, 2024)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,930-N.S. authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's properties at 2925 and 2945 Bolivar Drive in Aquatic Park for a term of ten years, anticipated to begin September 1, 2024 and ending August 31, 2034, with one five-year option.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted second reading of Ordinance No. 7,930–N.S.

C. Lease for Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street *(Continued from July 23, 2024)*
From: Director of Police Accountability
Recommendation: Adopt second reading of Ordinance No. 7,931-N.S. authorizing the City Manager to execute a ten-year lease agreement with The Shamszad Family Living Trust for the property located at 1900 Addison Street, Suites 300 and 350, with a lease term beginning on September 1, 2024.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950
Action: Adopted second reading of Ordinance No. 7,931–N.S.

Consent Calendar

Urgent Item: Appointment of Director of Health, Housing and Community Services
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Scott Gilman as the Director of Health, Housing and Community Services to be effective August 4, 2024 at an annual salary of $272,685.09.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,468–N.S.

Urgent Item: McGee Avenue Baptist Church: Funding for McGee Avenue Baptist Church in partnership with City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to McGee Avenue Baptist Church to fund operational resources for McGee Avenue Baptist Church in partnership with the City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: See report.
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 71,469–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Lunaparra - $200; Councilmember Tregub - $250; Councilmember Humbert - $250; Councilmember Wengraf - $250; Councilmember Taplin - $250.

1. **Minutes for Approval**
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of June 3, 2024 (closed), June 4, 2024 (regular), June 14, 2024 (special), June 24, 2024 (closed), and June 25, 2024 (specials and regular).
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, (510) 981-6900
   Action: Approved the minutes as submitted.

Consent Calendar

2. Contract No. 32400082 Amendment: The Wright Institute for Mental Health Counseling for Older Adults
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32400082 with The Wright Institute increasing the contract by $200,000 for the provision of mental health counseling services to older adults in the Berkeley community, in a total amount not to exceed $500,000. The new contract end date will be June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,470–N.S.

3. Filling Human Welfare and Community Action Commission Public Sector Vacancies
From: City Manager
Recommendation:
1. Adopt a Resolution confirming the appointments of up to three public sector commissioners to the Human Welfare and Community Action Commission (HWCAC), having been approved by the Health, Life Enrichment, Equity & Community Policy Committee at their July meeting.
2. Adopt a Resolution appointing Catherine Huchting, Mary Behm-Steinberg, and George Lippman to the HWCAC as private sector representatives.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,471–N.S. (Public Sector) and Resolution No. 71,472–N.S. (Private Sector) with the appointees included in the revised materials in Supplemental Communications Packet #2 from the City Manager.

4. Establish Classification and Salary – Public Health Investigator
From: City Manager
Recommendation: Establish the job class specification and salary of Public Health Investigator with an hourly salary range of $35.5512 - $43.2127.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,473–N.S.

5. Establish Classification and Salary – Assistant Fire Inspector
From: City Manager
Recommendation: Establish the job class specification and salary of Assistant Fire Inspector with an hourly salary range of $36.8038 - $44.7352.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,474–N.S.

Consent Calendar

6. Establish Classification and Salary – Veterinarian
From: City Manager
Recommendation: Establish the job class specification and salary of Veterinarian with an hourly salary range of $71.5295 - $86.9445.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,475–N.S.

7. Contract 10549C Amendment: Tyler Technologies Enterprise Resource Planning System for Ongoing Software Licensing, Maintenance Services, Implementation and Consulting Services, and Disaster Recovery Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10549C with Tyler Technologies for software licensing, maintenance services, implementation, consulting services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed $1,000,000 and a total contract value not to exceed $5,705,342.68 from April 1, 2017 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - $1,000,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,476–N.S.

8. Contract 31900042 Amendment: CivicPlus On-Line Recreation Reservation System
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. for on-line recreation reservation system services to increase the contract amount by $37,000, for a total not-to-exceed contract amount of $153,756.
Financial Implications: Genereal Fund - $37,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,477–N.S.

9. Lot Line Adjustments at 1401 Carleton Street and 1423 Ward Street
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve main dwelling encroachments at the City's Santa Fe Trackbed to Park Conversion Project Site.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted first reading of Ordinance No. 7,932–N.S. Second reading scheduled for September 10, 2024.

Consent Calendar

10. Lease Agreement: Youth Musical Theater Company for the Live Oak Theater at 1301 Shattuck Ave
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's Live Oak Theater at 1301 Shattuck Avenue for a term of three years, anticipated to begin September 1, 2024 and ending August 31, 2027, with one five-year option.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted first reading of Ordinance No. 7,933–N.S. Second reading scheduled for September 10, 2024.

11. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP) Acceptance
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the CTFGP grant and enter into the resultant grant agreement and any amendments, with the California Highway Patrol. This grant is for $111,716.80 for the period of July 1, 2024 through June 30, 2025.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,478–N.S.

12. Purchase Order: National Auto Fleet Group for Prisoner Transport Vehicle Body Assembly Upgrade
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorize the City Manager to execute a purchase order for one Prisoner Transport Vehicle Body Assembly Upgrade with National Auto Fleet Group in an amount not to exceed $340,000.
Financial Implications: Various Funds - $340,000
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,479–N.S.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Lunaparra.

Consent Calendar

13. Purchase Order: Turf Star, Inc. for Go-4 Parking Enforcement Vehicles
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorize the City Manager to execute a purchase order for Go-4 Parking Enforcement Vehicles with Turf Star, Inc. in an amount not to exceed $400,000.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,480–N.S.

14. Referral to Develop Curb Management Plan *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee)*
From: Environment and Climate Commission
Recommendation: Refer to the City Manager to fund and develop a Curb Management Plan.
Policy Committee Recommendation: To send the item to Council with a positive recommendation, and that the item be taken up when additional funding for streets and infrastructure is approved and/or during the next budget process.
Financial Implications: See report
Contact: Sarah Moore, Commission Secretary, (510) 981-7400
Action: Approved item as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.

Council Consent Items

15. Referral to City Manager: Ashby BART Area Enhanced Infrastructure Finance District (EIFD) Analysis
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer to the City Manager and City Attorney to return to Council with an analysis and recommended actions to initiate an Enhanced Infrastructure Finance District (EIFD) encompassing the Ashby BART station area, and consider:
1. Earmarked provisions of an EIFD to finance specific infrastructure and community development investments in an effort to actualize improvements to a Southern Plaza and greater Adeline Corridor adjacent to the West Lot, including benefits supporting impacted communities;
2. A preliminary analysis on additional, non-contiguous EIFD catchment areas that extend beyond the BART development sites; and
3. An EIFD Financial Plan that determines the funding potential of such a district or districts, including the total amount of tax revenue that could be generated through property taxes, transfer taxes, sales taxes, and other revenue, for associated infrastructure and public works improvements. These improvements may include, but are not limited to a Black Arts and Cultural District and associated facilities, and Berkeley Flea Market facilities.
Refer to the November 2024 AAO1 process up to $100,000 for a) engaging a consultant to collaborate with the City Attorney, Planning and Finance Departments to prepare an EIFD Financial Plan, b) to initiate and conduct a community engagement process, and c) to establish an ad-hoc steering committee to guide this work consisting of residents, community-based organizations, the Planning Department, the Office of Economic Development, Civic Arts, and leaders involved in Equitable Black Berkeley work and the development of the Black Arts and Cultural District.
Financial Implications: General Fund - $100,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation as revised in Supplemental Communications Packet #2 from Mayor Arreguin.

16. Supporting the "Renewing Immigration Provisions of the Immigration Act of 1929 or "Registry Bill" (HR 1511 & SB2606)
From: Councilmember Lunaparra (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution Supporting the "Renewing Immigration Provisions of the Immigration Act of 1929 or "Registry Bill" (HR 1511 & SB2606) and endorsing the Northern California Coalition for Just Immigration Reform's "Three-Day Walk for a Path to Citizenship" from San Jose to San Francisco on August 17-19, 2024.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Councilmember Humbert added as a co-sponsor. Adopted Resolution No. 71,481–N.S.

Council Consent Items

17. Berkeley Student Cooperative (BSC): Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Lunaparra (Author), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute, to the Berkeley Student Cooperative (BSC) for the repair of the glass skylights above Casa Zimbabwe (CZ) with funds relinquished to the City's general fund for this purpose.
Financial Implications: Councilmember's Discretionary Funds - $500
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 71,482–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - $300; Councilmember Tregub - $250; Councilmember Humbert - $250; Councilmember Wengraf - $500; Councilmember Bartlett - $250; Councilmember Taplin - $250; Mayor Arreguin - $500.

Action Calendar – New Business

18. Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by January 2025 and at least annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Environmental Health Division. Recommendations include developing a plan to improve inspection coverage and response to alleged foodborne illness complaints, tracking program spending, taking steps to address staffing needs, and implementing placarding once the Division stabilizes. The Division agreed or partially agreed to our findings and recommendations. Please see our report for their complete response and the auditor's response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: 7 speakers. M/S/C (Arreguin/Taplin) to approve the recommendation with a revision to schedule the report back for December 2024.
Vote: All Ayes.

Action Calendar – Public Hearings

19. ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution either:
A. Upholding the appeal and reversing the Zoning Adjustment Board (ZAB) decision, thereby approving Administrative Use Permit #ZP2023-0031 to change the use of three tenant spaces (9,750 square feet) from Media Production to Research and Development resulting in a total of 29,303 square feet of Research and Development space and to create six to nine tenant spaces, in a seven-story building on a 114,998 square-foot lot;
-OR-
B. Denying the appeal and affirming the Zoning Adjustment Board (ZAB) decision, thereby denying Administrative Use Permit #ZP2023-0031 to change the use of three tenant spaces (9,750 square feet) from Media Production to Research and Development resulting in a total of 29,303 square feet of Research and Development space and to create six to nine tenant spaces, in a seven-story building on a 114,998 square-foot lot.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Vice-Mayor opened the public hearing. 19 speakers.

Action: M/S/C (Hahn/Lunaparra) to suspend the rules and extend the meeting to 11:15 p.m.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

Action: M/S/C (Tregub/Humbert) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

M/S/C (Kesarwani/Humbert) to close the public hearing.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

Action: M/S/C (Kesarwani/Humbert) to adopt Resolution No. 71,483–N.S. upholding the appeal and reversing the Zoning Adjustment Board (ZAB) decision, thereby approving Administrative Use Permit #ZP2023-0031.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

Information Reports

20. City Auditor Fiscal Year 2025 Audit Plan
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed, including materials in Supplemental Communications Packet #2 from City Auditor.

Adjournment

Action: M/S/C (Wengraf/Kesarwani) to suspend the rules and adjourn the meeting.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin, Arreguin.

Adjourned at 11:19 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on July 30, 2024.

_____
Mark Numainville, City Clerk

Communications

Item #18: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets
1. David Lerman
2. Eric
3. Riti
4. Esther Brass-Chorin

City Senior Services to Councilmember Newsletters
5. Darlene Bronson on behalf of Margot Smith, Chair, Commission on Aging

Golden Gate Fields
6. Carole Marasovic, Chair, Commission on the Status of Women

UA Theater
7. Laura Linden
8. Lynn Sherrell
9. 29 Similarly worded form letters

Shipping Containers at 2556 Haste St.
10. 4 Similarly worded form letters

Aurora Theater
11. Olga Paredes
12. Eliron Hamburger

Harrison St. Concerns
13. Craig Nagasawa

Vandalism
14. Negeene Mosaed

A Request for When Making Statements
15. Josh

Lorin Commercial District
16. Teresa Clarke

Cal Sailing Club
17. Debbie Perkins

Notice of Street Closure
18. Ted Burton

Rise Gallery Walk at BCC
19. Adriana Betti

Wage Concern
20. Eric Cavallari

UC Anti-Labor Actions
21. Rafael Jaime on behalf of 48,000 UAW academic workers of the University of California

Storm Water
22. Maxwell Davis on behalf of the Sierra Club

Visit Berkeley
23. Jeffrey Church

Towing Concern
24. Charles Race

Terra Outdoor Proposal
25. Chantal Pearson

Newsletter

26. Vivian Warkentin

Middle East Conflict
27. Erwan Illian

URLs
28. Russbumper (9)
29. Erwan Illian (2)

Supplemental Communications and Reports 1

Item 19: ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031
30. Karen Davis

Urgent Item: Appointment of Director of Health, Housing and Community Services
31. Urgent Item submitted by Human Resources Department

Supplemental Communications and Reports 2

Item #3: Filling Human Welfare and Community Action Commission Public Sector Vacancies
32. Supplemental agenda material submitted by Health, Housing, and Community Services Department

Item #15: Referral to City Manager: Ashby BART Area Enhanced Infrastructure Finance District (EIFD) Analysis
33. Supplemental agenda material submitted by Mayor Jesse Arreguin

Item #18: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets
34. Supplemental agenda material submitted by City Auditor
35. City of Berkeley Business Owner and former resident

Item #19: ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031
36. Gael Alcock
37. Summer Brenner

Item #20: City Auditor Fiscal Year 2025 Audit Plan
38. Supplemental agenda material submitted by City Auditor

Supplemental Communications and Reports 3

Item #19: ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031
30. Presentation submitted by Planning Department
31. Presentation submitted by Chris Barlow on behalf of Wareham Development
32. Debbie S.
33. Jeffrey Zerwekh
34. Leo Balestri
35. Susanna Porte

Miscellaneous Communications

36. Eid

Urgent Item

Urgent Item: McGee Avenue Baptist Church: Funding for McGee Avenue Baptist Church in partnership with City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

37. Submitted by Councilmember Bartlett

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

Monday, August 5, 2024
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - İSKELE, 48. SK. NO:12, 48900 DATÇA/MUĞLA, TURKEY

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: https://cityofberkeley-info.zoomgov.com/j/1600382759. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 038 2759**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 6:11 p.m.

Present: Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin

Absent: Kesarwani, Taplin, Wengraf

Councilmember Kesarwani present at 6:17 p.m.

Action Calendar

1a. Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot *(Continued from July 30, 2024) (Item contains revised material)*
From: Councilmember Lunaparra (Author)
Recommendation:
1. Adopt a Resolution submitting the Tenant Protection and Right to Organize Act to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: See action in Item 1b.

Action Calendar

1b. Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot
From: Mayor Arreguin (Author), Councilmember Hahn (Author)
Recommendation:
1. Adopt a Resolution submitting the Tenant Protection and Right to Organize Act as amended by Council and including a reservation of funding for Housing Retention to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150

Recess 9:13 p.m. – 9:33 p.m.

Action: M/S/Carried (Humbert/Kesarwani) to amend the main motion to change the cap in Section 13.76.110.A. from 3% to 5%.
Vote: Ayes – Kesarwani, Tregub, Hahn, Humbert, Arreguin; Noes – Bartlett, Lunaparra; Abstain – None; Absent – Taplin, Wengraf.

Action: M/S/Failed (Humbert/Kesarwani) to amend the main motion to change the provisions for the 3-day notice to one month of the most recent lawful periodic rent in Section 13.76.130.A.1.
Vote: Ayes – Kesarwani, Hahn, Humbert; Noes – Bartlett, Tregub, Lunaparra; Abstain – Arreguin; Absent – Taplin, Wengraf.

Action: 95 speakers. M/S/Carried (Arreguin/Lunaparra) to:
1. Adopt Resolution No. 71,484–N.S. to approve Item 1b. adopting a resolution submitting the Tenant Protection and Right to Organize Act as amended by Council and including a reservation of funding for Housing Retention to a vote of the people at the November 5, 2024 General Municipal Election. Further amendments in the text of the measure accepted for Section 13.76.050.B.3 to add language originally proposed in Councilmember Lunaparra's version, for Section 13.76.100.E. regarding Utilities, and for Section 13.76.110.A regarding the rent increase cap. Council directs the City Clerk and City Attorney to make non-substantive corrections to the text and the ballot question as needed.
2. Designated Mayor Arreguin, Councilmember Lunaparra, and Councilmember Tregub file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Vote: Ayes – Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – None; Abstain – Kesarwani, Humbert; Absent – Taplin, Wengraf.

Adjournment

Action: M/S/C (Arreguin/Hahn) to adjourn the meeting.
Vote: Ayes – Kesarwani, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Taplin, Wengraf.

Adjourned at 10:29 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on August 5, 2024.

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1a: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot *(Continued from July 30, 2024) (Item contains revised material)*

Item #1b: Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot

1. Peter Fisher
2. Stephanie McCoy
3. Peg Bogle
4. Alfred Twu
5. Jeanne Clinton
6. Diana Bohn
7. Bryce Nesbitt
8. Karl Knobler
9. Katherine Wolf
10. Yuko Fukami
11. Adelaide Jenkins
12. Bernard Marszalek
13. Russ Greene
14. Cece Littlepage
15. Fran Haselsteiner
16. Lynn Sherrell (4)
17. Elizabeth Snowden and Charles P. Smith
18. Mykael Moss (2)
19. John Lopez
20. Sylvia
21. Charles Benton

22. John J. Parman
23. Nicholas Lavrov
24. Molly Miller
25. Gail Martin
26. Ann Hoyer
27. Marguerite Talley
28. Paula Morgan
29. Gael Alcock
30. Ira Serkes
31. Fredda Cassidy
32. Kathleen Castillo
33. Gary E. Davis
34. Scott and Katie Hambly (2)
35. Deborah Machta
36. David Keith
37. Andrea Yankowski
38. Jo Ann Driscoll
39. Jean Sanchirico
40. Gale Garcia
41. Leanne Kurtz
42. Vincent Casalaina
43. Jennifer Johnston
44. Jim and Clarence
45. Laura Bixby
46. Scott Page
47. Roger Hallsten
48. Patrick Kehoe
49. Michael O'Heaney
50. Nancy Schimmel
51. 6 Similarly worded form letters
52. 65 Similarly worded form letters

Supplemental Communications and Reports 3

Item #1a: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot *(Continued from July 30, 2024) (Item contains revised material)*

Item #1b: Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot

53. Phoebe Thomas Sorgen
54. Jeanne Schuman
55. Hope DeMarco (2)
56. Rinaldo Pelegrino
57. Dan Lieberman
58. Betsy Morris
59. Raul Delarosa
60. Max Smith
61. Celia Karian
62. Elizabeth Kowal
63. Julieta Pisani McCarthy
64. Juliana Whitten
65. Steve Tracy

66. Anida Weyl
67. Alice Green
68. Dan McDunn (5)
69. Andrew Jeffries and Ellen McDonald
70. Virginia Browning
71. Jeannie Llewellyn
72. Brie Johnson Fulton
73. Kathy Snowden
74. Sam Smith
75. Geoff Lomax
76. Paula Aiello (2)
77. Joel Millar
78. Eugene Turitz
79. Chirag Patel
80. Deirdre Nurre
81. 19 Similarly worded form letters
82. Bryce Nesbitt

Miscellaneous Communications

83. Eid

06

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Contract: FileTrail, Inc. for Records Management Software System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with FileTrail, Inc. for $178,653.47 for software licensing, maintenance, and related services for a records management software system, for a total contract amount not to exceed $178,653.47 and for the term from September 26, 2024 to September 26, 2029.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract will be available in the City Clerk's Department Fiscal Year 2025 General Fund and have been allocated in budget code 011-32-313-000-0000-000-411-613130. Allocations of funds for subsequent years will be subject to adoption of the Annual Appropriations Ordinance for that fiscal year.

CURRENT SITUATION AND ITS EFFECTS

The City has over 14,000 boxes of physical records in storage and the FileTrail, Inc. box tracking system is paramount to tracking this inventory of these boxes. The City must upgrade to Version 5 of FileTrail because the current Version 4 of FileTrail is no longer supported. In addition, Version 5 has new features that allow FileTrail to integrate directly with the software at the storage facility. This integration will save staff time and result in cost efficiencies and faster retrieval of records. The additional cost for Version 5 is essential in order to maintain citywide records. The FileTrail system allows users to view contents, request, and return offsite box inventory with ease for department needs and the fulfillment of public records requests. FileTrail is also used to assign the mandated retention period for city records in accordance with the Records Retention Schedule and provides for the orderly maintenance and disposition of city records.

The contract will add funds and extend the term of the contract with FileTrail, Inc. for an additional five years. This action is presented to Council as a new contract and not a contract amendment in order to convert the legacy FileTrail contract in FUND$ to a new contract in ERMA. This will result in contract management efficiencies by only tracking and managing the contract in one system (ERMA).

BACKGROUND

On November 26, 2013, the City issued a Request for Proposals (RFP) No. 14-10809-C for ECMS / AGENDA / RECORDS MANAGEMENT. The City received fifteen responses to the RFP and FileTrail Inc. was selected as the box tracking vendor after a comprehensive evaluation process. In July 2014, the City entered into contract No. 9691 with FileTrail, Inc. for box tracking at offsite storage. On July 9, 2019 Council authorized a contract amendment to increase the contract amount an additional $44,163 and extend the term to June 30, 2024. The FileTrail system has increased the efficiency of administering the Records Management Program in all City departments.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Continuing the contract with FileTrail Inc. has several opportunities associated with environmental sustainability. FileTrail is a web-based digital platform that requires no printed materials. All documents uploaded to the system are stored and can be viewed digitally.

RATIONALE FOR RECOMMENDATION

Records Management Software and its annual maintenance is required to ensure a continued successful Citywide Records Management Program.

ALTERNATIVE ACTIONS CONSIDERED

As FileTrail, Inc. is the current box tracking software, and has provided excellent service at a competitive price, other alternatives were not considered.

CONTACT PERSON

Mark Numainville, City Clerk, City Clerk Department, 981-6909

Attachment:
1: Resolution

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

CONTRACT: FILETRAIL, INC. FOR RECORDS MANAGEMENT SOFTWARE SYSTEM

WHEREAS, the City Clerk Department is responsible for the Citywide Records Management program and box tracking software system; and

WHEREAS, in 2014, the City issued Request for Proposal No. 14-10809-C for a records management box tracking software system and a panel of staff selected FileTrail, Inc. based on their ability to meet the selection criteria, resulting in the execution of Contract No. 9691 with FileTrail, Inc.; and on July 9, 2019 Council authorized a contract amendment to increase the contract amount an additional $44,163 and extend the term to June 30, 2024.; and

WHEREAS, FileTrail Inc. continues to provide the City with a high level of customer service and competitive pricing; and

WHEREAS, funds totaling $178,653.47 for this contract have been allocated in the General Fund, budget code 011-32-313-000-0000-000-411-613130.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with FileTrail, Inc. for software licensing, maintenance, and related services for a records management software system, for a total contract amount not to exceed $178,653.47 for the term from September 26, 2024 to September 26, 2029.

07

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted By: Mark Numainville, City Clerk

Subject: Voting Delegates – League of California Cities Annual Conference

RECOMMENDATION
Designate, by motion, a voting delegate and alternate for the General Assembly of the Annual League of California Cities conference to be held on Friday, October 18, 2024, in Long Beach.

FISCAL IMPACTS OF RECOMMENDATION
Conference fees of approximately $700 for the full conference or $350 for a one-day pass.

BACKGROUND
Cal Cities laws allow for any official of a member city, with the approval of the city council, to be designated the city's voting delegate or alternate at the annual General Assembly meeting.

As designated in Resolution No. 71,392-N.S. Councilmember Taplin is the City's representative for the League and Councilmember Humbert is the alternate.

This year's conference is being held in Long Beach from Wednesday, October 16 through Friday, October 18, 2024. Each city is allowed to cast one vote on matters pertaining to Cal Cities policy. The voting delegate or alternate must be registered for the conference.

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

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments
1: Voting Delegate Information

Attachment 1

LEAGUE OF CALIFORNIA CITIES

Council Action Advised by September 25, 2024

DATE: Wednesday, July 10, 2024

TO: Mayors, Council Members, City Clerks, and City Managers

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Oct. 16-18, 2024
Long Beach Convention Center

Every year, the League of California Cities convenes a member-driven General Assembly at the Cal Cities Annual Conference and Expo. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Oct. 18, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Following council action, please submit your city's delegates through the online submission portal by Wed., Sept. 25. When completing the Voting Delegate submission form, you will be asked to attest that council action was taken. You will need to be signed in to your My Cal Cities account when submitting the form.

Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the Cal Cities website.

LEAGUE OF CALIFORNIA CITIES

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Please view Cal Cities' event and meeting policy in advance of the conference.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the Long Beach Convention Center in Long Beach, will be open at the following times: Wednesday, Oct. 16, 8:00 a.m.-6:00 p.m. and Thursday, Oct. 17, 7:30 a.m.-4:00 p.m. On Friday, Oct. 18, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for submitting your voting delegate and alternates by Wednesday, Sept. 25. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Information Sheet: Cal Cities Resolutions and the General Assembly

LEAGUE OF CALIFORNIA CITIES

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.

2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.

6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

7. **Resolving Disputes**. In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.

LEAGUE OF CALIFORNIA CITIES

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure Cal Cities represents cities with one voice. These policies directly guide Cal Cities' advocacy to promote local decision-making, and lobby against statewide policies that erode local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how resolutions and the General Assembly work.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved[1] by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go to the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.[2]

General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, and policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates —one from every member city.

Seven **policy committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, and municipal department, as well as individuals appointed by the Cal Cities president.

[1] The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.
[2] Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).

For more information visit www.calcities.org/general-assembly

Office of the City Manager

08

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted By: Mark Numainville, City Clerk

Subject: City Council Rules of Procedure and Order Revisions

RECOMMENDATION

Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify and reorganize existing language, make technical corrections related to account for hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add revisions recommended by the Open Government Commission and approved by Council; Add new language and update existing language related to the legislative process recommended by the Agenda & Rules Committee; and rescinding any preceding amendatory resolutions.

POLICY COMMITTEE RECOMMENDATION

On August 26, 2024, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the proposed amendments to the Rules of Procedure, as discussed and further amended on August 26, 2024, to the City Council with a positive recommendation. Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – Wengraf.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

This review and update of the Rules of Procedure was precipitated several factors, 1) the end of the state-declared emergency and the return to in-person meetings in the hybrid format; 2) approval of the Open Government Commission (OGC) recommendations by Council on May 7, 2024; and 3) the legislative redesign process that has been discussed for several years by the full Council and at the Agenda & Rules Committee. In addition, all defined terms have been capitalized for consistency.

During the review, other technical corrections and updates were identified that will keep the Rules of Procedure current and effective. The updates are shown in track changes with explanatory comments in Attachment 2. The primary categories of updates are noted below.

- Add new amendments to the legislative process related to “Major Items” submitted by Councilmembers, the authority of the Agenda & Rules Committee with regards to items submitted by the Mayor and Council, and process improvements for policy committees.

- Incorporate the recommendations from the OGC that Council adopted on May 7, 2024 related to public comments, consideration of consent calendar items, and meeting/agenda management.

- Modify the noticing procedures for ad hoc committees to align with the rules in the Brown Act, and for consistency with City boards and commissions.

- Update the legislative process rules to account for the new Charter Offices of City Attorney and Director of Police Accountability, and properly account for the role of the Auditor in the process.

- Update public comment procedures to account for speakers participating both remotely and in-person under the hybrid meeting model.

- Remove Appendix C, specific to all-remote pandemic meetings, and incorporate certain successful provisions into the main body regarding moving items to the Action Calendar, public comments, and Council debate procedures.

BACKGROUND

The City Council Rules of Procedure and Order governs the duties of the Council, the conduct of meetings, the agenda, procedural matters and facilities. The rules have been amended as necessary over time to improve the function of the legislative process and the conduct of City Council meetings.

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 changes to the Rules are intended to keep the document current and directly applicable to Council meeting format and procedure.

ALTERNATIVE ACTIONS CONSIDERED

The Council may adopt all, some, or none of the proposed amendments.

CONTACT PERSON

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

Attachments:
1: Resolution
    Exhibit A: City Council Rules of Procedure and Order
2: Track Changes Version - City Council Rules of Procedure and Order

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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order attached hereto as Exhibit A shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure.

BE IT FURTHER RESOLVED that this update is to clarify and reorganize existing language, make technical corrections related to hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add certain new provisions approved by Council; and make changes related to improvements in the legislative process.

BE IT FURTHER RESOLVED that all preceding amendatory resolutions are hereby rescinded.

Exhibit A: City Council Rules of Procedure and Order

Exhibit A

The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. ##,###–N.S.

Effective [Date]

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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting Conduct of Business

The Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard.

Three or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

A public hearing that is not expected to be lengthy may be placed on the Agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council’s regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the Agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

E. Adjournment

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council Agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council

recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the Agenda of the meeting and posted in accordance with Section III.E.2. Exceptions to this rule are limited to circumstances listed in Section III.E.4.b and items continued from a previous meeting and published on a revised Agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney-client communication concerning a litigation matter. Council Agenda Items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

   Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council Agenda; or (2) after the item has been placed on a Council Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda.

2. “Author” means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.

3. “Primary Author” means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.

4. “Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be Co-Sponsors of the Council Agenda Item.

5. "Agenda" means the compilation of the descriptive titles of Agenda Items submitted to the City Clerk, arranged in the sequence established in Section III.F hereof.

6. "Packet" means the Agenda plus all of its corresponding Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

    a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

    b) A crippling disaster, which severely impairs public health, safety or both exists.

    c) Notice of the Council's proposed consideration of any such Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. “Continued Business” means Items carried over from a prior Agenda of a meeting occurring 11 or fewer days earlier.

9. "Old Business" means Items carried over from a prior Agenda of a meeting occurring more than 11 days earlier.

10. “Charter Officer” means the City Manager, City Attorney, and the Director of Police Accountability.

11. “Major Item” means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.

12. “Regular Item” means any Agenda Item not classified as a Major Item.

C. Standards for Agenda Items

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

    i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

    ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

    iii. Recommendation of the report’s author that describes the action to be taken on the item, if applicable;

    iv. Fiscal impacts of the recommendation;

    v. A description of the current situation and its effects;

    vi. Background information as needed;

    vii. Rationale for recommendation;

viii. Alternative actions considered;

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards in Section C.2.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

i. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

ii. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

iii. Recommendation

A clear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

iv. Summary Statement/Current Situation and its effects

A short resume of the circumstances that give rise to the need for the recommended actions.

v. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

vi. Review of Existing Plans, Programs, Policies and Laws

Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.

vii. Actions/Alternatives Considered

A listing of solutions/measures that other jurisdictions, advocates, experts, or organizations have studied or adopted to address the same or similar subject matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

viii. Consultation/Outreach Overview and Results

Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.

ix. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

x. Implementation, Administration and Enforcement

A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.

xi. Environmental Sustainability and Climate Impacts

A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

xii. Fiscal Impacts

A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

xiii. Outcomes and Evaluation

A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

xiv. Contact Information

xv. Attachments/Supporting Materials

D. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the Agenda by the Mayor or any Councilmember, the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules

and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee Packet, including a draft Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) Regular Items Authored by the Mayor or a Councilmember.
As to Regular Items authored by the Mayor or a Councilmember, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).

ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).

iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C.1 (Primary Author may decline and request Policy Committee assignment).

iv. Refer the item to a Policy Committee.

v. Schedule the item for the Agenda under consideration or one of the next three regular Council Agendas.

b) Major Items.
The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.

ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.

iii. Schedule the item for the Council Agenda under consideration.

iv. Schedule the item for one of the susequent three Council Agendas or a special meeting.

v. Refer the item to a commission with the consent of the Primary Author.

c) For referrals of Regular Items under Chapter III.D.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or

2) withdraw the item completely; or

3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council Agenda under consideration; or

4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft Agenda for consideration by the Agenda & Rules Committee.

Items being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting Agenda at the time that the revised version is submitted to the City Clerk.

d) Items Authored by Charter Officers and the Auditor.
The Agenda & Rules Committee shall review agenda descriptions of items authored by Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the Charter Officer or the Auditor determines that their item should proceed notwithstanding the Agenda & Rules Committee's recommendation, it will be placed on the Agenda as directed by the Charter Officer or the Auditor. All Charter Officer and Auditor items placed on the Council Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

e) Items Authored by Boards and Commissions.

Agenda Items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendized commission item in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Re-schedule the commission report to appear on one of the next three regular Council meeting Agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.

3. Refer the item to a Policy Committee for review.

4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council Agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph e.i. above.

f) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section F.

2. Removal of Agenda Items from the Legislative Process

A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

3. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.** The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

4. **Submission of Agenda Items.**
   a) **Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the Agenda, Agenda Items from departments, including Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

   b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.

   c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the Author and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by a Charter Officer, the Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

      The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

   d) **Timelines.** The City Clerk may not accept any Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

5. **Submission of Supplemental and Revised Agenda Material.** Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

   a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council

meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation.

b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Council evaluation.

c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 40 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the Agenda Item in order for the material to be considered.

6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an Agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the Agenda by the City Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the Agenda as a

Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the Author to list the facts which support consideration of the item for addition to the Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

7. Scheduling a Presentation.

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

E. Packet Preparation and Posting

1. **Preparation of the Packet.**

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the Packet, which shall include the Agenda plus all its corresponding Agenda Items. No item shall be considered if not included in the Packet, except as provided for in Section III.D.5. and Section III.E.4.

2. **Distribution and Posting of Agenda.**

a) The City Clerk shall post each Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each Agenda of a special meeting at least 24 hours prior to the meeting on the official bulletin

board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each Agenda.

b) The City Clerk shall also post Agendas and annotated Agendas of all City Council meetings and notices of public hearings on the City's website.

c) No later than 11 days prior to a regular meeting, copies of the Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**
The Agenda Packet shall consist of the Agenda and all supporting documents for Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

a) distribute the Agenda Packet to each member of the City Council;

b) post the Agenda Packet to the City's website;

c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and

d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**
a) The City Clerk shall not accept any Agenda Item or revised Agenda Item after the deadlines established.

b) Matters not included on the published Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.7.

- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the Agenda as required by law.

c) Matters listed on the printed Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the Agenda Packet, shall not be discussed or acted upon.

F. Agenda Sequence and Order of Business

The Council Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
    a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.
2. Consent Calendar
3. Action Calendar
    a) Appeals
    b) Public Hearings
    c) Continued Business
    d) Old Business
    e) New Business
4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

Action items may be reordered at the discretion of the Chair.

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

G. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.

2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

H. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All Agenda Items begin with submission to the Agenda & Rules Committee.

Exempt Items
Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Exempt Items are listed below.

a. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
b. Donations from the Mayor and Councilmember District Office Budgets
c. Referrals to the Budget Process that are not related to a Major Item
d. Proclamations
e. Sponsorship of Events
f. Information Reports
g. Presentations from Outside Agencies and Organizations
h. Ceremonial Items
i. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember is classified as an Exempt Item or if the item is subject to Policy Committee review

Major Items
Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council Agenda.

The Agenda & Rules Committee must take action on an item as prescribed in Chapter III.D. at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee

in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

Time Critical Items

A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items that would otherwise be assigned to a Policy Committee, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items that are submitted at a meeting of the Agenda & Rules Committee may go directly on a Council Agenda if determined to be time critical.

2. Council Referrals to Policy Committees

The full Council may refer any Agenda Item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.

c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.

e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee

is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Policy Committees

Committees shall have the following qualities/components:

a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting Agendas will be posted at least 72 hours in advance of the meeting.

b. Minutes shall be available online.

c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.

d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.

e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.

f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.

g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.

j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the Agenda Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item

to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a City board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate City staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the next Council Agenda. Items appearing on a City Council Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Policy Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

I. Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

If any of the items from the former official are not assumed by the Mayor or Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.

- At the first regular meeting of the month, a period of public comment 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.

- Public comment on the Consent and Information Calendars.

- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).

- Public comment on Action items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.

- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

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 on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. **Public Comment on Non-Agenda Matters.**
   Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, 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. Speaker cards are not required for this second round of public comment on non-agenda matters.

   Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

   For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be

entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate.

If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., the meeting shall be automatically extended for up to fifteen minutes to hear public comment on non-agenda items.

2. **Public Comment on Consent Calendar and Information Items.**
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." 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."

   The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.

3. **Public Comment on Action Items.**
After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Consent and Information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

   At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.

   During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking on that item.

4. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council Agenda.

5. Ralph M. Brown Act Pertaining to Public Comments.

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the Agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of Consent Calendar items can be minimized.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council Agenda as individual matters for discussion but will be distributed as part of the Council Agenda Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council Agenda to the Council to be reproduced in the "Communications" section of the Council Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a Consent or Action item for placement on a future Agenda.

Communications related to an item on the Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.D.5.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons

supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak line up at the podium to be recognized or raise their hand on the videoconference platform, to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent Agenda under the Action portion of the Council Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak line up at the podium or raise their hand on the videoconference 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, 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Presiding Officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. **Presiding Officer May Debate.**
   The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. **Getting the Floor - Improper References to be avoided.**
   Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themself to the question under debate.

3. **Interruptions.**
   A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. **Privilege of Closing Debate.**
   The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. **Motion to Reconsider.**
   A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. **Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**
   Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have five minutes each to make initial comments on an Agenda Item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. **Written Communications.**
   Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.

2. **Public Hearings.**
   Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. **Public Comment.**
   Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

VI. FACILITIES

A. Meeting Location Capacity

Attendance at Council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

F. Format of Meetings

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose
To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective
A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission
The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks, Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas, public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Section 2 – General Policy
A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.

B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.

C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.

D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.

E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.

B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.

C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.

D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.

E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.

F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.

B. The honoree has a record of outstanding service to their community.

C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
    1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.

B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
    1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.

C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
    1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination.

D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
    1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.

E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR CITY COUNCILMEMBER/MAYOR MAJOR ITEMS

Requirements for City Councilmember/Mayor Major Items are provided in Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined by the Agenda & Rules Committee.

_____

1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
   - Referral to a Commission or to a Standing or Ad Hoc Council Committee
   - Referral to the budget process
   - Send letter of support
   - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
   - Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season,

hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
    - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
    - What solutions/measures are recommended by **advocates, experts, organizations**?
    - What is the range of actions considered, and what are some of their major pros and cons?
    - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
    - Review/list external and internal stakeholders that were consulted
        - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
        - **Internal**: staff who would implement policies, the City Manager and/or Deputy CM, Department Heads, City Attorney, City Clerk, etc.
    - What reports, articles, books, websites and other materials were consulted?
    - What was learned from these sources?
    - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

    A clear and concise statement as to whether the item proposes actions that:
    - Conform to, clarify or extend existing Plans, Programs, Policies and Laws
    - Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
    - Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
    - Create an exception to existing Plans, Programs, Policies and Laws
    - Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

    Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. **Implementation, Administration and Enforcement**

    Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability and Climate Impacts

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Attachment 2

The Berkeley City Council
Rules of Procedure and Order

Adopted by Resolution No. ~~71,174~~##,### –N.S.

Effective ~~January 22, 2024~~[Date]

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-6900 ● TDD: (510) 981-6903 ● Fax: (510) 981-6901
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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting Conduct of Business

The ~~agenda~~Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F.~~following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public.~~ Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard.~~ with the consent of Council.~~

Commented [NML1]: Eliminates redundancy within the document. Chapter III.F. is more detailed.

Commented [NML2]: Per Council action on 5/7/24.

Three ~~(3)~~ or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

Commented [NML3]: Process moved here from Appendix C

~~and, w~~With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Commented [NML4]: Per Council action on 5/7/24.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

~~Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.~~

A public hearing that is not expected to be lengthy may be placed on the ~~agenda~~Agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the ~~agenda~~Agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

Commented [NML5]: Per Council action on 5/7/24.

E. Adjournment

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council ~~agenda~~Agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

~~Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items~~

Commented [NML6]: Ad hoc committees are not legislative bodies under the Brown Act. These requirements have been repealed for commissions and need to be repealed for the Council for consistency.

~~but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.~~

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

~~Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.~~

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the ~~agenda~~Agenda of the meeting and posted in accordance with Section III.E~~D~~.2. Exceptions to this rule are limited to circumstances listed in Section III.E~~D~~.4.b and items continued from a previous meeting and published on a revised ~~agenda~~Agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the ~~agenda~~Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, ~~the City Manager~~a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from ~~the City Manager~~a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the ~~agenda~~Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney~~-~~-client communication concerning a litigation matter. Council Aagenda Iitems are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

   Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added ~~in the following manner:~~ by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council ~~agenda~~Agenda; or (2) after the item has been placed on a Council ~~agenda~~Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda~~. for action.~~

   - ~~In the original item as submitted by the Primary Author~~
   - ~~In a revised item submitted by the Primary Author at the Agenda & Rules Committee~~
   - ~~By verbal request of the Primary Author at the Agenda & Rules Committee~~
   - ~~In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2~~
   - ~~By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered~~

2. ~~Agenda items shall contain all relevant documentation, including the information listed below:~~

   a) ~~A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;~~

Commented [NML7]: Per discussion at Agenda & Rules on 7/8/24; replaces text immediately below

Commented [NML8]: Moved to C. below

~~b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~

~~c) Recommendation of the report's Primary Author that describes the action to be taken on the item, if applicable;~~

~~d) Fiscal impacts of the recommendation;~~

~~e) A description of the current situation and its effects;~~

~~f) Background information as needed;~~

~~g) Rationale for recommendation;~~

~~h) Alternative actions considered;~~

~~i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);~~

~~j) Person or persons to contact for further information, with telephone number;~~

~~k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B - Guidelines for Developing and Writing Council Agenda Items.~~

2. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.

3. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.

4. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be ~~co-sponsor~~Co-Sponsors of the Ccouncil ~~agenda item~~Agenda Item.

5. "Agenda" means the compilation of the descriptive titles of Aagenda ~~i~~items submitted to the City Clerk, arranged in the sequence established in Section III.F~~E~~ hereof.

6. "Packet" means the ~~agenda~~Agenda plus all of its corresponding ~~agenda item~~Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

b) A crippling disaster, which severely impairs public health, safety or both exists.

b)c) –Notice of the Council's proposed consideration of any such ~~emergency matter~~Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. "Continued Business" means Items carried over from a prior ~~agenda~~Agenda of a meeting occurring ~~less than~~ 11 or fewer days earlier.

9. "Old Business" means Items carried over from a prior ~~agenda~~Agenda of a meeting occurring more than 11 days earlier.

10. "Charter Officer" means the City Manager, City Attorney, and the Director of Police Accountability.

11. "Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.

9.12. "Regular Item" means any Agenda Item not classified as a Major Item.

Commented [NML9]: Per discussion at Agenda & Rules on 7/8/24

C. Standards for Agenda ~~i~~Items

Commented [NML10]: Moved here from above

1. ~~Agenda item~~Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

iii. Recommendation of the report's ~~Primary A~~author that describes the action to be taken on the item, if applicable;

iv. Fiscal impacts of the recommendation;

v. A description of the current situation and its effects;

vi. Background information as needed;

vii. Rationale for recommendation;

viii. Alternative actions considered;

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards ~~at~~in Section C.~~(~~2~~)~~.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

Commented [NML11]: Moved here from Appendix B

i. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

ii. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

iii. Recommendation

A c~~C~~lear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

iv. Summary Statement/Current Situation and its effects

A short resume of the circumstances that give rise to the need for the recommended actions.

v. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

vi. Review of Existing Plans, Programs, Policies and Laws

Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.

vii. Actions/Alternatives Considered

A listing of solutions/measures that other jurisdictions, ~~or~~ advocates, experts, or organizations have studied or adopted to address the same or similar subject

matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

viii. Consultation/Outreach Overview and Results

Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.

ix. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

x. Implementation, Administration and Enforcement

A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.

xi. Environmental Sustainability and Climate Impacts

A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

xii. Fiscal Impacts

A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

xiii. Outcomes and Evaluation

A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

xiv. Contact Information

xv. Attachments/Supporting Materials

D. Procedure for Bringing Matters Before City Council

1. **Persons Who Can Place Matters on the Agenda.**
   Matters may be placed on the ~~agenda~~Agenda by the Mayor or any Councilmember, ~~the City Manager,~~ the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the ~~agenda~~Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee ~~packet~~Packet, including a draft ~~agenda~~Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission ~~reports~~ shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) **Regular Items Authored by the Mayor, or a Councilmember~~, or the Auditor~~.**

Commented [NML12]: Auditor moved to paragraph (c) below with the consent of the Auditor

As to ~~item~~Regular Items authored by the Mayor, or a Councilmember~~, or the Auditor~~, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).

ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).

iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C~~B~~.1~~2~~ (Primary Author may decline and request Policy Committee assignment).

iv. Refer the item to a Policy Committee.

v. Schedule the item for the ~~agenda~~Agenda under consideration or one of the next three ~~full~~regular Council ~~agenda~~Agendas.

b) Major Items ~~Authored by the Mayor, a Councilmember, or the Auditor.~~

Commented [NML13]: Per discussion at Agenda & Rules on 7/8/24 to create a process for the new category of "Major Items"

The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

~~vi.~~i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.

ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.

iii. Schedule the item for the Council Agenda under consideration.

iv. Schedule the item for one of the susequent three Council Agendas or a special meeting.

v. Refer the item to a commission with the consent of the Primary Author.

c) For referrals of Regular Items under Chapter III.D~~C~~.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or

2) withdraw~~pull~~ the item completely; or

3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council ~~agenda~~Agenda under consideration; or

4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.~~C~~D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft ~~agenda~~Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft ~~agenda~~Agenda for consideration by the Agenda & Rules Committee.

Items ~~held~~ being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting ~~agenda~~Agenda at the time that the revised version is submitted to the City Clerk.

~~c)~~**d) Items Authored by ~~the City Manager~~Charter Officers and the Auditor.**

The Agenda & Rules Committee shall review agenda descriptions of items authored by ~~the City Manager~~Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the ~~City Manager~~Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1~~B.2~~, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the ~~City Manager~~Charter Officer or the Auditor determines that their item ~~matter~~ should proceed notwithstanding the Agenda & Rules Committee's recommendation~~action~~, it will be placed on the ~~agenda~~Agenda as directed by the ~~Manager~~Charter Officer or the Auditor. All Charter Officer and Auditor ~~City Manager~~items placed on the Council ~~agenda~~Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

d)e) **Items Authored by Boards and Commissions.**

Agenda ItemsCouncil items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendized commission itemreport in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendaAgendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.

3. Refer the item to a Policy Committee for review.

4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council agendaAgenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph ec.i. above.

f) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section FE.

2. Removal of Agenda Items from the Legislative Process

A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

Commented [NML14]: Per discussion at Agenda & Rules on 7/8/24

2.3. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

3.4. **Submission of Agenda Items.**

a) **~~City Manager~~Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the ~~agenda~~Agenda, ~~agenda item~~Agenda Items from departments, including ~~agenda item~~Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and ~~City~~ Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.

c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the Author~~sponsor~~ and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by ~~the City Manager~~a Charter Officer, the Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published ~~agenda~~Agenda.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

d) **Timelines.** The City Clerk may not accept any ~~agenda item~~Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring ~~less than~~ 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4.5. **Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an ~~agenda item~~Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public~~citizen~~ review or City Councilmember evaluation.

b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public~~citizen~~ review or City Council evaluation.

c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of ~~42~~40 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for public~~citizen~~ review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the ~~agenda item~~Agenda Item in order for the material to be considered.

Commented [NML15]: For web posting so that virtual attendees have access

~~5.~~6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an ~~agenda~~Agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the ~~agenda~~Agenda by the City

Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the ~~agenda~~Agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the ~~author~~Author to list the facts which support consideration of the item for addition to the ~~agenda~~Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the ~~agenda~~Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the ~~agenda~~Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the ~~agenda~~Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

6.7. **Scheduling a Presentation.**
Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

E. Packet Preparation and Posting

1. **Preparation of the Packet.**
Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the ~~packet~~Packet, which shall include the ~~agenda~~Agenda plus all its corresponding ~~agenda item~~Agenda Items. No item shall be considered if not included in the ~~packet~~Packet, except as provided for in Section III.D.5.~~C.4~~ and Section III.~~D~~E.4.

2. **Distribution and Posting of Agenda.**

a) The City Clerk shall post each ~~agenda~~Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each ~~agenda~~Agenda of a special meeting at least 24 hours prior to~~in advance of~~ the meeting ~~in~~on the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each ~~agenda~~Agenda.

b) The City Clerk shall also post ~~agenda~~Agendas and annotated ~~agenda~~Agendas of all City Council meetings and notices of public hearings on the City's website.

c) No later than 11 days prior to a regular meeting, copies of the ~~agenda~~Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**
The Agenda Packet shall consist of the Agenda and all supporting documents for ~~agenda item~~Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

a) distribute the Agenda Packet to each member of the City Council;

b) post the Agenda Packet to the City's website;

c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and

d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**
a) The City Clerk shall not accept any ~~agenda item~~Agenda Item or revised ~~agenda item~~Agenda Item after the deadlines established.

b) Matters not included on the published ~~agenda~~Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.78.

- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the ~~agenda~~Agenda as required by law.

c) Matters listed on the printed ~~agenda~~Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the ~~agenda~~Agenda ~~packet~~Packet, shall not be discussed or acted upon.

~~E.~~F. Agenda Sequence and Order of Business

The Council ~~agenda~~Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
    a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.

~~1.~~2. Consent Calendar

~~2.~~3. Action Calendar
    a) Appeals
    b) Public Hearings
    c) Continued Business
    d) Old Business
    e) New Business

~~3.~~4. Information Reports

~~4.~~5. Non-Agenda Public Comment

~~5.~~6. Adjournment

~~6.~~7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

~~F.~~G. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.

2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session

Commented [NML16]: Per discussionn at Agenda & Rules on 7/8/24 – for clarity.

meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.

4. Duplication of the contents of a binder by any means is prohibited.

5. Confidential materials shall be retained in the binders for at least two years.

6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

~~G.~~H. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All ~~agenda item~~Agenda Items begin with submission to the Agenda & Rules Committee.

~~Full Council~~Exempt Items ~~Track~~

Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the ~~agenda~~Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of ~~Full Council Track~~Exempt Iitems are listed below.

a. ~~Items submitted by the City Manager and City Auditor~~
b. ~~Items submitted by Boards and Commissions~~
c. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
~~d. Position Letters and/or Resolutions of Support/Opposition~~
~~e.~~d. Donations from the Mayor and Councilmember District Office Budgets
~~f.~~e. Referrals to the Budget Process that are not related to a Major Item
~~g.~~f. Proclamations
~~h.~~g. Sponsorship of Events
~~i.~~h. Information Reports
~~j.~~i. Presentations from Outside Agencies and Organizations
~~k.~~j. Ceremonial Items
~~l.~~k. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember ~~falls under a Full Council~~ is classified as an Exempt Item ~~Track exception or if it will be processed as a Policy Committee~~ or if the item is subject to Policy Committee review ~~Track item.~~

~~Policy Committee Track~~ Major Items ~~Track~~

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council ~~agenda~~Agenda.

The Agenda & Rules Committee must ~~refer an~~take action on an item as prescribed in Chapter III.D. ~~to a Policy Committee~~ at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee in the form of a notice that a budget referral is under

Commented [NML17]: Changes in this section are primarly related to the new definitaiton of Major Items and Regular Items as well as the amended process for the Agenda & Rules Committee in Chapter III.D.

Commented [NML18]: This is already covered in Chapter III.D.1.c.

Commented [NML19]: This is not covered in Chapter III.D.1.d.

Commented [NML20]: No change in process, just reworded with new terms

consideration at another Committee, and one other Policy Committee for subject matter review.

~~For a Major Item Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the Council Aagenda currently under consideration, 2) one of the next subsequent three full Council Agendas for a Regular Meeting of the City Council (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.~~

Commented [NML21]: These actions are now enshrined in Chapter III.D.1.b.

Time Critical ~~Track~~Items

A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published ~~agenda~~Agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items ~~submitted on the Full Council Track deadlines,~~ that would otherwise be assigned to a ~~the~~ Policy Committee ~~Track~~, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items ~~on the Full Council Track or Policy Committee Track~~ that are submitted at a meeting of the Agenda & Rules Committee may go directly on a C~~c~~ouncil ~~agenda~~Agenda if determined to be time critical.

2. Council Referrals to Policy Committees

The full Council may refer any ~~agenda item~~Agenda Item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.

c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's

discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.

e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Policy Committees

Committees shall have the following qualities/components:

a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting ~~agenda~~Agendas will be posted at least 72 hours in advance of the meeting.
b. Minutes shall be available online.
c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2~~B.2~~ of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the ~~agenda~~Agenda ~~packet~~Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a C~~c~~ity board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate C~~c~~ity staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the next Council ~~agenda~~Agenda. Items appearing on a City Council ~~agenda~~Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council ~~agenda~~Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their ~~agenda~~Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the following Council ~~agenda~~Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.~~Only items that receive a Positive Recommendation can be placed on the Consent Calendar.~~

Commented [NML22]: Per discussion at Agenda & Rules on 7/8/24 to allow for more discretion to place items returning from committee on Consent

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Policy Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

I. Agenda Items Authored by Former Mayors and Councilmembers

Commented [NML23]: New policy based on discussion at Agenda & Rules on 7/8/24

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

If any of the items from the former official are not assumed by the Mayor or any Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

Commented [NML24]: From discussion at Agenda & Rules on 8/26/24

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- At the first regular meeting of the month, a period of public comment 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.
- Public comment on the Consent and Information Calendars.
- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).
- Public comment on Aaction items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

If ten or fewer persons are interested in speaking on an individual Actionagenda Iitem, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item 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.

Commented [NML25]: Moved here as these rules are intended to cover all types of public comments

Commented [NML26]: Stated above, no need to repeat.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.~~section, below.~~

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

Commented [NML27]: From Appendix C

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Commented [NML28]: From Appendix C

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. Public Comment on Non-Agenda Matters.

Commented [NML29]: This section moved here to mirror the order of business on the agenda

Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected ~~by lottery~~ to address matters not on the Council A~~a~~genda. If five or fewer persons ~~submit speaker cards for the lottery~~are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons ~~submit speaker cards for the lottery, up to ten persons will be~~are selected to address matters not on the Council ~~agenda~~Agenda, ~~and~~ each person selected will be allotted one minute each.

In-person attendees~~Persons~~ wishing to address the Council on matters not on the Council ~~agenda~~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.~~commencement of that meeting.~~ 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.

Commented [NML30]: Revised to account for hybrid meetings.

Commented [NML31]: Per discussion at Agenda & Rules on 7/8/24 to facilitate public participation

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the ~~agenda~~Agenda. Speaker cards are not required for this second round of public comment on non-agenda matters. Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. ~~by subject~~. The Presiding Officer will generally request that persons wishing to speak, line up at

Commented [NML32]: Per discussion at Agenda & Rules on 7/8/24 – not current or even recent practice

the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate. ~~given the number of speakers.~~

~~Pursuant~~ ~~to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m.~~ If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., ~~it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event,~~ the meeting shall be automatically extended for up to fifteen ~~(15)~~ minutes ~~for~~to hear public comment on non-agenda items.

Commented [NML33]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML34]: Language is simplified and removed repition from other sections.

2. **Public Comment on Consent Calendar and Information Items.**
The Council will first determine whether to move items on the ~~agenda~~Agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items 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."

   The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.

3. Public Comment on Action Items.

After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Cconsent and iInformation items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to ~~the public may comment on each remaining item listed on the agenda for action. Public comment will occur for each Action item—excluding~~ public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.~~—in separate but consecutive public comment periods before the Action Calendar is discussed by Council and staff and as the item is taken up. The Presiding Officer will open and close the public comment period for each Action Item, and each period will occur based on the order of the items on the agenda, or based on the discretion of the Presiding Officer.~~

Commented [NML35]: Per discussion at Agenda & Rules Committee this is a re-working of the previous language adopted by Council in 2023.

During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking onat that item.~~time.~~

~~If ten or fewer persons are interested in speaking on an individual Action Item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item 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.~~

~~This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.~~

4. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

Commented [NML36]: Clarification based on BMC language

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council ~~agenda~~Agenda.

~~**5. Public Comment on Non-Agenda Matters.**~~

Commented [NML37]: Moved above

~~Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons 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 commencement of that meeting.~~

~~The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.~~

~~Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.~~

~~For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.~~

~~Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.~~

6. **Ralph M. Brown Act Pertaining to Public Comments.**
   The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the ~~agenda~~Agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting ~~agenda~~Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers~~City Manager~~ deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of ~~c~~Consent ~~c~~Calendar items can be minimized.

~~Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.~~

Commented [NML38]: Moved to Chapter II.D.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The ~~agenda~~Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council ~~agenda~~Agenda as individual matters for discussion but will be distributed as part of the Council ~~agenda~~Agenda ~~packet~~Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the ~~agenda~~Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council ~~agenda~~Agenda to the Council to be reproduced in the "Communications" section of the Council ~~packet~~Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a ~~c~~Consent or ~~a~~Action item for placement on a future ~~agenda~~Agenda.

Communications related to an item on the ~~agenda~~Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.D~~C~~.5~~4~~.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a

Commented [NML39]: Codifies long-standing practice

public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak~~,~~ line up at the podium to be recognized or raise their hand on the videoconference platform,~~and~~ to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent ~~agenda~~Agenda under the Action portion of the Council ~~agenda~~Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak~~,~~ line up at the podium or raise their hand on the videoconference 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, 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Ppresiding Oofficer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. **Presiding Officer May Debate.**
   The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. **Getting the Floor - Improper References to be avoided.**
   Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themself to the question under debate.

3. **Interruptions.**
   A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. **Privilege of Closing Debate.**
   The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. **Motion to Reconsider.**
   A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. **Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**
   Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have five~~two~~ minutes each to make initial comments on an ~~agenda item~~Agenda Item., ~~except for the author of an agenda item who will have five minutes to initially present the item.~~ After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

~~1. Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:~~

~~a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or~~

~~b) If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.~~

~~2. The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.~~

~~3. In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.~~

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may

Commented [NML40]: Per Council direction on 5/7/24

Commented [NML41]: Per discussion at Agenda & Rules on 7/8/24 – eliminates redundancy in this paragraph.

Commented [NML42]: This obsolete "20-minute rule" language is replaced with the language immediately above from Appendix C

be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. **Written Communications.**
   Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.~~C.4.~~

2. **Public Hearings.**
   Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. **Public Comment.**
   Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

VI. FACILITIES

A. Meeting Location Capacity

Attendance at Ccouncil meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

F. Format of Meetings

Commented [NML43]: Per Council direction on 5/7/24

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose
To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective
A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission
The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks~~,~~ ~~and~~ Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas~~,~~ ~~and~~ public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure ~~Public Works~~ Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

~~Waterfront Commission – Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.~~

Commented [NML44]: Moved above due to commission consolidation

Section 2 – General Policy
A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities
When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an

established park), or, the renaming of an existing public facility the following criteria shall be applied:

A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
B. The honoree has a record of outstanding service to their community
C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
    1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
    1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
    1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination

D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
    1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR ~~DEVELOPING AND WRITING~~ CITY COUNCIL~~MEMBER~~/~~MAYOR MAJOR~~ ~~AGENDA~~ ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~

~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
~~d. Fiscal impacts of the recommendation;~~
~~e. A description of the current situation and its effects;~~
~~f. Background information as needed;~~
~~g. Rationale for recommendation;~~
~~h. Alternative actions considered;~~
~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Commented [NML45]: Eliminated here – redundant with text in the body of the ROP

~~Guidelines for City Council Items:~~ Requirements for City Council~~member~~/Mayor Major Items are provided in ~~Section [XXX]~~Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in ~~the~~ preparation of fully researched and documented items that are likely to be ~~eligible to move forward in the legislative process as determined deemed complete~~ by the Agenda ~~and~~& Rules Committee~~. in [process].~~

~~1. Title~~
~~2. Consent/Action/Information Calendar~~
~~3. Recommendation~~
~~4. Summary Statement/Current situation and its effects~~
~~5. Background~~
~~6. Review of Existing Plans, Programs, Policies and Laws~~
~~7. Actions/Alternatives Considered~~
~~8. Consultation/Outreach Overview and Results~~
~~9. Rationale for Recommendation~~
~~10. Implementation, Administration and Enforcement~~
~~11. Environmental Sustainability~~
~~12. Fiscal Impacts~~
~~13. Outcomes and Evaluation~~
~~14. Contact Information~~
~~15. Attachments/Supporting Materials~~

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1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
   - Referral to a Commission or to a Standing or Ad Hoc Council Committee
   - Referral to the budget process

- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**
   A full discussion of the history, circumstances and concerns to be addressed by the item.
   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**
   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:
   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:
   - The General Plan

- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or ~~d~~Deputy CM, Department Heads, City Attorney, City Clerk, etc.
   - What reports, articles, books, websites and other materials were consulted?
   - What was learned from these sources?
   - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:
- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws

- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. **Implementation, Administration and Enforcement**
    Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. **Environmental Sustainability and Climate Impacts**
    Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. **Fiscal Impacts**
    Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. **Outcomes and Evaluation**
    State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. **Contact Information**

15. **Attachments/Supporting Materials**

APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY

Commented [NML46]: Relevant portions have been moved to the body of the document.

Mayor and Councilmember Speaking Time on Agenda Items

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

Procedure for Pulling Items from Consent or Information Calendar

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

Public Comment Speaking Time

Commented [NML47]: Relevant portions have been moved to the body for the Rules of Procedure.

With the exception of prescribed times in the Rules of Procedure for public hearings and public comment by employee unions, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the

Commented [NML48]: This paragraph is only applicable to virtual-only meetings, which are currently not permitted under the Brown Act.

~~meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.~~

Office of the City Manager

09

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 10, 2024

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 **$5,960,000**

PROJECT	Fund	Source	Amount
Early Intervention System Platform	011	Prof. Services – Misc.	$100,000
City of Berkeley: Public Art Strategic Plan	148	Cultural Trst	$110,000
Berkeley-based Food Assistance	011	Prof. Services – Misc.	$200,000
PW Engineering On-Call Handrail Services	501	Prof. Services – Misc	$150,000
FY 2024 Storm Drain Improvements	616	CAP – Infr- Storm Drain	$1,500,000
Police Vehicle Supplies/Materials and Installation Services	671	CAP – FA - Vehicles	$900,000
FY 2025 Curb Ramp Improvement Project	130 134 501	CAP – Infr. – Roadway/Streets CAP – Infr .– Roadway/Streets Prof. Services – Misc	$3,000,000
Total:			**$ 5,960,000**

CURRENT SITUATION AND ITS EFFECTS

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

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1) Early Intervention System Platform
2) City of Berkeley: Public Art Strategic Plan
3) Berkeley-based Food Assistance
4) PW Engineering On-Call Handrail Service
5) FY 2024 Storm Drain Improvements
6) Police Vehicle Supplies/Materials and Installation Services
7) FY 2025 Curb Ramp Improvement Project

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
25-11673-C	Early Intervention System Platform	Sept. 12, 2024	Oct. 3, 2024	Web-based platform subscription service for identifying off-track officer behavior.	$100,000/year	011-71-701-801-0000-000-421-6511110	Police	Chuck Gunter, Fiscal Services Manager, 510-981-5976 -- Arlo Malmberg, Project Manager, 510-981-5747
DEPT. TOTAL					**$ 100,000**			
25-11674-C	City of Berkeley: Public Art Strategic Plan	September 16, 2024	November 1, 2024	Contract with Consultant for administrative guidelines and policy updates to determine prioritization of public art programming and allocations of funds.	**$ 110,000**	148	CMO/OED	Mark Salinas 510.981.7538
DEPT. TOTAL					**$ 110,000**			
25-11675-C	Berkeley-based Food Assistance	8/12/2024	9/3/2024	Support for Berkeley-based non-profit food assistance providers to serve food insecure households	**$ 200,000**	011-51-505-540-0000-000-444-612990-	HHCS/Aging Services Division	Tanya Bustamante 981-5178
DEPT. TOTAL					**$ 200,000**			
25-11676-C	PW Engineering On-Call Handrail Services	September 11, 2024	October 2, 2024	On-call services to fabricate and install handrails at various locations throughout the City.	$150,000 over 2 years	501-54-623-674-0000-000-431-612990 as needed and available	Public Works - Engineering	Srinivas Muktevi 981-6402 Terrence Salonga 981-6447
25-11677-C	FY 2024 Storm Drain Improvements	9/11/2024	10/8/2024	Project to repair storm drain infrastructure and mitigate localized flooding at several locations throughout the City.	**$1,500,000 Includes 20% contingency**	616-54-623-675-3016-000-473-665120-PWENSD2401 (to be project budgeted from listed account)	Public Works - Engineering	Ricardo Salcedo 981-6407 Srinivas Muktevi 981-6402
25-11678-C	Police Vehicle Supplies/Materials and Installation Services	9/1/2024	10/1/2024	Police vehicle supplies/materials and installation services including specialized lights, interior components, and electronics for 20 Police vehicles.	**NTE $900,000.00 over two years**	671-54-626-723-0000-000-473-664120	Public Works	Greg Ellington: 510-981-6469 Don Colbert: 510-981-6467
25-11679-C	FY 2025 Curb Ramp Improvement Project	September 12, 2024	October 10, 2024	Improve existing curb ramps.	**$ 3,000,000**	130-54-623-673-0000-000-431-665110-PWENST2501 ($750,000) 134-54-623-674-0000-000-431-665110-PWENST2501 ($55,500) 501-54-623-673-0000-000-431-665110-PWENST2501 ($2,194,500)	Public Works - Engineering	Srinivas Muktevi 981-6402 Terrence Salonga 981-6447
DEPT. TOTAL					**$ 5,550,000**			
TOTAL					**$ 5,960,000**			

10

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services Department

Subject: Mental Health Services Act Fiscal Year 2025 Annual Update

RECOMMENDATION

Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2025 Annual Update, which identifies uses of funds for mental health programming, and forwarding the Annual Update to appropriate State officials.

SUMMARY

California MHSA revenues are allocated to mental health jurisdictions across the state on an annual basis to transform the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, collaborative with community partners, and inclusive of integrated services. MHSA includes five defined funding components: Community Services and Supports; Prevention and Early Intervention; Innovations; Workforce, Education & Training; and Capital Facilities Technological Needs.

The City utilizes MHSA funds to address the various needs of the residents of Berkeley. Some of the highlights of MHSA programming have included: A reduction in psychiatric inpatient hospital and/or incarceration days for severely mentally ill clients; a decrease in the number of days severely mentally ill clients spent homeless; step down to a lower level of care for some clients; services and supports for family members; Wellness Center services; consumer driven wellness recovery activities; housing, and benefits advocacy services and supports for clients; augmented prevention and intervention services for children and youth in the schools and community; increased outreach, and supportive services for Transition Age Youth, Adults and Older Adults and individuals in unserved, underserved and inappropriately served cultural and ethnic populations; and free access for a limited time to the MyStrength and HeadSpace Mental Health Apps for anyone who lives, works or goes to school in Berkeley.

Additionally, an outcome of the implementation of the MHSA is that mental health consumers, family members and other stakeholders now regularly serve on several of Mental Health Division's internal decision-making committees. These individuals share their "lived experience" and provide valuable input which has become an integral

component that informs the Mental Health Division on the implementation of MHSA services and supports. In order to utilize MHSA funds, stakeholder informed MHSA Three Year Program and Expenditure Plans and Annual Updates are required to be developed and locally approved.

The Mental Health Division will create one additional Annual Update for Fiscal Year 2026, under the current MHSA regulations, prior to Fiscal Year 2027 when the Proposition 1, Behavioral Health Services Act, guidelines and regulations will become applicable for Three Year Plans and Annual Updates.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the MHSA Fiscal Year 2025 Annual Update enables funding for MHSA programs and services. The City of Berkeley receives funding from MHSA revenues (Fund 315, the Mental Health Services Act) on a monthly basis from the State of California. The total MHSA funding amount the city will receive in any given year is unknown until the end of the year. Therefore, MHSA Three Year Plans and Annual Updates must approximate revenues and expenditures for each year. This Annual Update includes the following estimated revenue and expenditures in each MHSA component:

2025			
MHSA FUNDING COMPONENT	Estimated Unspent Funds	Estimated New Funding	Estimated Expenditures
Community Services & Supports	$13,247,388	$6,414,353	$8,608,952 ($208,654 transfer to WET)
Prevention & Early Intervention	$4,154,447	$1,603,588	$2,165,302
Innovations	$2,413,336	$421,997	$600,000
Workforce Education & Training	$0	$208,654 (Transfer from CSS)	$208,654
Capital Facilities & Technological Needs	$0	$0	$0
TOTALS	$19,815,171	$8,648,592	$11,582,908

The budget provides estimated revenue and expenditures for this Annual Update. The Division obtains financial projections from the state on the amount of MHSA revenue to be allocated in a given year. Financial projections for this Fiscal Year 2025 Annual Update reflect an increase in MHSA funds, to what was previously estimated in the approved Fiscal Year 2024-2026 Three Year Plan. $11.7M was allocated in the FY2025 Adopted Budget.

The projected additional revenue in Fiscal Year 2025, and savings from previous years (due to staff vacancies, slower start-ups with new programs, etc.), will assist in providing funding to support MHSA programs and services over the next couple of years should the MHSA fund begin to decrease.

The Division will continue to closely monitor the City of Berkeley MHSA allotments and expenditures to assess whether program changes are needed in the future. Any proposed program changes will be vetted for community input and reflected in the Fiscal Year 2026 Annual Update.

CURRENT SITUATION AND ITS EFFECTS

The MHSA Fiscal Year 2025 Annual Update provides an update to the City Council approved MHSA Fiscal Years 2024 – 2026 Three Year Program and Expenditure Plan. Informed by area stakeholders, this Annual Update details current mental health programs and services, proposes a few program changes, and includes the state required MHSA Fiscal Year 2023 Prevention and Early Intervention Annual Report and the MHSA Fiscal Year 2023 Innovation Annual Evaluation Report. Per state legislation, MHSA Three Year Plans and Annual Updates must include the following steps: Conducting a community program planning process with the involvement of area stakeholders; writing a draft plan; initiating a 30-day public review on the Draft Plan; and conducting a public hearing at a Mental Health Commission meeting.

This City of Berkeley MHSA Fiscal Year 2025 Annual Update included a community program planning process to obtain input via multiple meetings; drafting a plan; incorporating feedback from the planning process; a 30-day Public Review from June 26 through July 25; and a Public Hearing on the evening of July 25 before the Mental Health Commission.

The Division received public comments on the MHSA Fiscal Year 2025 Annual Update during the Community Program Planning Process which includes the 30-Day Public Review and Public Hearing. All public comments were recorded regardless of topic. Some of the public comments received were regarding programs and services that are not currently funded through MHSA and/or are executed through other City programs or through Community-based organizations. As a result of public comments received during this process, the Division will not be eliminating the funding for the Mental Health Promotion Campaign, and will be utilizing the campaign to educate the community on available services. All input will be utilized to inform future MHSA Plans and Annual Updates.

Outlined in the following categories below are the input and questions received during the Community Input Meetings, 30-Day Public Review, and the Public Hearing:

Children/Youth

- Don't forget funding for services for children.
- Create activities that youth can engage with on their phones that will increase their mental health.
- Figure out how to reach youth online social media to obtain their input into mental health needs in the community.
- Reach out to Berkeley High School to obtain student input into mental health programs.
- Refurbish an abandoned building in South Berkeley to create a safe space for youth to congregate and participate in various activities such as music, arts, sports, job training, etc.

Data and Evaluation

- We see individuals still struggling and don't have any way of judging outcomes and whether the Specialized Care Unit and other mental health services are working or not.
- We need top to bottom evaluations of staff and funded programs that is conducted bi-annually or quarterly, not results based accountability evaluations.
- Program data should be provided in a way that meets accessibility needs for individuals who are disabled, and dispersed to the community on a regular basis so that the disabled community can provide informed input on funded programs.
- Programs shouldn't just be evaluated when they receive funding, but regularly throughout the year by a panel of reviewers that includes individuals who receive the program services.
- Data for all programs should be easily accessible at any point in time to the community.

Housing

- Need licensed Board and Care facilities, and high-quality supportive housing.
- Utilize the Land Trust to increase housing and improve the quality of services.
- Develop more community owned or non-profit owned housing for those highly affected by mental illness so housing can't be sold or go out of business.
- Quality supportive services are necessary in housing for those living with mental illness (residents at two Berkeley housing developments complain about poor maintenance and support services in their buildings).
- Who provides services and oversees staff at hotels?
- You can't put people in Single Room Occupancies (SROs) as they will be traumatized. The bathrooms are locked; there's drug use; the people who work there seem hostile; and there is no monitoring of the facilities.
- People are afraid to complain about bad housing conditions because of the shortage of housing.
- What is the complaint process for hotels?

- In regards to housing community "Block Fund Trust", there needs to be evaluation to the validity of applications. When giving money, there should be a body of City people to evaluate these contractors.
- There needs to be different kinds of housing with different levels of care and have peer support services for individuals experiencing homelessness.
- Address the shortage of housing for people experiencing mental illness and address the traumatized individuals experiencing homelessness by providing stable, welcoming environments.
- There is a need for more affordable housing for veterans.
- All Resources for Community Development (RCD) properties should have supportive services. University Avenue does not have adequate supportive services. Concerned that there is not a plan with RCD on how people will get into housing, and limited to no supportive housing.

Mental Health Services

- Interns dealing with individuals in need are not culturally diverse. Need more community outreach with culturally diverse, trained, skill people.
- Don't separate mental health and substance abuse.
- A meeting with community-based organizations should occur to obtain information on services provided and to ask questions of providers,
- What modes of technology are being used by the Mobile Crisis Team and by clinicians who provide services in the field for individuals who have disabilities to meet their accessibility needs?
- Individuals who are disabled may not know how to access services or even what questions to ask regarding services unless they are being advertised in a way that meets accessibility needs.
- Do Contracts include the requirements for accommodations for individuals with disabilities?
- There is a disconnect between policy makers and the needs in the community. Policy makers need to be out there seeing what is happening.
- What is currently happening at the Berkeley Daytime Drop In Center? It is not running the way it used to, when people got the services they need.
- A fully functioning Drop-In Center is needed for our un-housed neighbors.
- Do the FSP's have 24/7 services?
- Increase high quality outreach and treatment services for those suffering from substance abuse and mental illness.
- Create a public education campaign about the services available in Berkeley so people know where to find them.
- Feel there is a lot of staff turnover at Berkeley Mental Health and I wonder what is going on.
- Individuals who are affected are not engaged in mental health policy and they need to be engaged in the process.

- Don't see any services for white straight males, who are in need and may be suicidal.
- As a white person my mental health issues are not addressed.
- Put more money into the Mobile Wellness Center, there is so much need, we should have a second team.
- The vacancies and freezing of positions in the Mental Health Division is concerning and support should be provided by City Council.
- What is happening with the unspent funds?
- Even if you weren't able to sustain programs long-term a large portion of the unspent forms should be allocated now for programming that will address community mental health needs.
- On what basis are people being declared mentally unstable or unhealthy? How do individual's life experiences and history such as experiences with police, PTSD, economic issues play into an individual's diagnosis? A different way of approaching individuals needs to be developed.
- What can we do in the community to be more visible? People are experiencing stress.
- Berkeley Mental Health programs should hire community people to help individuals get mental health services.
- See so much Mental Health needs in the South Berkeley area.
- Mental Health issues in Berkeley are getting worse.
- There is a need for more program staff on the street in the community to do outreach and to help assess the mental health needs of the community.
- Use funds to create a mental health curriculum for the middle schools.
- Provide lockboxes, porta-potties and dumpsters near Homeless Encampments.
- Convert an empty building in Berkeley into a shower station for homeless individuals.

<u>MHSA FY25 Annual Update Community Input Meetings</u>

- Paper fliers for the meetings should have been posted widely.
- There should be more attendees at the community meetings.

<u>Specialized Care Unit</u>

- What's going on with the Specialized Care Unit (SCU) services, are these services working?
- Is the Berkeley Specialized Care Unit (SCU) phone number publicly posted?
- The City should stencil the Specialized Care Unit's phone number on the sidewalk.
- Make the Specialized Care Unit, SCU (Crisis Services) well-functioning and well publicized.
- My individual experience with the SCU was not good. The SCU program was engaged by a family member who was concerned about me and although the program is not supposed to include the use of Law Enforcement, the Police

> showed up at my door. I was not connected to resources following my release from John George and was released without shoes or a cell phone I had just purchased so I had no way to call my doctor to give permission to release my medical history to a mental healthcare provider. I didn't have a good experience with the FSP either and my trust is shaken.

Additional input on programming unspent funds that was submitted by some of the Friends of Adeline group is outlined in Appendix E Public Comments section of the Annual Update.

After the close of the Public Hearing, the Mental Health Commission passed the following motion:

M/S/C (Prichett, Opton) The Mental Health Commission approves the overall MHSA Annual budget with modifications. The Mental Health Commission recommends that the $600,000 for the Encampment-based Mobile Wellness Center be reconsidered and these funds reallocated to support the needs of the unhoused people. This funding shall be contingent upon a public hearing that includes community input with service users and providers and that a plan be developed for its effective use. The Mental Health Commission also recommends that the Mobile Crisis Team be funded through BDP (Berkeley Police Department) and overseen by the Mental Health Department.

Ayes: Jones, Lunaparra, Prichett, Opton, Turner Noes: None; Abstentions: None; Absent: Krishnan

The Health, Housing and Community Services Department agrees with the recommendation for City Council to approve the MHSA FY25 Annual Update, but does not agree to the modifications to the Annual Update due to the following reasons:

- The Encampment-based Mobile Wellness Center Project and the contract to execute these services has been approved by City Council on numerous occasions through the MHSA Innovations Encampment-based Mobile Wellness Center Project Plan, MHSA FY23 Annual Update, MHSA FY24-26 Three Year Plan, and Encampment-based Mobile Wellness Center Contract with Options Recovery Services;
- This project will be the home for implementing the Council's referral to develop a "Buddy" Pilot Project for mentally ill homeless individuals;
- This project will be one of the primary strategies the City utilizes to support individuals experiencing homelessness;
- The process to develop and approve the Encampment-based Mobile Wellness Center Project included robust feedback, participation, and guidance by members of the public, including by residents who would be receiving its services. Delaying or preventing implementation will further prevent services to this vulnerable population;

- Removing funds from this project would subject some of the associated funding to reversion. Approximately $600,000 the first year and increasing approximately $400,000 for the follow three years, may be subject to reversion by the State, meaning that we must use or lose a portion of these funds now on an approved MHSA project.

BACKGROUND

California voters adopted the Mental Health Services Act (Proposition 63 – MHSA) on November 2, 2004. The Act places a 1% tax on every dollar of personal income over $1 million. MHSA revenues are allocated to mental health jurisdictions across the state to transform the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, collaborative with community partners, and inclusive of integrated services. MHSA includes the following five funding components:

- Community Services and Supports: Primarily for treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children.
- Prevention & Early Intervention: For strategies to prevent mental illnesses from becoming severe and disabling.
- Innovations: For short-term pilot projects designed to increase new learning in the mental health field.
- Workforce, Education & Training: Primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency, and promote the employment of mental health consumers and family members.
- Capital Facilities and Technological Needs: For capital projects on owned buildings and on mental health technology projects.

MHSA also provides funding for local housing development, collaborative programs for suicide prevention, school mental health, programs that combat stigma and discrimination; and training and technical assistance in the areas of cultural competency and prevention/early intervention.

As required by the State, this MHSA Fiscal Year 2025 Annual Update provides an update to the City Council approved MHSA Fiscal Years 2024 – 2026 Three Year Program and Expenditure Plan. Since the inception of MHSA, funds have been utilized to transform the mental health service delivery system to better meet the needs of underserved and inappropriately served communities, among others. This initiative has also provided the opportunity for the City of Berkeley Mental Health Division to further develop and expand the system of care by adding new programs within the division and utilizing non-profit providers in the planning and delivery of comprehensive mental health services.

Past Council Action
Since the inception of the MHSA Program in 2006, Council has taken actions to approve all MHSA Plans and Annual Updates. The most recent actions taken on MHSA Three Year Plans or Annual Updates are as follows:

- December 1, 2020, approval of the MHSA Fiscal Years 2021– 2023 Three Year Program and Expenditure Plan.
- September 14, 2021, approval of the MHSA Fiscal Year 2022 Annual Update.
- July 26, 2022, approval of the MHSA Fiscal Year 2023 Annual Update.
- July 25, 2023, approval of the MHSA Fiscal Years 2024 – 2026 Three Year Program and Expenditure Plan.

Council has also previously approved the initial MHSA component plans, Innovation Plans, the uses of MHSA funding for local housing development projects, and contracts with community-based agencies to implement mental health services and supports, housing and vocational services, and translation services.

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
State legislation requires mental health jurisdictions to create MHSA Three Year Plans and to provide updates on MHSA Plans on an annual basis. The legislation also requires local approval on MHSA Plans and Annual Updates. Approval of this MHSA Fiscal Year 2025 Annual Update will fulfill state requirements and enable MHSA funded programs and services to continue to be implemented.

ALTERNATIVE ACTIONS CONSIDERED
As obtaining approval on MHSA Plans and Annual Updates by the local governing body is a state requirement, there were no other alternative actions considered.

CONTACT PERSON
Karen Klatt, Community Services Specialist III, HHCS, (510) 981-7644
Jeff Buell, Manager of Mental Health Services, HHCS, (510) 981-7682

Attachments:
1: Resolution
Exhibit A: MHSA Fiscal Year 2025 Annual Update

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

MENTAL HEALTH SERVICES ACT (MHSA) FISCAL YEAR 2025 ANNUAL UPDATE

WHEREAS, Mental Health Services Act (MHSA) funds are allocated to mental health jurisdictions across the state for the purposes of transforming the mental health system into one that is consumer and family driven, culturally competent, wellness and recovery oriented, includes community collaboration, and implements integrated services; and

WHEREAS, MHSA includes five funding components: Community Services & Supports; Prevention & Early Intervention; Innovations; Workforce, Education & Training; and Capital Facilities and Technological Needs; and

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, receives MHSA Community Services & Supports, Prevention & Early Intervention, and Innovation funds on an annual basis, and received one-time distributions of MHSA Workforce, Education & Training and Capital Facilities and Technological Needs funds; and

WHEREAS, in order to utilize funding for programs and services, the Mental Health Division must have a locally approved Plan; Three Year Program and Expenditure Plan, or Annual Update, in place for the funding timeframe; and

WHEREAS, since 2015 the City Council has authorized multiple Three-Year Plans and Annual Updates, most recently on July 25, 2023 by Resolution No. 70,990-N.S. approving the MHSA Fiscal Year 2024 through 2026 Three Year Program and Expenditure Plan; and

WHEREAS, City Council has previously approved MHSA funding for local housing development projects and contracts with community-based agencies to implement mental health services and supports, housing and vocational services, and translation services; and

WHEREAS, in order to comply with state requirements, the MHSA Fiscal Year 2025 Annual Update must be approved by City Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the MHSA Fiscal Year 2025 Annual Update that, incorporated herein as Exhibit A, is hereby approved.

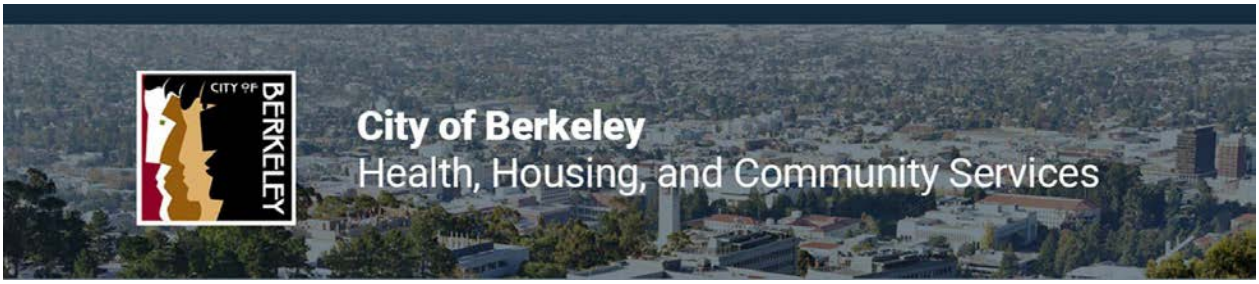
BE IT FURTHER RESOLVED that the City Manager is authorized to forward the MHSA Fiscal Year 2025 Annual Update appropriate state officials.

Exhibit
A: MHSA Fiscal Year 2025 Annual Update

EXHIBIT A

MENTAL HEALTH SERVICES ACT (MHSA)

FISCAL YEAR 2025 ANNUAL UPDATE



City of Berkeley Mental Health Mental Health Services Act (MHSA)

Fiscal Year 2025

Annual Update

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BACKGROUND AND OVERVIEW

California voters passed Proposition 63, the Mental Health Services Act (MHSA), in November 2004, to expand and transform the public mental health system. This legislation places a 1% tax on personal incomes above $1 million dollars. Funds are deposited into the MHSA State Treasury Fund and allocations per each mental health jurisdiction are determined based on the total population in a given area.

Through the following five funding components, the MHSA was designed to create the capacity for a broad continuum of prevention, early intervention and treatment services along with the necessary infrastructure, technology, and training elements to support effective mental health system transformation:

- Community Services & Supports (CSS): Primarily provides treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children and Youth.

- Prevention & Early Intervention (PEI): For strategies to recognize early signs of mental illness and to improve early access to services and programs, including the reduction of stigma and discrimination, and for strategies to prevent mental illness from becoming severe and disabling.
- Innovation (INN): For short-term pilot projects designed to increase new learning in the mental health field.
- Workforce, Education & Training (WET): Primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency and the employment of mental health peers and family members in the workplace.
- Capital Facilities and Technological Needs (CFTN): For capital projects on owned buildings and on mental health technology projects.

Among other things, the MHSA was designed to provide enhanced services and supports for seriously emotionally disturbed children, youth and Transition Age Youth (TAY), adults, and older adults suffering from severe mental illness through a “no wrong door” approach and aims to move public mental health service delivery from a “disease oriented” system to one that is culturally responsive, consumer informed, and wellness recovery oriented. This is accomplished through implementing programs that focus on the following major components:

- Wellness, recovery and resilience;
- Cultural competency;
- Consumer/family member driven services;
- Consumer/family member integration in the mental health system; and
- Community collaboration.

The MHSA also strives to improve and increase services and supports for individuals and families from cultural and ethnic populations that are traditionally unserved and underserved in the mental health system. In Berkeley these have included: Asian Pacific Islanders (API); Latinos/Latinas/Latinx (Latino/a/x); Lesbian, Gay, Bi-Sexual, Transgender, Queer/Questioning, Inter-Sexed, Agender, Plus others (LGBTQIA+); Older Adults; and Transition Age Youth (TAY). African Americans have been an additional population of focus as data indicates they are overrepresented in the mental health system and hence "inappropriately served", which could be due to being provided services that are not culturally responsive and/or appropriate.

In order to access MHSA funds, a stakeholder informed plan outlining how funds will be utilized must be developed and locally approved. Development of an MHSA Plan includes: community program planning with the involvement of area stakeholders, writing a draft plan, initiating a 30-day public review, conducting a public hearing at a Mental Health Commission meeting, and obtaining approval on the plan from City Council.

The Community Services & Supports, Prevention & Early Intervention, and Innovation funding components are the only re-occurring MHSA monies that are allocated annually and may be spent over a five-year period. Workforce, Education & Training and Capital Facilities and Technological Needs funds had initial expenditure time periods of 10 years each, and were to be utilized by the end of Fiscal Year 2018 or 2019. Per the City Council approved MHSA AB114 Reversion Expenditure Plan (which is posted on the City of Berkeley MHSA webpage), some CFTN and WET projects were continued past the original timeframes.

MHSA legislation requires mental health jurisdictions to provide updates on MHSA Plans on an annual basis, and an integrated Program and Expenditure Plan must also be developed every three years. Currently, the City of Berkeley Mental Health (BMH) Division has a City Council approved MHSA Fiscal Years 2023/2024 - 2025/2026 Three Year Program and Expenditure Plan in place.

City of Berkeley MHSA Services

Since 2006, MHSA funding has been utilized to provide mental health services and supports in Berkeley. Additionally, from Fiscal Year 2011 (FY11) through FY20, the City of Berkeley also utilized a portion of MHSA funds to provide services in the City of Albany, although Albany is a part of the Alameda County total population. Beginning in FY21, per agreement with Alameda County Behavioral Health Care Services (BHCS), the Division transitioned to only using MHSA funds for services and supports in Berkeley, and BHCS now provides MHSA funded services in Albany.

As a result of the City's approved MHSA Plans and Annual Updates, a number of services and supports have been implemented to address the various needs of the residents of Berkeley. Some of the many programs include the following:

- Intensive services for Children, TAY, Adults, and Older Adults;
- Multi-Cultural Outreach engagement, trainings, projects, and events;

- Increased mental health services and supports for homeless individuals;
- Wellness Recovery services and activities;
- Family Advocacy, Housing services and supports, and Benefits Advocacy;
- Case management and mental health services and supports for TAY;
- Trauma support services for unserved, underserved, and inappropriately served populations;
- Increased mental health prevention, and intervention services for children and youth in area schools and communities;
- A Wellness Recovery Center in collaboration with Alameda County Behavioral Health Care Services (BHCS);
- Funding for increased services for Older adults and the API population; and
- Services for individuals experiencing co-occurring disorders.

Additionally, an outcome of the implementation of the MHSA is that mental health peers, family members and other stakeholders now regularly serve on several of the BMH internal decision-making committees. These individuals share their "lived experience" and provide valuable input which has become an integral component that informs the Division on the implementation of MHSA services and supports. Even prior to the passage of Proposition 63, BMH convened (and has since maintained) an MHSA Advisory Committee which serves in an advisory role on MHSA programs and is comprised of mental health peers, family members, and community stakeholders.

This City of Berkeley MHSA Fiscal Year 2025 (FY25) Annual Update is a stakeholder informed plan that provides an update to the previously approved FY2024-2026 Three Year Program and Expenditure Plan (Three Year Plan). This Annual Update summarizes proposed program changes that will begin during the FY25 timeframe. Descriptions of MHSA services that will be continued in FY25, through the approved FY24-26 Three Year Plan, and a reporting of FY23 program data are also provided.

Proposition 1 – The Behavioral Health Services Act

In 2023 Senate Bill 326 (SB326), the Modernization of the Mental Health Services Act (MHSA) and Assembly Bill 531, a Behavioral Health Infrastructure Bond for treatment facilities and supportive housing were linked and signed by the Governor. On March 5, 2024 the linked bill was on the ballot as one measure, Proposition 1, which was narrowly passed by the voters. This legislation renames the Mental Health Services Act (MHSA) to the Behavioral Health Services Act (BHSA) as it includes an allowance to utilize funding for services for individuals who have Substance Use Disorders.

Beginning 7/1/26, through the BHSA, the current five MHSA funding allocations will change to the following three components:

- Housing: For children and families, youth, adults and older adults living with severe mental illness or serious emotional disturbance and/or Substance Use Disorders who are experiencing homelessness or are at risk of homelessness, with 50% being prioritized for interventions for the chronically homeless.

- Full Service Partnership (FSP): Includes the use of funds for mental health, supportive services, and substance use disorder treatment services for Severely Mentally Ill Adults, Seriously Emotionally Disturbed Children and Youth, and individuals who experiences Substance Use Disorders.

- Behavioral Health Services and Supports: Includes early intervention, outreach and engagement, workforce education and training, capital facilities, technological needs, and innovative pilots and projects. A majority (51%) of funds must be used for Early Intervention services to assist in the early signs of mental illness or substance misuse, and 51% of the Early Intervention services and supports must be for individuals who are 25 years and younger.

Among other things, the BHSA will also make changes to the planning process and Three Year Plans and Annual Updates. These changes will require the demonstration of coordinated behavioral health planning around all behavioral health funding received, and an integrated plan that includes all local behavioral health funding, services, and program outcomes. It is anticipated that the Department of Health Care Services (DHCS) will release regulations for the new BHSA in early 2025. In preparation, the City has started pre-planning around the changes to MHSA and will begin engaging the community in the upcoming months to share information on the BHSA requirements and obtain input on local mental health needs.

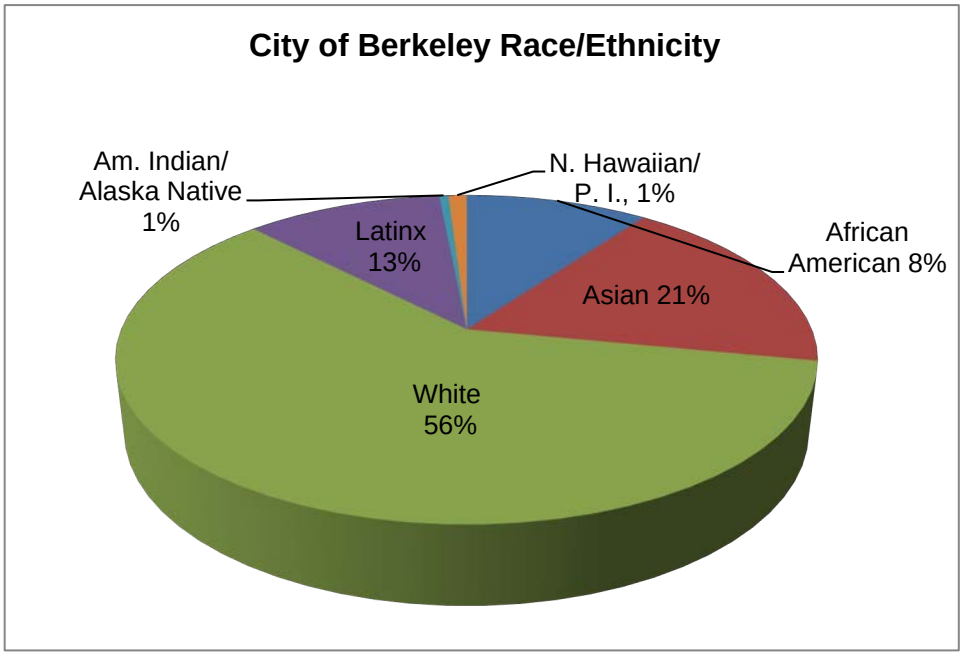
DEMOGRAPHICS

Description

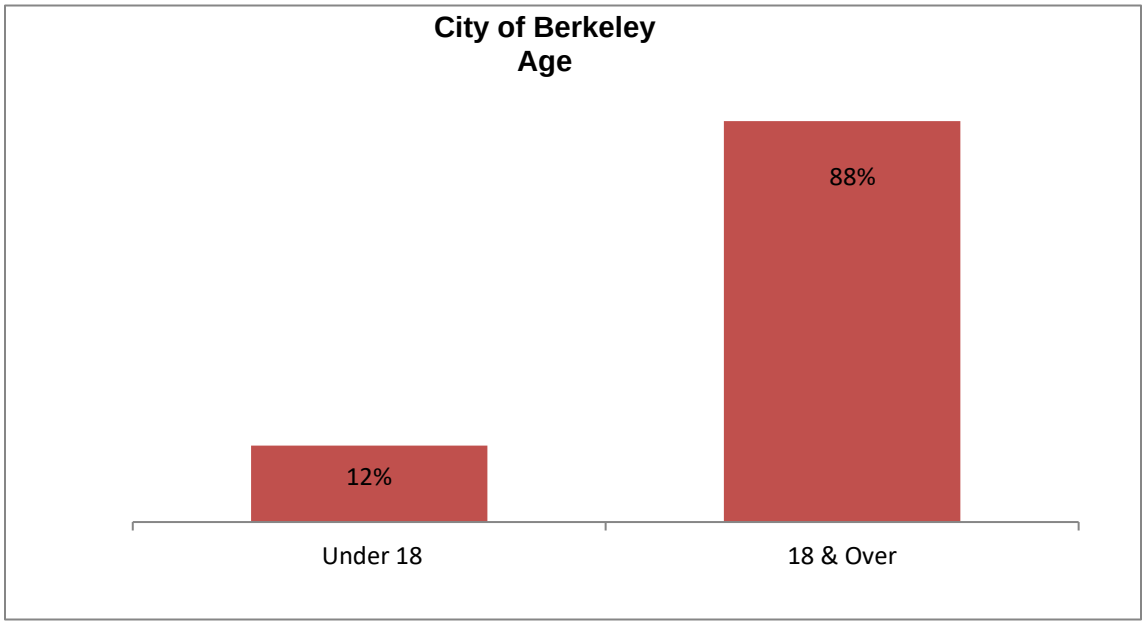
Situated in the heart of the San Francisco Bay area, and home to the University of California, Berkeley is an urban city, located in northern Alameda County. With a combined land mass of around 12.2 miles and a total population of approximately 118,962 (updated estimates since the 2020 census), the City of Berkeley is densely populated and larger than 23 of California's small counties.

Race/Ethnicity

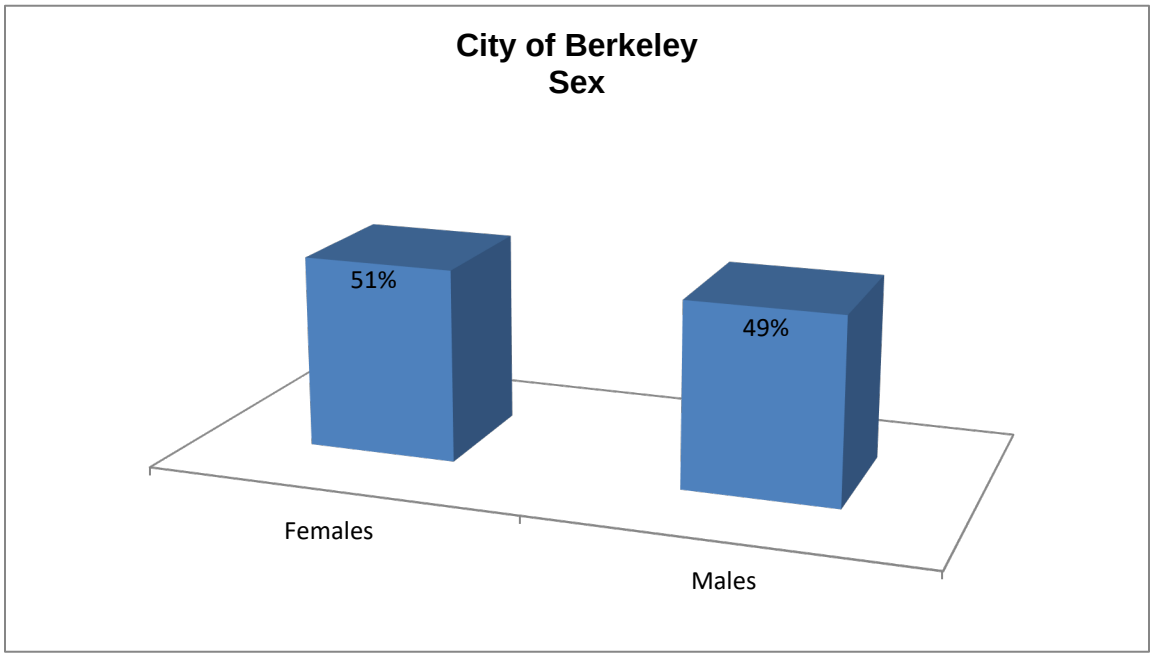
Berkeley is a diverse community with changing demographics. The African American population has decreased in recent years while the Latinx and Asian populations have both increased. Berkeley has a large student population, which provides housing for many of University of California's foreign students and their families. Threshold languages include English, Spanish, Farsi, Cantonese, and Vietnamese, and approximately 30% of Berkeley residents speak a language other than English at home. Berkeley is comprised of the following racial and ethnic demographics: African American; Asian; Latino/Latina/Latinx; White; American Indian/Alaska Native; and Native Hawaiian/Pacific Islander (P.I.). Demographics are outlined below:



Age/Sex
As depicted in the table below, a large percentage of individuals in Berkeley are over the age of eighteen:



Sex demographics are as follows:



Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersexed, Agender, Plus (LBGTQIA+) Population

Per a brief by the Williams Institute, UCLA, entitled "LGBT Adults in Large US Metropolitan Areas" the LGBT population is 6.7% in the San Francisco Bay Area. According to the Brief, the estimated percentages of adults age 18 and older who identify as LGBT was derived from the Gallup Daily Tracking Survey which is an annual list-assisted random digit dial (70% cell phone, 30% landline) survey, conducted in English and Spanish, of approximately 350,000 U.S. adults ages 18 and up who reside in the 50 states and the District of Columbia. LGBT identity is based on response to the question, "Do you, personally, identify as lesbian, gay, bisexual, or transgender?" Respondents who answered "yes" were classified as LGBT. Respondents who answered "no" were classified as non-LGBT. Estimates derived from other measures of sexual orientation and gender identity may yield different results. (Conron,K.J, Luhur.W., Goldberg, S.K. Estimated Number of US LGBT Adults in Large Metropolitan Statistical Areas (MSA), (December 2020). The Williams Institute, UCLA. Los Angeles, CA.)

Income/Housing

With some of the highest housing costs in the Bay Area, the Berkeley median household income is $104,716. Nearly 18% of Berkeley residents live below the poverty line and approximately 27% of Berkeley children qualify for free and reduced lunches. While 43% of Berkeley residents own their own homes, there are many individuals experiencing homelessness including women, TAY, and Older Adults.

In order to measure the prevalence and characteristics of homelessness, a comprehensive street count of individuals experiencing homelessness is conducted in communities across the country every two years. According to the 2024 Alameda County Everyone Home Point-in-Time Count, which included a detailed assessment of the City of Berkeley, approximately 844 individuals were experiencing homelessness. Of this amount 47% were in some form of shelter, and 53% were unsheltered (as defined by someone whose primary residence is a car, park, abandoned building, or another place that isn't designed to be housing). These numbers represent a 20% decrease in the overall homeless population, and a 45% decrease in individuals who are unsheltered in Berkeley since the 2022 Alameda County Everyone Home Point-in-Time Count. Since 2021, there have been several initiatives to support individuals who are experiencing homelessness, and funding for new housing in the City, which has had a direct impact on individuals who are unhoused.

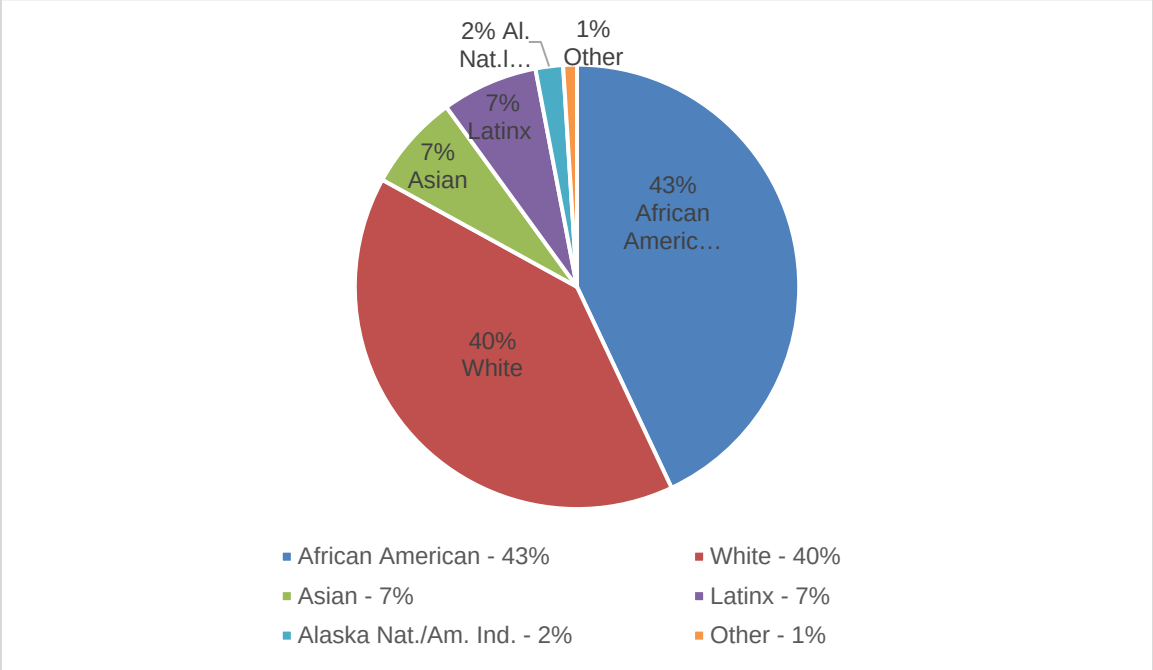
Education

Berkeley has a highly educated population: 97% of individuals aged 25 or older are high school graduates; and approximately 74% possess a bachelor's degree or higher.

System Organization

Berkeley Mental Health (BMH), one of two city-based public mental health programs in the state, provides services for residents in Berkeley. It is a Division of the City of Berkeley Health, Housing & Community Services (HHCS) Department. Services are provided at multiple clinic

sites and in the field. BMH has several programs providing services: Crisis; Family, Youth & Children; High School Mental Health, Full Service Partnership Services, and Adult Services. Services include: assessment, assertive community treatment, individual and group therapy, case management, and crisis intervention. In addition to offering treatment, outreach, and support, some services are provided through a variety of community-based agencies and at school sites. As part of the Crisis unit, a Mobile Crisis Team operates seven days a week when fully staffed. The majority of mental health services provided by BMH are aimed towards the Medi-Cal and uninsured population; as such it is important to note the ways in which the Medi-Cal population demographics differ from the overall demographics in Berkeley. Using data available from Alameda County, the Medi-Cal population in Berkeley in 2023 was as follows:



COMMUNITY PROGRAM PLANNING

During the Community Program Planning (CPP) process two MHSA Advisory Committee meeting were held on Thursday, May 30th, and Tuesday July 23rd and ten Community Input Meetings were held on the following dates/times:

- Thursday, June 6th: 11:00am-12:30pm
- Monday, June 10th: 1:00pm-2:30pm
- Wednesday, June 12th: 6:00pm-7:30pm
- Thursday, June 13th: 6:00-7:30pm
- Tuesday, June 18th: 6:00-7:30pm
- Wednesday, June 19th: 6:00pm-7:30pm
- Tuesday, July 9th: 6:00pm-7:30pm
- Thursday, July 11th: 6:00pm-7:30pm
- Tuesday, July 16th: 6:00pm-7:30pm
- Thursday, July 18th: 6:00-7:30pm

Announcements of the meetings were posted on the MHSA webpage and on the City's event calendar. Meeting fliers were posted in various locations throughout the City. Announcements were sent to MHSA Advisory Committee members, mental health peers, family members, representatives from community-based organizations, individuals from unserved, underserved and inappropriately served populations, HHCS Staff, City Commissioners, City Staff and other MHSA stakeholders.

During the MHSA Advisory and Community Input Meetings a presentation was conducted to provide information on MHSA background, funding, program requirements, the CPP process, and on upcoming changes to the funding requirements as a result of Proposition 1. The presentation also covered detailed information on the proposed MHSA FY25 Annual Update and provided opportunities for input from the community.

An anonymous voluntary survey through Survey Monkey, was administered during each meeting to obtain demographic information on meeting participants. Individuals who joined the meetings by phone were contacted following the meeting to have the opportunity to voluntarily participate in the survey. Survey results of individuals who participated in the CPP Process through meetings or provided input by phone were as follows:

DEMOGRAPHICS N = 53	
Age Category	
Age Category	*% of total*
Transition Age Youth	*
Adult	*
Older Adult	38%
Declined to Answer (or unknown)	*

Gender Identity	
Gender Identity	*% of total*
Male	*
Female	39%
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	*
White	22%
Latino/a/x	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual	38%
Gay/Lesbian	*
Queer	*
Declined to Answer (or Unknown)	*
Veteran Status	
Veteran Status	*% of total*
Non-Veteran	45%
Declined to Answer (or Unknown)	55%
Disability Status	
Disability Status	*% of total*
Disabled	23%
Not Disabled	26%
Declined to Answer (or Unknown)	51%
Representative Categories**	
Representative Status	*% of total*
Consumer	*
Family Member of Consumer	*
Community Member or MHSA Stakeholder	28%
Representative of City of Berkeley Commission	*
Parent, Student or Representative of UC Berkeley or City College	*
Representative of Mental Health or Social Services Agency	*
Representative of Health Care Organization	*
City of Berkeley Staff	*
Other	41%
Declined to Answer (or Unknown)	38%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.
**Many participants were in more than one category.

As with previous MHSA Plans and Annual Updates, a methodology utilized for conducting CPP for this Annual Update was implemented to enable a collaborative process to occur between BMH staff, MHSA Advisory Committee members, Community members and other MHSA

stakeholders. Development of this Annual Update began with an internal examination of existing programs, unaddressed needs, and available funding which included a review of input received over the prior year and during previous MHSA planning processes. Following an internal review, proposed new additions were vetted through the MHSA Advisory Committee prior to engaging community members and other MHSA stakeholders.

Proposed program changes in this Annual Update include the following:

- Move an Assistant Management Analyst position that was previously approved for the Adult Full Services Partnership, to the Children's Full Services Partnership;
- Eliminate the PEI funded Mental Health Promotion Campaign;
- Eliminate the PEI funded Early Child Health and Wellness Program;
- Eliminate the allocation of local PEI funding for the PEI Statewide Projects initiative.

Details are outlined in the "Proposed Program Changes" section of this Annual Update.

A 30-Day Public Review was held from Wednesday, June 26th through Thursday, July 25th to invite input on this Annual Update. A copy of the Annual Update was posted on the BMH MHSA website, and announcements of the 30-Day Public Review were mailed and/or emailed to community stakeholders and City staff. Immediately following the 30-Day Public Review, a Public Hearing on the Annual Update was held at 7:00pm on Thursday, July 25th, at the Mental Health Commission meeting.

The Division received public comments on the MHSA Fiscal Year 2025 Annual Update during the Community Program Planning Process which includes the 30-Day Public Review and Public Hearing. All public comments were recorded regardless of topic. Some of the public comments received were regarding programs and services that are not currently funded through MHSA and/or are executed through other City programs or through Community-based organizations. As a result of public comments received during this process, the Division will not be eliminating the funding for the Mental Health Promotion Campaign, and will be utilizing the campaign to educate the community on available services. All input will be utilized to inform future MHSA Plans and Annual Updates.

Outlined in the following categories below are the input received during the Community Program Planning Process:

<u>Children/Youth</u>

- Don't forget funding for services for children.
- Create activities that youth can engage with on their phones that will increase their mental health.
- Figure out how to reach youth online social media to obtain their input into mental health needs in the community.
- Reach out to Berkeley High School to obtain student input into mental health programs.
- Refurbish an abandoned building in South Berkeley to create a safe space for youth to congregate and participate in various activities such as music, arts, sports, job training, etc.

Data and Evaluation

- We see individuals still struggling and don't have any way of judging outcomes and whether the Specialized Care Unit and other mental health services are working or not.
- We need top to bottom evaluations of staff and funded programs that is conducted bi-annually or quarterly, not results based accountability evaluations.
- Program data should be provided in a way that meets accessibility needs for individuals who are disabled, and dispersed to the community on a regular basis so that the disabled community can provide informed input on funded programs.
- Programs shouldn't just be evaluated when they receive funding, but regularly throughout the year by a panel of reviewers that includes individuals who receive the program services.
- Data for all programs should be easily accessible at any point in time to the community.

Housing

- Need licensed Board and Care facilities, and high-quality supportive housing
- Utilize the Land Trust to increase housing and improve the quality of services.
- Who provides services and oversees staff at hotels?
- You can't put people in Single Room Occupancies (SROs) as they will be traumatized. The bathrooms are locked; there's drug use; the people who work there seem hostile; and there is no monitoring of the facilities.
- People are afraid to complain about bad housing conditions because of the shortage of housing.
- What is the complaint process for hotels?
- In regards to housing community "Block Fund Trust", there needs to be evaluation to the validity of applications. When giving money, there should be a body of City people to evaluate these contractors.
- There needs to be different kinds of housing with different levels of care and have peer support services for individuals experiencing homelessness.
- Address the shortage of housing for people experiencing mental illness and address the traumatized individuals experiencing homelessness by providing stable, welcoming environments.
- There is a need for more affordable housing for veterans.
- All Resources for Community Development (RCD) properties should have supportive services. University Avenue does not have adequate supportive services. Concerned that there is not a plan with RCD on how people will get into housing, and limited to no supportive housing.

Mental Health Services

- Interns dealing with individuals in need are not culturally diverse. Need more community outreach with culturally diverse, trained, skill people.
- Don't separate mental health and substance abuse.
- A meeting with community-based organizations should occur to obtain information on services provided and to ask questions of providers,

- What modes of technology are being used by the Mobile Crisis Team and by clinicians who provide services in the field for individuals who have disabilities to meet their accessibility needs?
- Individuals who are disabled may not know how to access services or even what questions to ask regarding services unless they are being advertised in a way that meets accessibility needs.
- Do Contracts include the requirements for accommodations for individuals with disabilities?
- There is a disconnect between policy makers and the needs in the community. Policy makers need to be out there seeing what is happening.
- What is currently happening at the Berkeley Daytime Drop In Center? It is not running the way it used to, when people got the services they need.
- Do the FSP's have 24/7 services?
- Feel there is a lot of staff turnover at Berkeley Mental Health and I wonder what is going on.
- Individuals who are affected are not engaged in mental health policy and they need to be engaged in the process.
- Don't see any services for white straight males, who are in need and may be suicidal.
- As a white person my mental health issues are not addressed.
- Put more money into the Mobile Wellness Center, there is so much need, we should have a second team.
- The vacancies and freezing of positions in the Mental Health Division is concerning and support should be provided by City Council.
- What is happening with the unspent funds?
- Even if you weren't able to sustain programs long-term a large portion of the unspent forms should be allocated now for programming that will address community mental health needs.
- On what basis are people being declared mentally unstable or unhealthy? How do individual's life experiences and history such as experiences with police, PTSD, economic issues play into an individual's diagnosis? A different way of approaching individuals needs to be developed.
- What can we do in the community to be more visible? People are experiencing stress.
- Berkeley Mental Health programs should hire community people to help individuals get mental health services.
- See so much Mental Health needs in the South Berkeley area.
- Mental Health issues in Berkeley are getting worse.
- There is a need for more program staff on the street in the community to do outreach and to help assess the mental health needs of the community.
- Use funds to create a mental health curriculum for the middle schools.
- Provide lockboxes, porta-potties and dumpsters near Homeless Encampments.
- Convert an empty building in Berkeley into a shower station for homeless individuals.

<u>MHSA FY25 Annual Update Community Input Meetings</u>

- Paper fliers for the meetings should have been posted widely.
- There should be more attendees at the community meetings.

Specialized Care Unit

- What's going on with the Specialized Care Unit (SCU) services, are these services working?
- Is the Berkeley Specialized Care Unit (SCU) phone number publicly posted?
- The City should stencil the Specialized Care Unit's phone number on the sidewalk.
- My individual experience with the SCU was not good. The SCU program was engaged by a family member who was concerned about me and although the program is not supposed to include the use of Law Enforcement, the Police showed up at my door. I was not connected to resources following my release from John George and was released without shoes or a cell phone I had just purchased so I had no way to call my doctor to give permission to release my medical history to a mental healthcare provider. I didn't have a good experience with the FSP either and my trust is shaken.

Input that was submitted by the Friends of Adeline (some of which are also represented above and were stated by individuals from this community group who attended an MHSA Community Input meeting) were as follows:

- Develop more community owned or non-profit owned housing for those highly affected by mental illness so housing can't be sold or go out of business.
- A fully functioning Drop-In Center is needed for our un-housed neighbors.
- Quality supportive services are necessary in housing for those living with mental illness (residents at two Berkeley housing developments complain about poor maintenance and support services in their buildings).
- Increase high quality outreach and treatment services for those suffering from substance abuse and mental illness.
- Create a public education campaign about the services available in Berkeley so people know where to find them.
- Make the Specialized Care Unit, SCU (Crisis Services) well-functioning and well publicized.

Additional input on programming unspent funds that was submitted by some of the Friends of Adeline group is outlined in Appendix E Public Comments section of this Annual Update.

As a result of public comments received during this process, the Division will not be eliminating the funding for the Mental Health Promotion Campaign, and will be utilizing the campaign to educate the community on available services. All input will be utilized to inform future MHSA Plans and Annual Updates.

During the Mental Health Commission Meeting, the following motion on the Annual Update was made:

M/S/C (Prichett, Opton) The Mental Health Commission approves the overall MHSA Annual budget with modifications. The Mental Health Commission recommends that the $600,000 for the Encampment based Mobile Wellness Center be reconsidered and these funds reallocated to support the needs of the unhoused people. This funding shall be contingent upon a public hearing that includes community input with service users and providers and that a plan be

developed for its effective use. The Mental Health Commission also recommends that the Mobile Crisis Team be funded through BDP (Berkeley Police Department) and overseen by the Mental Health Department.
Ayes: Jones, Lunaparra, Prichett, Opton, Turner Noes: None; Abstentions: None; Absent: Krishnan

The Health, Housing and Community Services Department agrees with the recommendation for City Council to approve the MHSA FY25 Annual Update, but does not agree to the modifications to the Annual Update due to the following reasons:

- The Encampment-based Mobile Wellness Center Project and the contract to execute these services has been approved by City Council on numerous occasions through the MHSA Innovations Encampment-based Mobile Wellness Center Project Plan, MHSA FY23 Annual Update, MHSA FY24-26 Three Year Plan, and Encampment-based Mobile Wellness Center Contract with Options Recovery Services;
- This project will be one of the primary strategies the City utilizes to support individuals experiencing homelessness;
- The process to develop and approve the Encampment-based Mobile Wellness Center Project included robust feedback, participation, and guidance by members of the public, including by residents who would be receiving its services. Delaying or preventing implementation will further prevent services to this vulnerable population;
- Removing funds from this project would subject some of the associated funding to reversion by the State, meaning that we must use or lose a portion of these funds now on an approved MHSA project. The remainder of the funds will also be subject to reversion if not spent on an approved project.

MHSA Fiscal Year 2024/2025 Annual Update

This City of Berkeley MHSA Fiscal Year 2024/2025 (FY25) Annual Update is a stakeholder informed plan that provides an update to the previously approved MHSA FY2023/2024 – 2025/2026 Three Year Program and Expenditure Plan. This Annual Update summarizes proposed program changes, includes descriptions and updates of currently funded MHSA services that will be continued in FY25 through the previously approved Three Year Plan, and provides a reporting on FY23 program data. Additionally, per state regulations, this Annual Update includes the Prevention and Early Intervention (PEI) Fiscal Year 2022/2023 (FY23) Annual Evaluation Report (Appendix C), and the Innovations (INN) Fiscal Year 2022/2023 (FY23) Annual Evaluation Report (Appendix D).

As reported in previous MHSA Plans and Annual Updates, the Division has engaged in several initiatives over the past several years to increase data collection and evaluation efforts including the following:

- Impact Berkeley: In 2018, the Health Housing and Community Services (HHCS) Department implemented “Impact Berkeley”. Central to this initiative is using a highly regarded framework

called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

1. How much did you do?
2. How well did you do it?
3. Is anyone better off?

RBA has been incorporated into selected programs within the Department. This has included community agency programs funded through the MHSA Prevention & Early Intervention (PEI) Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to measure and enhance progress towards these results. The results of this initiative are outlined in the PEI Community Education & Supports program section of this Annual Update.

- Results Based Accountability Evaluation for all BMH Programs: Through a previously approved MHSA Annual Update the Division hired Resource Development Associates (RDA) to conduct a Results Based Accountability (RBA) Evaluation for all programs across the Division. Since FY21 RDA has been working with the Division to implement the RBA research methodology. An update of the activity's RDA conducted in FY23 on this evaluation is included in this Annual Update.

  RBA outcomes in FY23 are outlined throughout this Annual Update for the following MHSA funded internal programs: Children/Youth FSP; TAY, Adult and Older Adult FSP; Homeless FSP; Wellness Recovery Services; Crisis Services; Transitional Outreach Team; Social Inclusion Project; and the High School Prevention Project. The complete set of RBA outcomes for all BMH programs is located in Appendix C.

- Program Evaluator: Per the approved FY23 Annual Update, in order to build internal capacity for data collection and reporting, the Division hired a Program Evaluator who will be collecting and reporting on RBA Outcomes and future evaluations.

Future MHSA Plans and Annual Updates will continue to include reporting on the progress of these initiatives.

Per State requirements, Evaluation Reports for PEI and INN programs are also included in the Appendix of this Annual Update as follows:

- PEI Data Outcomes: Per MHSA PEI regulations, all PEI funded programs are required to collect state identified outcome measures (specific to the category of services provided) as well as detailed demographic information. PEI Evaluations are required to be included in each MHSA Annual Update or Three-Year Plan. See Appendix C for the Prevention & Early Intervention Fiscal Year 2022/2023 (FY23) Annual Evaluation Report.

- INN Data Outcomes: Per MHSA INN regulations, all INN funded programs are required to collect state identified outcome measures and detailed demographic information. INN

Evaluations are required to be included in each MHSA Annual Update or Three-Year Plan. See Appendix D for the Innovation (INN) Fiscal Year 2022/2023 (FY23) Annual Evaluation Report.

PROPOSED PROGRAM CHANGES

The Division is proposing the following changes through this Annual Update:

- Move Assistant Management Analyst position to Children's Full Services Partnership (FSP): Through the previously approved FY23 Annual Update, the Division received approval to hire an Assistant Management Analyst for the Adult Clinic Programs. In an effort to support the need for administrative support, the Division is proposing to move this position to the Children's FSP.

- Eliminate MHSA funding for the Early Child Health and Wellness Program:
  The Early Childhood Health and Wellness program (formerly named the Be A Star Project) has been a collaboration with the City of Berkeley's Public Health Department since the initial MHSA PEI Plan. It provides a coordinated system in Berkeley that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns and provides linkages to services and supports for individuals in need. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed.

  Beginning in FY25, the MHSA PEI funding for this program will be discontinued, as the Public Health Division will be transitioning these program activities to be funded and housed programmatically under their Maternal, Child and Adolescent (MCAH) Program:

  - The MCAH Program is a California Department of Public Health (CDPH) funded program committed to serving women, children, teens and their families by improving access to comprehensive, quality health care, and focusing on prevention and early intervention strategies.

  - Within MCAH, there are program requirements which align with the focus of early identification, assessment, treatment, and referral for children (ages 0-5) and their families that provides rationale for the shift to MCAH.

  - As part of the MCAH scope of work, the focus on supporting early childhood development screenings will be able to be integrated with other programs that reside within the MCAH scope, such as the Berkeley Black Infant Health Program and Fatherhood Initiative.

  Going forward, the Early Childhood Health and Wellness Program (ECHW) move under the MCAH Program will address the MCAH Child priority need to optimize the healthy development of all children so they can flourish and reach their full potential with a child focus area to expand and support developmental screening.

- Eliminate funding for the Prevention/Early Intervention (PEI) Statewide Projects Initiative: In 2009, California's counties formed the California Mental Health Services Authority (CalMHSA) as a Joint Powers Authority. Contributing jurisdictions are members of a CalMHSA board that provides direction into various types of initiatives that are implemented. One of the initiatives that was implemented is the PEI Statewide Projects. With an approved combined funding level of $40 million per year for four years during the timeframe of 2011 through 2015, CalMHSA implemented statewide initiatives in the following areas: Suicide Prevention, Stigma and Discrimination Reduction, and Student Mental Health.

  Following 2015, funding for PEI Statewide projects was generated through pooled contributions from individual mental health jurisdictions. In order to continue to sustain programming, CalMHSA previously requested jurisdictions to allocate 4% of their annual local PEI allocation each year to these statewide initiatives.

  The Division has provided the requested 4% of PEI funds on an annual basis since 2015, to participate in this initiative. At present, the City has approximately $153,901 of unspent funds that were previously allocated to CalMHSA for this initiative. As a result, through this Annual Update, the Division is proposing to eliminate the allocation of local annual PEI funding for this initiative. Additionally, the Division will either utilize the previously allocated funds that are remaining at CalMHSA, to continue this initiative for a short-time, or to have the funds returned to the City for local use.

PROGRAM DESCRIPTIONS AND FY23 DATA BY FUNDING COMPONENT

Outlined in this section per each funding component are descriptions of current City of Berkeley MHSA services that were continued through the previously approved Three Year Plan and FY23 program data. In FY23, across all MHSA funded programs, approximately 4,717 individuals participated in some level of services and supports. Some of the FY23 MHSA funded program highlights included: A reduction in psychiatric inpatient hospital and/or incarceration days for severely mentally ill clients; a decrease in the number of days severely mentally ill clients spent homeless; step down to a lower level of care for some clients; services and supports for family members; increased services for individuals who are experiencing homelessness; Wellness Center services; community-based support group services; consumer driven wellness recovery activities; housing and benefits advocacy services; augmented prevention and early intervention services for children and youth in the schools and community; outreach, supportive services for TAY, Adults and Older Adults in unserved, underserved and inappropriately served cultural and ethnic populations; and free access to the HeadSpace Mental Health App for anyone who lives, works or goes to school in Berkeley.

COMMUNITY SERVICES & SUPPORTS (CSS)

The Community Services & Supports (CSS) funding component primarily provides treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed

Children and Youth. Funding is provided in three areas of programming: Full Services Partnerships; Multicultural Outreach & Engagement; and System Development.

Following a year-long community planning and plan development process, the initial City of Berkeley Community Services & Supports (CSS) Plan was approved in September 2006. Since the approval of the original plan, Three Year Plans or Annual Updates outlining proposed CSS funding and programming have been developed and approved on an annual basis. From the original CSS Plan and/or through subsequent plan updates, some of the many services the City of Berkeley has provided through CSS funding are as follows:

- Wrap-around Services for Children and their families;
- TAY, Adult and Older Adult Intensive Treatment Services;
- Supportive Services for Individuals experiencing homelessness;
- Diversity & Multi-cultural Services;
- TAY Case Management and Support Services;
- Consumer Advocacy;
- Wellness and Recovery Services;
- Family Advocacy;
- Transitional Outreach Team;
- Support Groups for individuals;
- A Wellness Recovery Center; and
- Benefits Advocacy.

Descriptions of each CSS funded program that were continued through the previously approved Three-Year Plan, and FY23 data are outlined below:

FULL SERVICE PARTNERSHIPS (FSP)

Children/Youth Intensive Support Services Full Service Partnership

The Intensive Support Services Full Service Partnership (FSP) is for children ages 0-21 and their families. This program is for children, youth and their families who would benefit from, and are interested in participating in a program designed to address the total needs of a family whose child (and possibly other family members) is experiencing significant emotional, psychological or behavioral problems that are interfering with their wellbeing.

Priority populations include children and youth who:

- have substantial impairment in self-care, school functioning, family relationships, the ability to function in the community, and are at risk of or have already been removed from the home and have a mental health disorder and/or impairments that have presented for more than six months or are likely to continue for more than one year without treatment;

OR

- display psychotic features, or a history of hospitalization due to Danger to Self, Danger to Others, Grave Disability or a recent suicide attempt within the last six months from the date of referral.

The Children/Youth FSP program utilizes wraparound as the treatment model. Wraparound differs from many service delivery strategies, in that it provides a comprehensive, holistic, youth and family-driven way of responding when children or youth experience serious mental health or behavioral health challenges. The model puts the child or youth and family at the center. With the help of the FSP team, the family and young person take the lead in deciding their vision and goals. Team member's work together to put the goals into an action plan, monitor how well it is working, and make changes to it as needed. The projected number of individuals to be served in FY25 by each age category is as follows: 6-12 years = 9 individuals; 13-17 years = 9 individuals; 18-21 years = 2 individuals.

In FY23, a total of 13 children/youth and their families were served through this program. Demographics on those served were as follows:

DEMOGRAPHICS N = 13	
Age Category	
Age Category	*% of total*
6-12 years	*
13-17 years	*
18-21 years	*
Declined to Answer (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	*
Female	*
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	*
Multi-racial	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual	*
Gay or Lesbian	*
Queer	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Flex funds are used to provide various supports for FSP program participants and/or the families of program participants. In FY23, flex funds were utilized as follows: 1 individuals/families received funding for housing assistance; 6 individuals/families received funding for food/groceries; 6 individuals/families received funds for clothing/hygiene; 2

individuals/families received funding for Bus Passes or transportation; and 7 individuals/family members received funding for other various needs including school supplies, birthday and Holiday gifts, and pro-social activities.

Program Successes:

- Successfully worked with all CFSP clients in-person, as the pandemic continued to subside.
- Increased access to psychiatric medication services within the clinic and the provision of individual/family therapy.
- Transitioned one CFSP client who was over 18 to community-based services to support their housing and behavioral health needs.
- Continued to reduce psychiatric hospitalizations and the usage of crisis services.
- Services continued to be provided by clinicians who mirror the racial/ethnic identity of the populations served and was able to provide care to families who are monolingual Spanish.
- Continued to provide flex funding to support the felt needs of clients; this was extremely important as there was an increase in needs due to parent's loss of employment, the increased cost of goods and services, and parents continued to struggle with employment. These purchases supported the purchase of birthday/holiday gifts, food, household items, fun activities for clients and their siblings, and clothing. The team was able to pay for a family to stay in a hotel in order to reduce the likelihood they would become unhoused.
- Successfully on-boarded a temporary staff member to fulfill the Social Services Specialist role until the position could be filled.
- Successfully supported three families to use the After-Hours service to reduce the need for emergency/crisis services.

Program Challenges:

- There we a reduction in referrals that were accepted due to staff transitions resulting in clients having to be placed on wait lists or referred to other FSP programs.

In FY23, the RBA Measures that were established for this FSP were as follows:

Process Measures **How much did we do?**	**Quality Measures** **How well did we do it?**	**Impact Measures** **Is Anyone Better off?**
• # of clients served • # of new clients opened for ongoing services • Average # of days in FSP for client • Average # of services hours per client per month • Average # of services per client per month	• % of clients who have at least completed one CANS/ANSA for each six-month period that they are in the program • % of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month • % of discharges from hospitalization or subacute who had a follow-up visit with CFSP staff within 7	• % of clients with a primary care visit in the last 12 months • % of clients who had a reduction in psychiatric care emergency services/inpatient/ crisis stabilization units in the last 12 months compared to the 12 months before enrollment**

Process Measures How much did we do?	Quality Measures How well did we do it?	Impact Measures Is Anyone Better off?
	business days • % of clients with no service gap of over 30 days • #/% of clients closed, by reason closed • % of clients or family members who participate in the survey**	• % of clients with a decrease in hospitalizations/hospitalization days

*Demographic data was reported at the program level, where available

**Data not available for baseline reporting period, will be included in future rounds of reporting

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of days in FSP per client	Average length of stay for primary program episodes which have closed since the beginning of the reporting period	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include MAA	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include MAA	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six month period that they are in the program	Of clients with a completed CANS/ANSA, what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting	Yellowfin

Measure	Definition	Data Source
	fiscal year.	
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 business days	Follow-up rates for individuals open to Level 1 providers at the time of MH hospital discharge.	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin

Data Development Agenda – measures the team is interested in reporting on but for which reliable data was not available:

- Spending: # of Flex Funds spent on a family per year, based on tenure in program;
- Service provision: % of clients who received unscheduled service contacts due to low engagement or necessity/acuity of family needs;
- Staff training:
  -% of staff trained in WRAP;
  -% of staff who are skilled to implement trauma-informed interventions;
- Staff satisfaction: % of staff who report that they have the tools/resources necessary to do their jobs;
- Client satisfaction, specifically in regards to measuring racially responsive care;
- #/% of clients/families who report high quality, racially responsive care on the annual Consumer Perception Survey;
- Client/family outcomes:
  -# of clients/families who can navigate systems better to address their needs;
  -# of clients with improved school attendance and increased engagement in class/school;
  -% of clients with improved family relations (communication and stability, problem solving, support);
- Client-to-staff ratio;
- % staff retention year-to-year;
- % of clients who schedule a meeting with FSP team within 14 calendar days of referral;
- % of clients who are referred to other primary services (therapy, TBS, etc.,) within 5 calendar days of agreement in a family team or a provider meeting;
- % of new clients who receive a face-to-face visit within 7 calendar days of the episode opening date;
- % of clients/families discharged from services within 9-12 months because of improved life circumstances.

For context around the RBA Outcomes, throughout FY23 the Children/Youth Full Service Partnership (CFSP) team operated below full staffing levels. This shortfall impacted the program's capacity, limiting the number of clients the program could accommodate and reducing the extent of services that could be delivered each month.

RBA Outcomes in FY23 for this FSP are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Child Full Service Partnership (CFSP)

Process Outcomes ("How much did we do?")

13

Clients Served

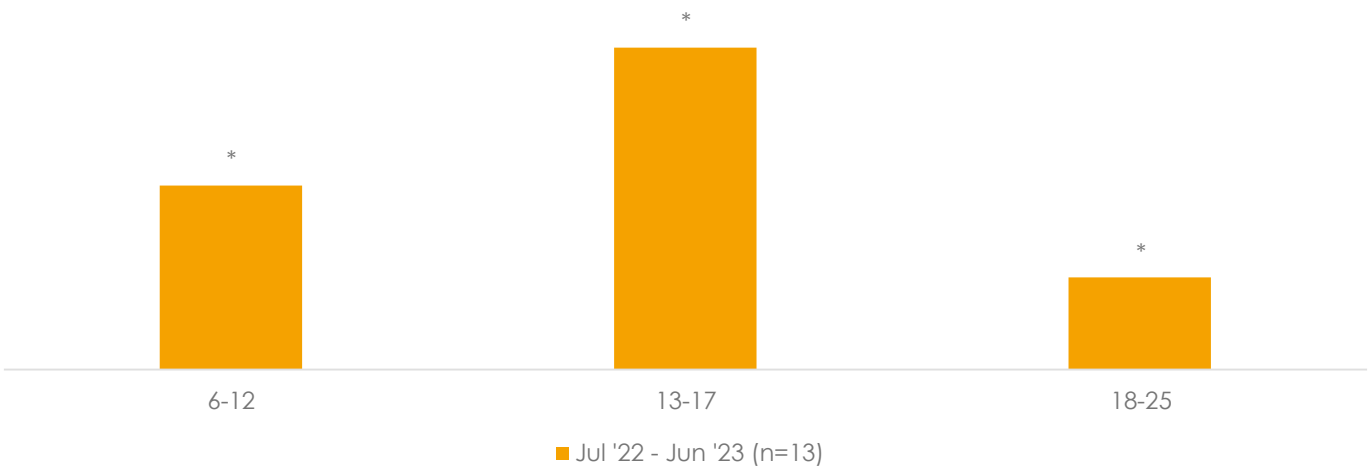
9

New Clients

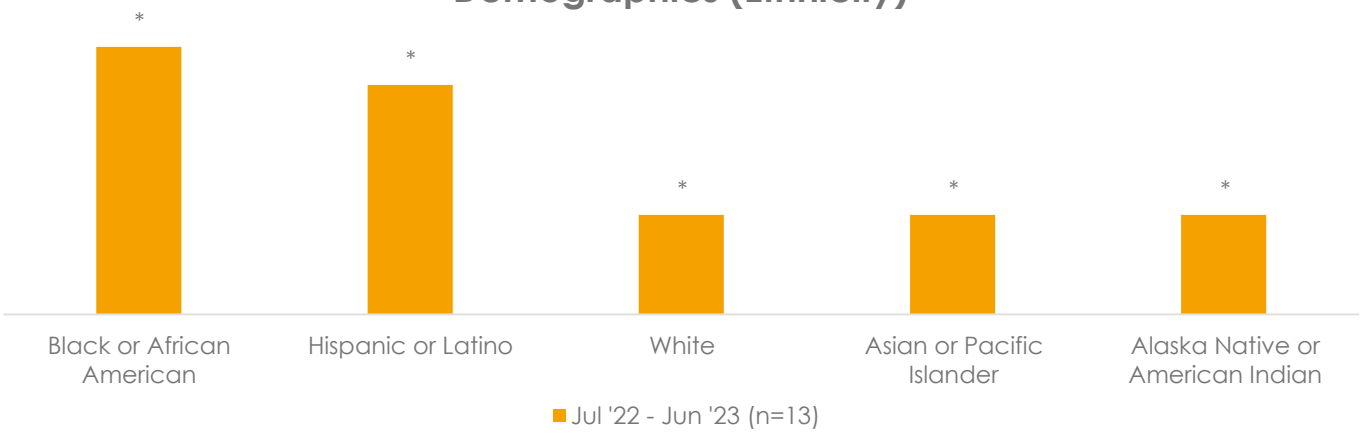
Program Description: This team provides wrap around services to children and families with acute needs, who meet the following criteria: child is at risk of/has been removed from their parent/guardian; child is involved with the Juvenile Justice System or at risk of that; has been recently had a psychiatric hospitalization or is at risk of a hospitalization.

Program Updates: For all time periods in this report, the CFSP team was not fully staffed. This affected both the total number of clients that the program was able to serve, as well as the monthly services provided.

Demographics (Age)

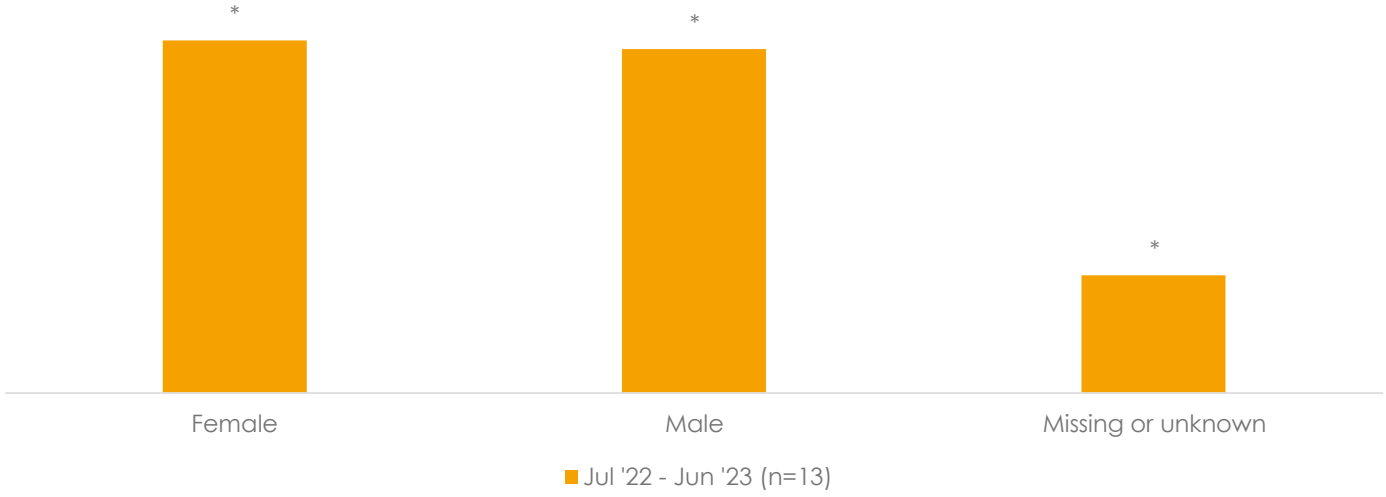


Demographics (Ethnicity)

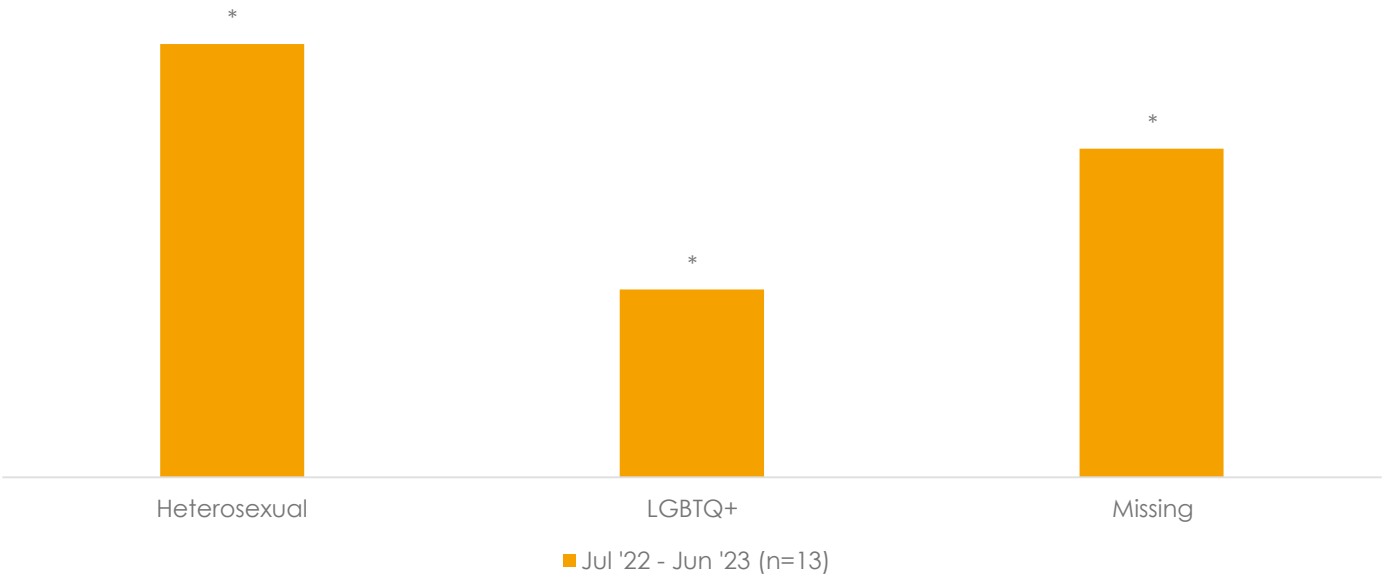


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Demographics (Gender Identity)



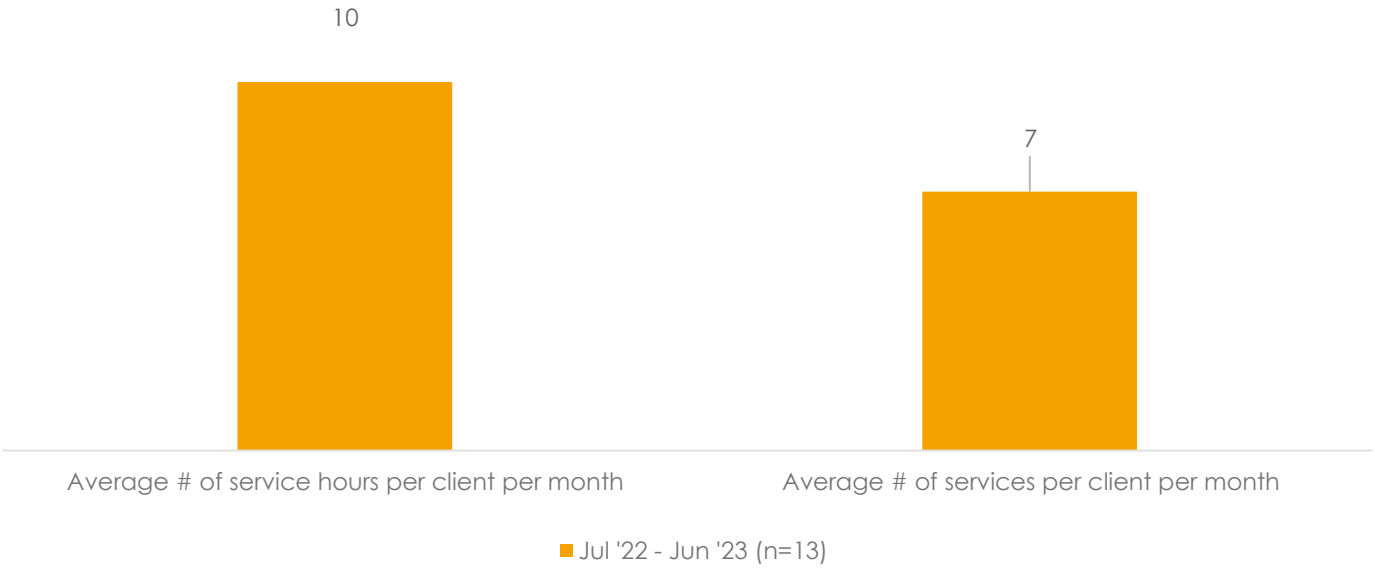
Demographics (Sexual Orientation)



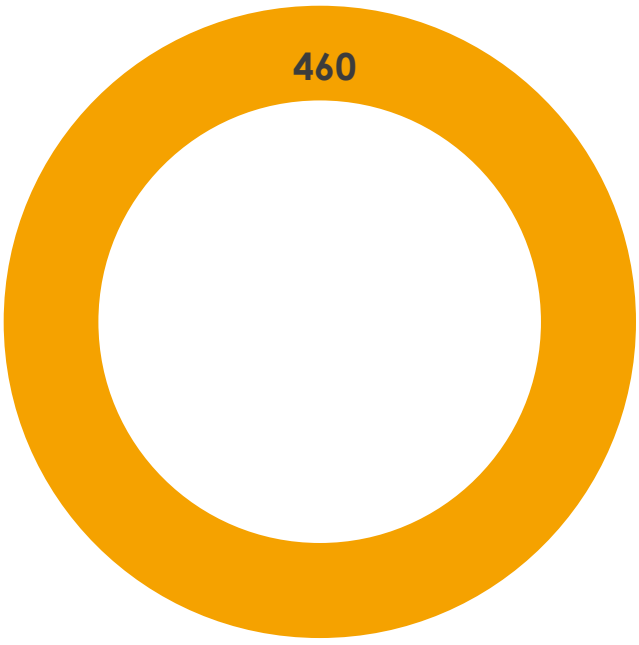
*LGBTQ+ includes gay, questioning, and other.

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Average Monthly Services per Client



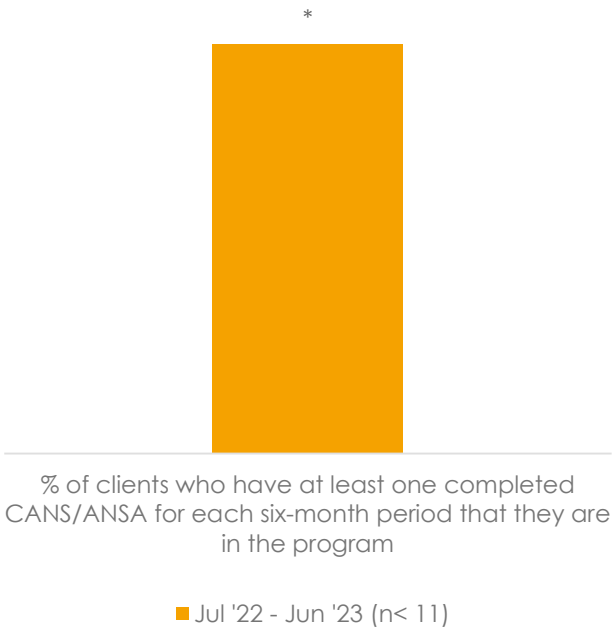
Average # of days in FSP per client

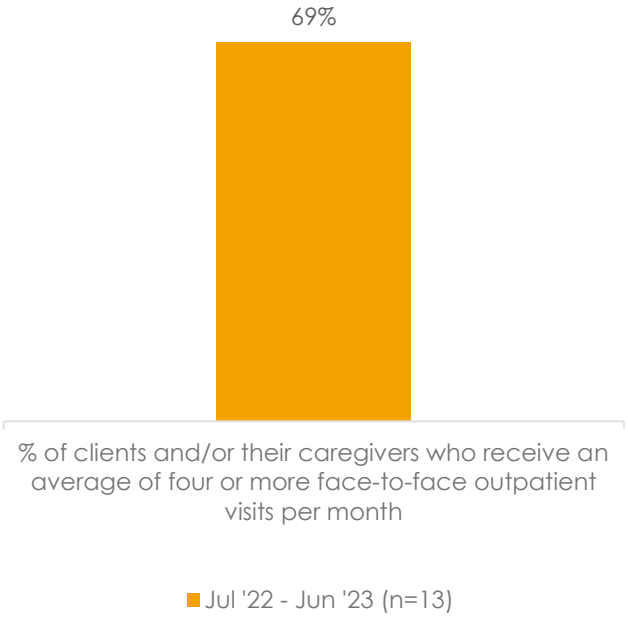


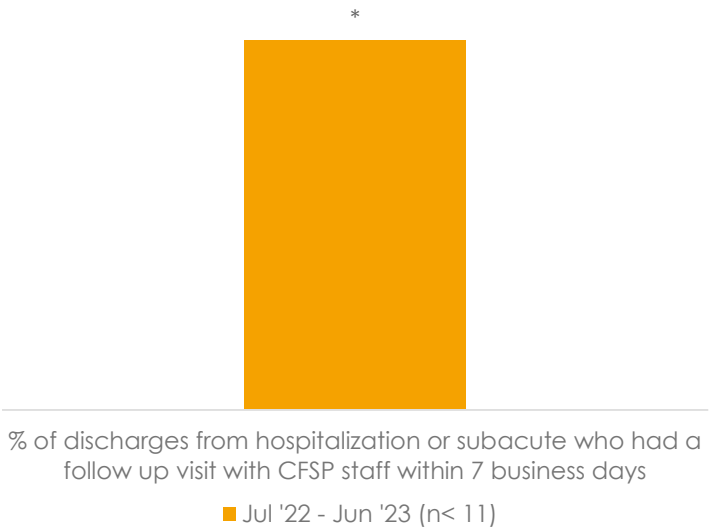
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

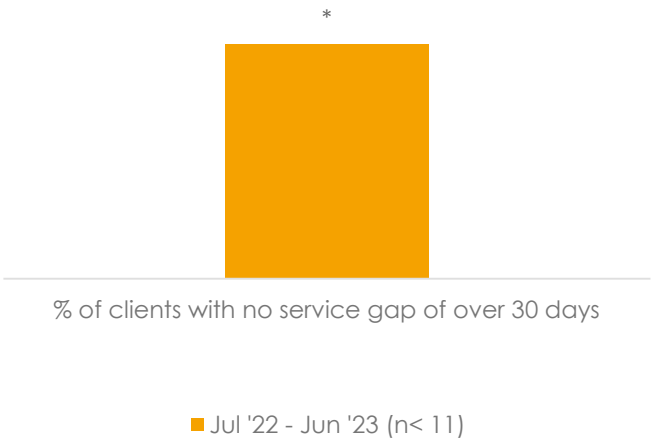
Quality Outcomes ("How well did we do it?")

Service Consistency



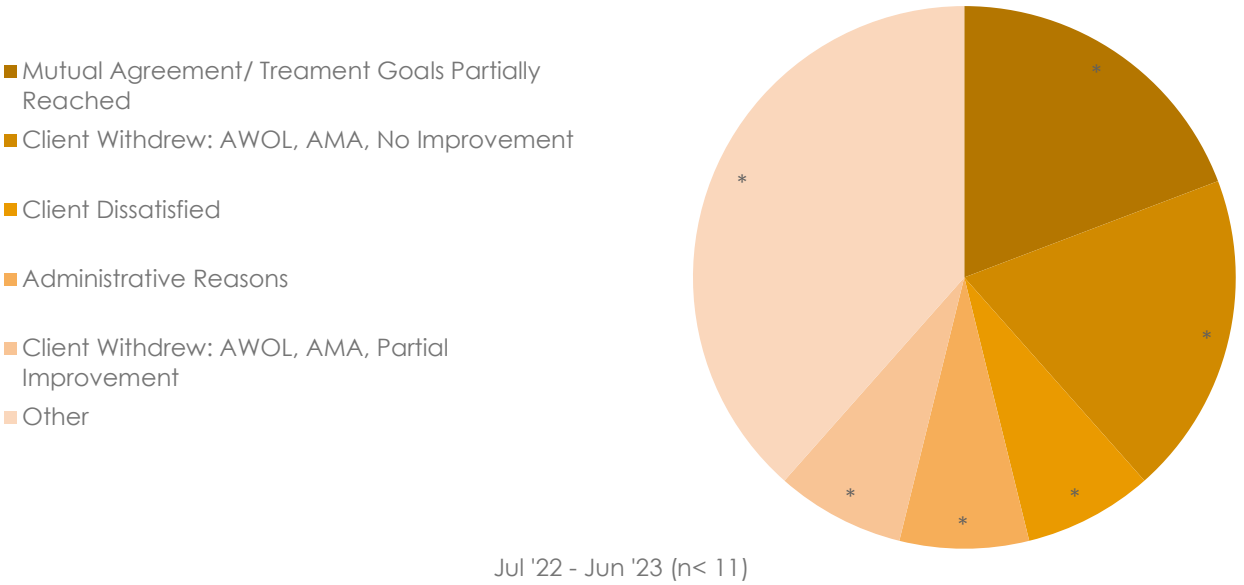




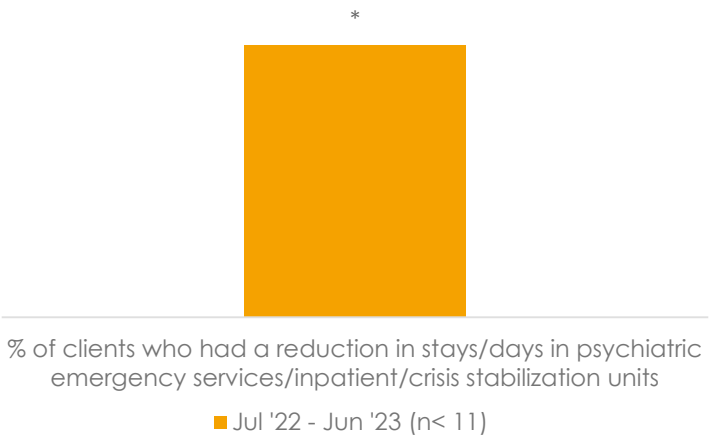


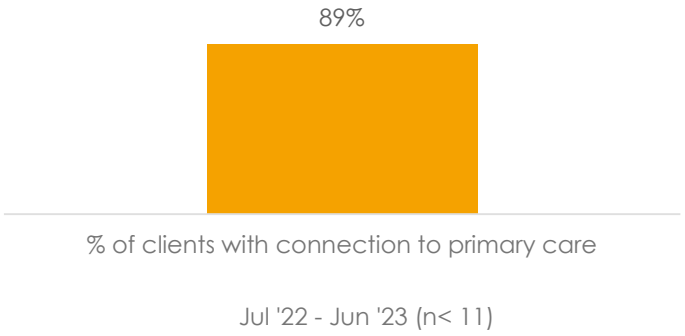
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Impact Outcomes ("Is anyone better off?")

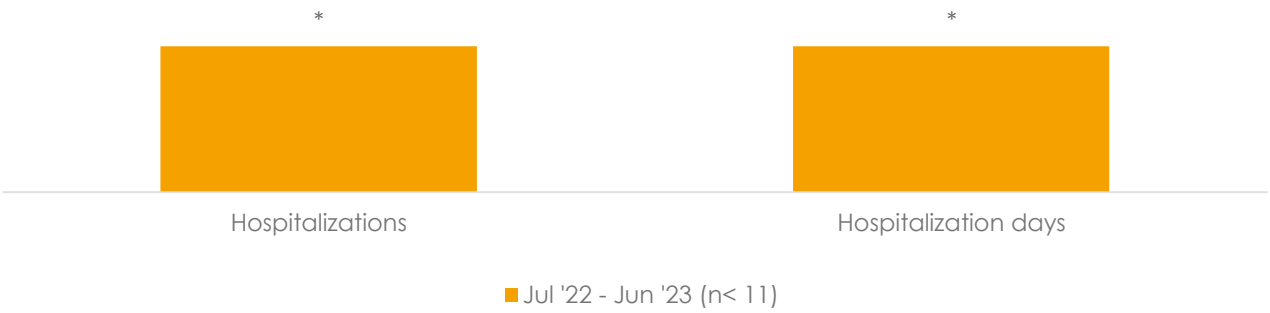


Client Outcome Improvements





% of clients with a decrease in hospitalizations/hospital days



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medcation services (MAA).	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 business days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those who were lost to follow up (e.g. not contactable, not responsive)	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients with a decrease in hospitalization days/admissions	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Adult Full Service Partnership

The Adult Full Service Partnership offers dedicated support services to individuals aged 18 and older (Transitional Age Youth, Adults, and Older Adults) facing severe mental illness. Grounded in the Assertive Community Treatment (ACT) approach, the program is designed to assist individuals encountering challenges in obtaining or sustaining housing, enduring frequent and/or prolonged psychiatric hospitalizations, and experiencing repeated or extended periods of incarceration. Priority populations include those from unserved, underserved, and culturally and ethnically marginalized communities.

The ACT approach maintains a low staff-to-client ratio of 10:1, enabling frequent and intensive support services to clients. Clients receive assistance in securing suitable housing, with the potential for temporary financial aid. The primary objectives of the program are to actively involve clients in their treatment and to reduce the instances of homelessness, hospitalization, and incarceration. In tandem, it seeks to improve employment and educational preparedness, encourage self-sufficiency, and support overall wellness and recovery. Through a targeted commitment to these goals, the Adult Full Services Partnership endeavors to significantly improve the lives of its participants.

In FY23 a total of 63 TAY, Adults, and Older Adults participated in the program for all or part of the fiscal year. Demographics on those served include the following:

DEMOGRAPHICS N = 63	
Age Category	
Age Category	*% of total*
Transition Age Youth	*
Adult	71%
Older Adult	21%
Declined to Answer (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	57%
Female	41%
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Asian or Pacific Islander	*
Black or African American	54%
White	41%
Latino/a/x	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual	81%
Bisexual	*
Queer	*
Questionning	*

Multiple Sexual Orientations	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Flex funds are used to provide supports for FSP program participants. In FY23, 41 partners received rental and housing assistance; 20 received food and groceries; 6 received In-Home Assistance (cleaning, activities of daily living); and 32 partners were provided with miscellaneous assistance with bills, clothing, clothing, transit, medical supplies, storage, etc.

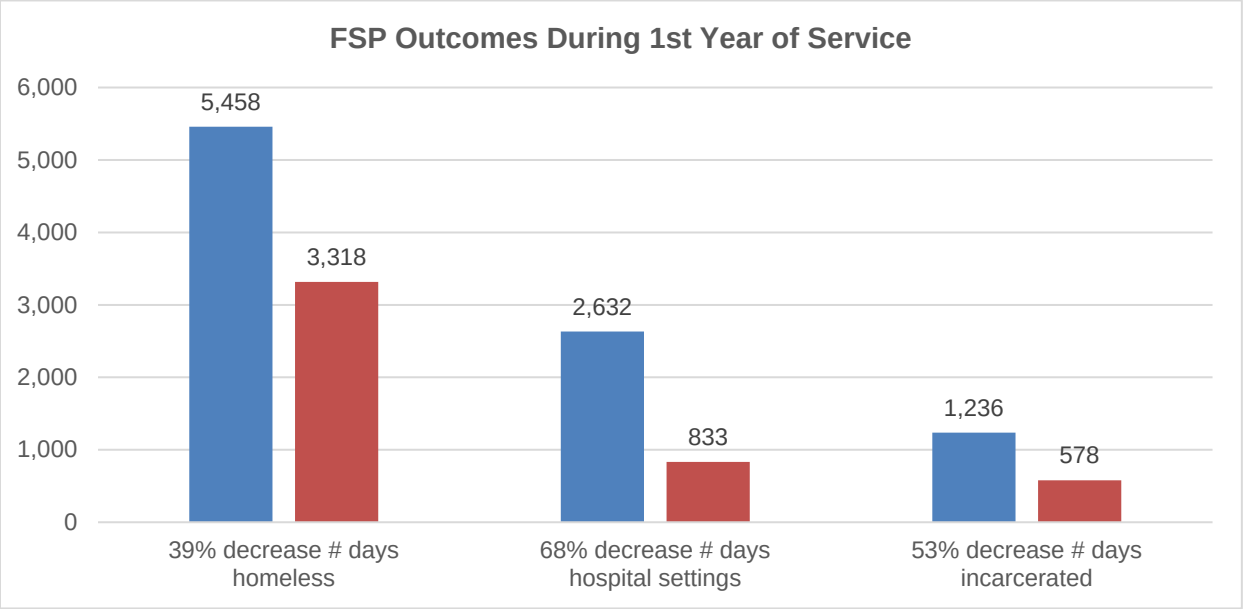
Program Successes:
In FY23, the Adult Full Service Partnership (FSP) program engaged 63 individuals actively, with 54 successfully completing at least one full year of service. The outcomes discussed below are derived from the state's Full Service Partnership Data Collection & Reporting (DCR) system, offering a comprehensive insight into the achievements of these 54 participants.

Program Enrollment and Disenrollment: Throughout the fiscal year, the program welcomed 12 new partners, with 9 of these participants completing a full year of service. In contrast, 11 partners were disenrolled from the program during FY 23. Disenrollment reasons include partners meeting treatment goals and transitioning to lower levels of care (27%), partners transferring to specialized Full Service Partnership teams for chronically homeless individuals (18%), partners sadly passing away (18%), partners becoming unlocatable (9%), partners being institutionalized in psychiatric settings (9%), and partners no longer meeting program criteria (9%).

Comparative Analysis - 54 Individuals Completing 1 Full Year of Service: For the 54 individuals completing a full year of service, a thorough comparison between the 12 months before program enrollment and the first 12 months in treatment revealed significant positive outcomes:

- A notable 39% reduction in days spent homeless, with partners experiencing 5,458 days of homelessness in the year prior to program enrollment and 3,318 days during the first year of program participation.
- A substantial 68% reduction in days spent in various hospital settings, including Psychiatric Emergency, acute psychiatric inpatient, IMDs, MHRCs, state psychiatric hospitals, medical hospitals, and SNFs. Partners spent 2,632 days in hospital settings the year before program enrollment and 833 days during the first year of program participation.
- A significant 53% reduction in days spent incarcerated during the first year of program participation. Partners spent 1,236 days incarcerated (jail and prison) in the year prior to program enrollment, compared to 578 days during the first year of program participation.

These outcomes underscore the program's positive impact in addressing homelessness, hospitalization, and incarceration among its participants, reflecting the effectiveness of the Adult FSP program during FY23, as tracked and reported through the DCR system.



Comparative Analysis - Alameda County Database Source (YellowFin) - FY23 vs. Most Recent 12 Months: In contrast to the state DCR, the Alameda County database, facilitated through the YellowFin system, draws information from a diverse set of over thirty external reporting sources. This data allows for a focused comparison of FY23 data to the most recent prior 12 months. The findings highlight significant positive outcomes for participants in the current fiscal year:

- Reduction in Psychiatric Emergency Services/Inpatient/Crisis Stabilization:
  A noteworthy 77% of participants experienced a decrease in psychiatric emergency services, inpatient care, and crisis stabilization compared to the preceding 12 months (n=13).
- Reduced Jail Days:
  A substantial 69% of clients witnessed a reduction in jail days when comparing the current fiscal year to the most recent 12 months (n=16).

This shift in data source offers a nuanced perspective, providing additional insights into the program's impact on participant outcomes, and aligns with the evaluation data from the state database (DCR).

Program Challenges:

- *Bay Area Housing Crisis* – In FY23 the Bay Area continued to be entrenched in a formidable housing crisis, characterized by the daunting challenge of securing safe and affordable housing. Housing prices, among the highest in the country, contribute to the extreme difficulty faced by individuals in finding suitable accommodations. Adding to this, Licensed Board & Cares, offering 24/7 support and medication monitoring, increasingly demanded additional funding from the city or county to sustain operations. The rent for these facilities surpasses the social security disability income received by our participants. Moreover,

Single Room Occupancy Hotels have raised their monthly rates to the extent that clients find it unaffordable without housing subsidies.

- *Coordinated Entry System* - The Coordinated Entry System in Alameda County, aimed at addressing homelessness more efficiently and equitably, introduces its own set of challenges. While standardizing the assessment process and prioritizing resources for individuals with the highest need, guiding these individuals through the assessment process proves challenging. Some individuals we serve are hesitant to acknowledge their mental health and substance use issues, resulting in lower "needs" assessment scores and diminished chances of obtaining permanent supported housing resources.
- *Staffing Challenges* - Retaining and hiring staff has been exceptionally challenging in FY23. The departure of several team members has left numerous vacancies, exacerbated by a substantial decline in applicants over the past several years. The scarcity of mental health workers in the public sector, coupled with the ongoing challenges posed by the Covid-19 pandemic, likely contributes to this hiring crisis. The nature of Full Service Partnership work, involving engagement with individuals deemed the highest need within our service system, presents inherent challenges. Burnout, cited by departing staff, underscores the demanding nature of the work. Despite these challenges, we remain optimistic about filling the current vacancies in the coming fiscal year.

The Division is committed to enhancing the Adult FSP Teams staff expertise in treating co-occurring substance abuse disorders through ongoing training in Motivational Interviewing. Concurrently, efforts will persist in refining adherence to the ACT model, reflecting the Divisions dedication to delivering effective and compassionate care to the community.

The projected number of individuals to be served in each age category in FY25 is as follows: 18-24 years – 3 individuals; 25-44 years - 23 individuals; 45-64 years - 14 individuals; 65 years and older - 11 individuals.

In FY23, the RBA measures that were established for this FSP were as follows:

Process Measures **How much did we do?**	**Quality Measures** **How well did we do it?**	**Impact Measures** **Is Anyone Better off?**
• # clients served • # of new clients opened for ongoing services • Average # of days in FSP per client • Average # of service hours per client per month • Average # of services per client per month	• % of clients who have at least completed one CANS/ANSA for each six-month period that they are in the program • % of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month • % of clients with no service gap of over 30 days • % of discharges from hospitalization or subacute	• % of clients who had a reduction in jail days in the last 12 months compared to the 12 months before enrollment • % of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units in the last 12 months compared to the 12 months before enrollment

Process Measures How much did we do?	Quality Measures How well did we do it?	Impact Measures Is Anyone Better off?
	who had a follow up visit with FSP staff within 7 and within 30 calendar days • #/% of clients closed, by reason closed • #/% of clients transferred to another level of care • % of clients who were satisfied with services**	• % of clients with a decrease in hospitalizations and hospitalization days • % of clients with a primary care visit in the last 12 months • % of clients who moved out of homelessness**

*Demographic data was reported at the program level, where available
**Data not available for baseline reporting period, will be included in future rounds of reporting

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of days in FSP per client	Average length of stay for primary program episodes which have closed since the beginning of the reporting period	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include MAA	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six month period that they are in the program	Of clients with a completed CANS/ANSA, what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin

Measure	Definition	Data Source
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of MH hospital discharge.	Yellowfin

Data Development Agenda – measures the team is interested in reporting on but for which reliable data was not available:

- % of clients who have a billable contact with FSP staff within 7 calendar days:
  -Following discharge (from a hospital, crisis residential or release from jail);
  -After assignment to the team;
- Client-to-staff ratio;
- % staff retention year-to-year;
- Average # of contacts per month per client.

To provide context around the FY23 RBA Outcomes for this FSP, during FY22 and FY23 the Adult Full Service Partnership experienced a notable rate of staff changes. Additionally, there was a general decrease in productivity, which can be attributed to the ongoing impacts of the pandemic. Efforts are currently underway to enhance staff retention strategies.

RBA Outcomes in FY23 for this FSP are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Adult Full Service Partnership (AFSP)

Process Outcomes ("How much did we do?")

63

Clients Served

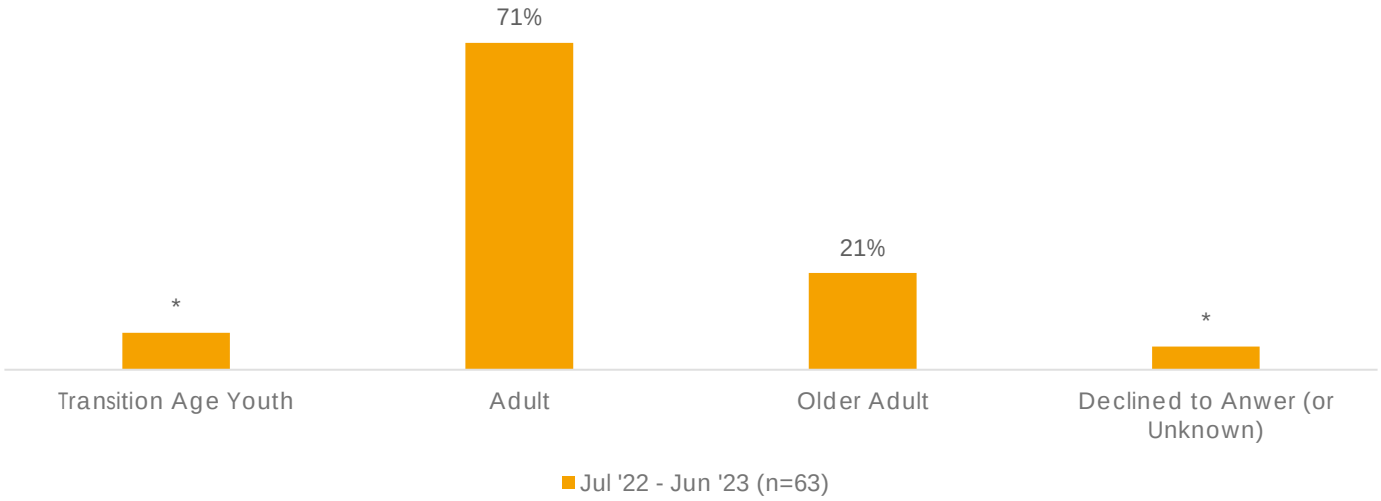
11

New Clients

Program Description: The Full-Service Partnership (FSP) team provides services to clients who are considered the highest need within our adult mental health service system. The FSP team is based on an Assertive Community Treatment (ACT) Model which involves low staff-to-client ratios at approximately 10:1 and a focus on providing care as a team rather than individual case load assignments. Services are primarily provided in the community rather than in an office setting.

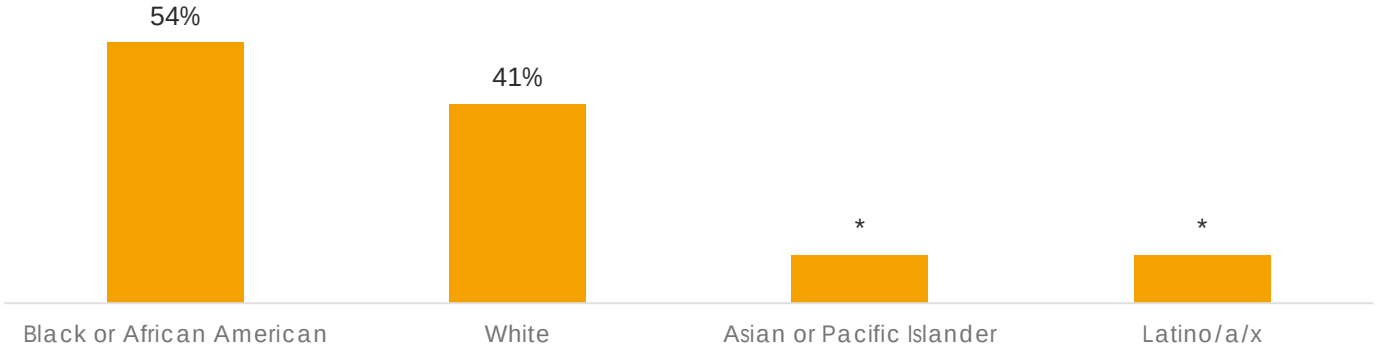
Program Updates: In Fiscal Year 2021-2022, the Adult Full Service Partnership was not fully staffed, this has been remedied in FY 2022-23.

Demographics (Age)

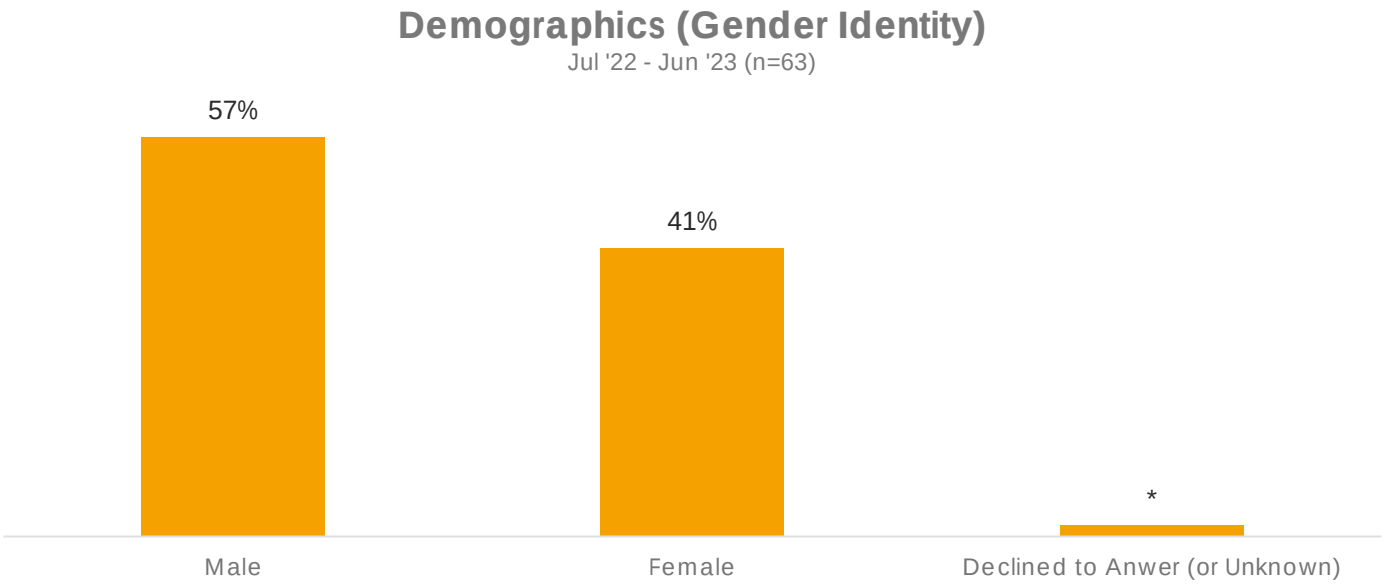


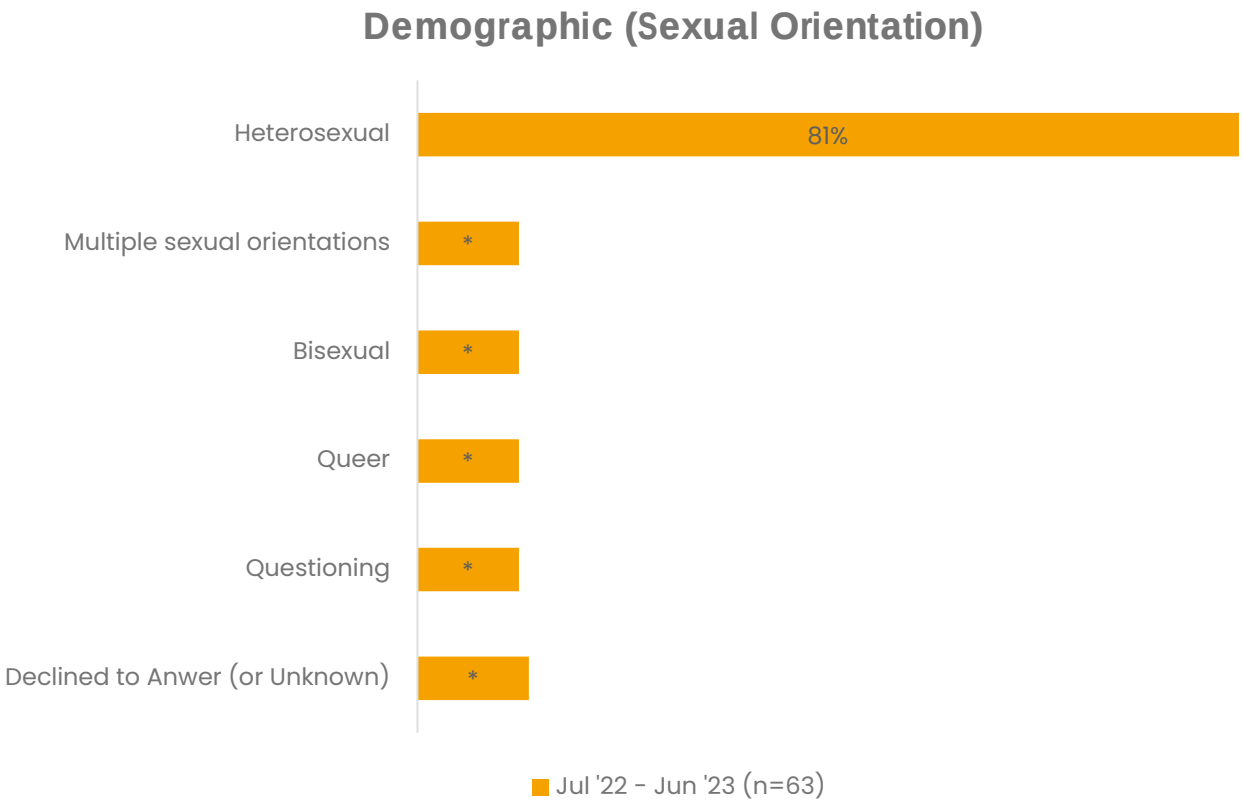
Demographics (Ethnicity)

Jul '22 - Jun '23 (n=63)

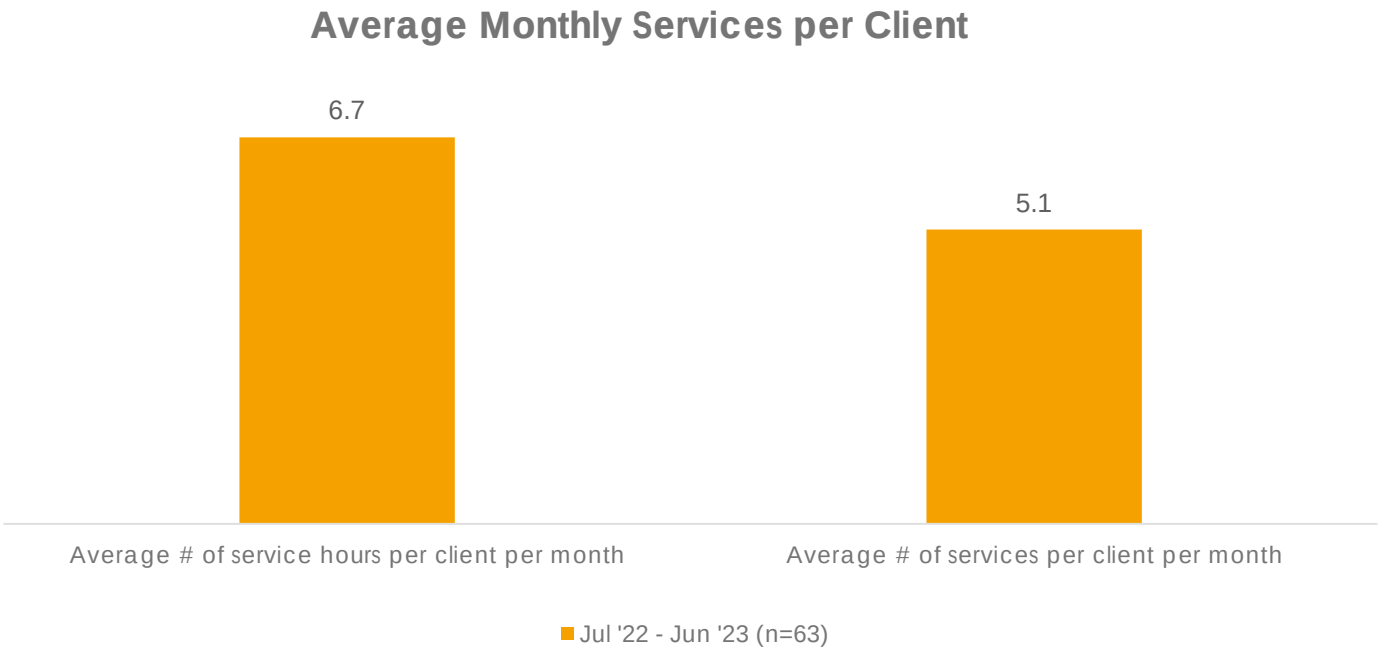


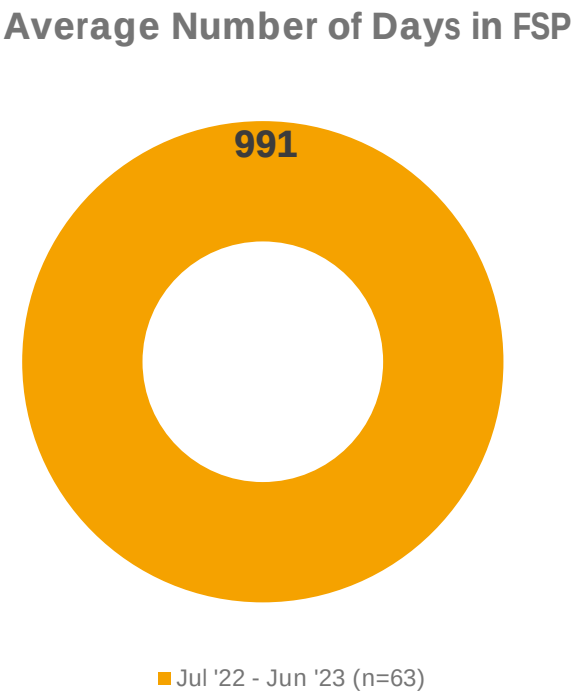
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.





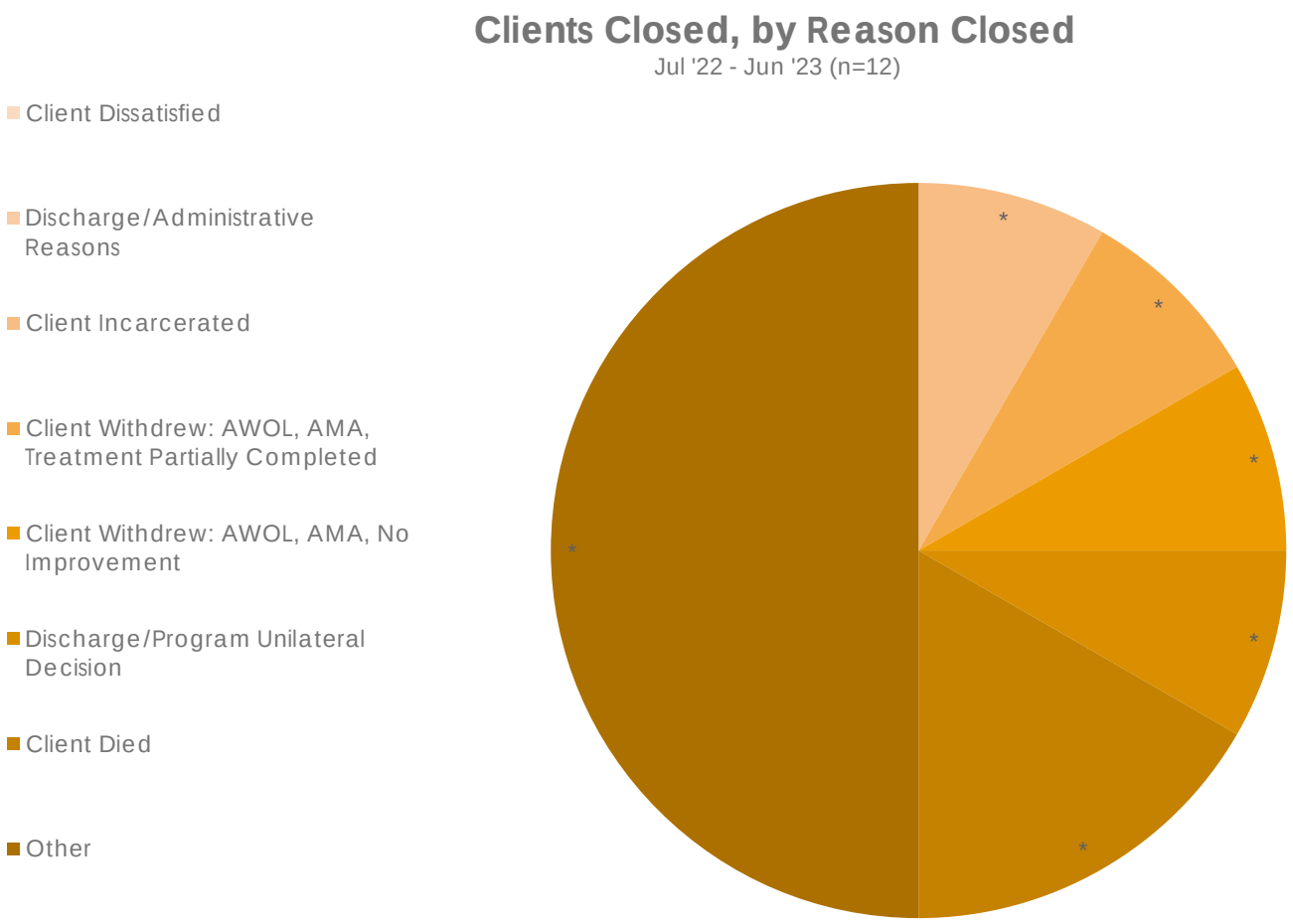
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

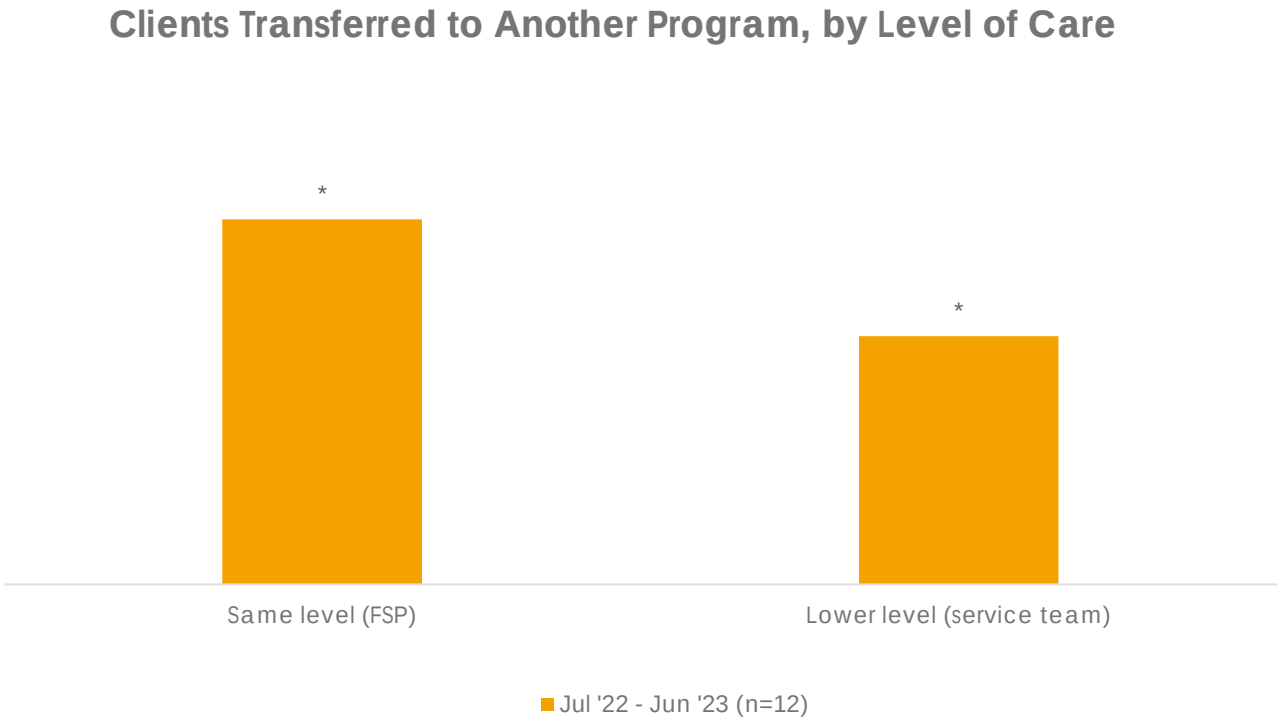




NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

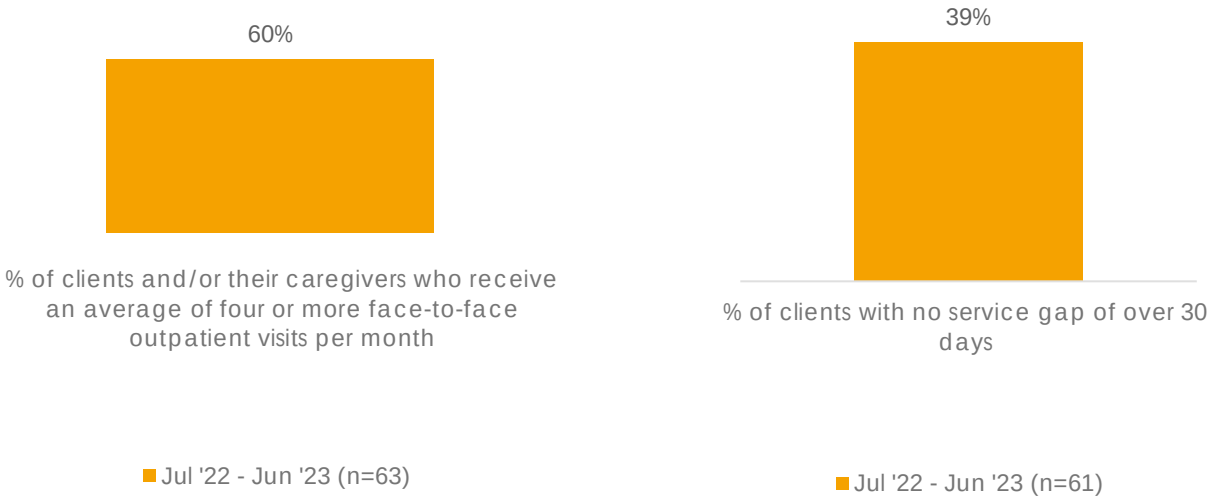
Quality Outcomes ("How well did we do it?")





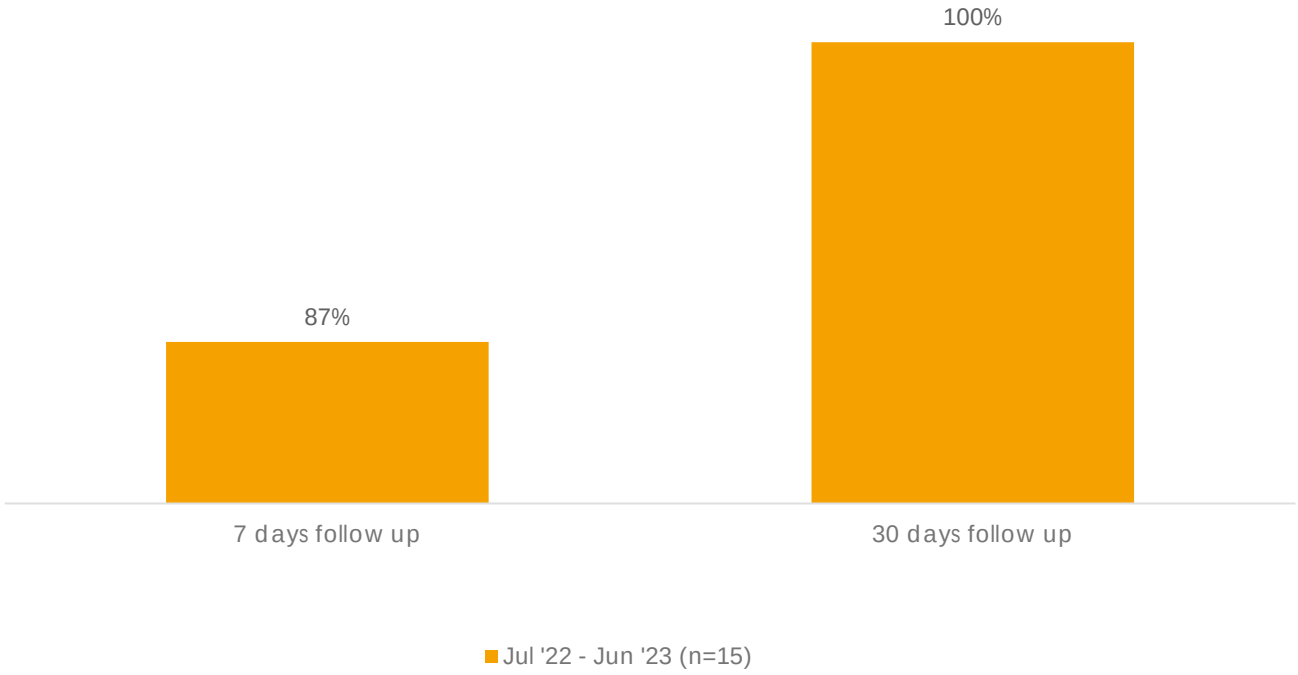
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Service Consistency



Hospital Follow Up Consistency

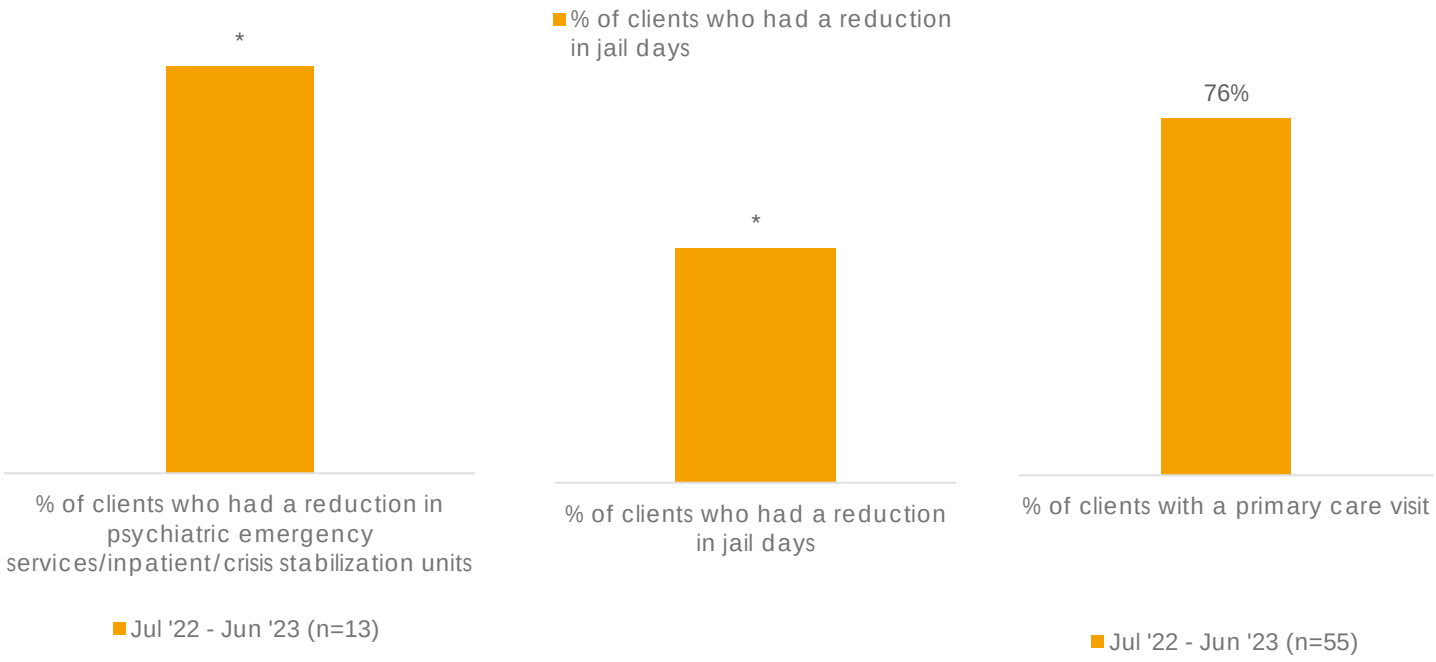
% of discharges from hospitalization or subacute who received FSP follow up within 7 and 30 days



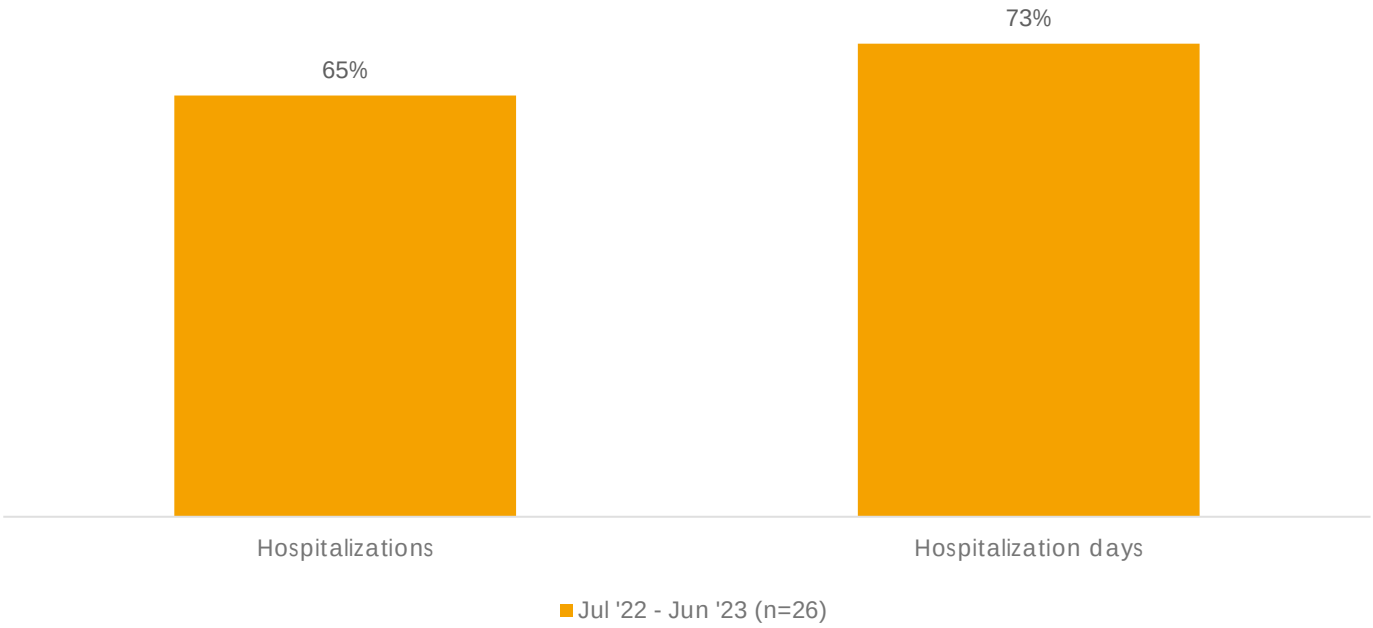
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Impact Outcomes ("Is anyone better off?")

Client Outcome Improvements



% of clients with a decrease in hospitalizations/hospital days



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients opened for ongoing services	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medical services (MAA)	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those who were lost to follow up (e.g. not contactable, not responsive)	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
# of clients transferred to another level of care	Of clients discharged in the reporting period, # who were transferred to a full service partnership program, service team, or outpatient services in Alameda County within 90 days of discharge.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients who had a reduction in jail days	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in hospital and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin
% of clients with a decrease in hospitalizations/hospitalization days	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Homeless Full Service Partnership

Through the previously approved MHSA FY20 Annual Update, and as a result of the need to ensure ongoing services and supports for individuals experiencing homelessness following the ending of the Homeless Outreach and Treatment Team (HOTT) Pilot Program, a Homeless Full Services Partnership (HFSP) was developed. The HFSP provides services to individuals primarily in the community, and in any temporary housing placement (e.g. shelter, unhoused encampment) who meet the following criteria:

- Adults (18 years and older);
- Unhoused and those at risk of being unhoused;
- Severe Mental Illness; and
- Significant impairments in functioning (e.g., frequent psychiatric hospital utilization, involvement in the criminal justice system, domestic violence survivors, trauma, severe co-occurring disorders).

The HFSP utilizes a team model for providing intensive treatment, meeting people up to several times per week.

In FY23, 47 individuals were served. Demographics on individuals served are as follows:

DEMOGRAPHICS N = 47	
Age Category	
Age Category	*% of total*
Adult (26-59)	89%
Older Adult (60+)	11%
Gender Identity	
Gender Identity	*% of total*
Male	70%
Female	30%
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	62%
Asian Pacific Islander	*
Latino/a/x	*
White	28%
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual	64%
Bisexual	*
Gay	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Flex funds are used to provide supports for FSP program participants. During FY23, 2 partners received rental and housing assistance; 16 received food and groceries; 5 partners received

bus passes or transportation; 4 partners were provided with assistance with clothing/hygiene; and 8 partners were provided with assistance with cell phones, bills, or obtaining a mail box.

Program Successes:
The most significant success for the team in FY23 was the hiring of the Mental Health Clinical Supervisor to lead the team and two Case Managers. The Team was able to enroll additional participants, continue to serve the unhoused community, and support individuals making the transition into housing.

Program Challenges:
The ongoing challenge for the team has been difficulties in locating and consistently meeting with clients who are unhoused and who's mental health symptoms make it difficult for them to attend scheduled appointments, keep and maintain cell phones to stay connected to service providers, etc. The team continued to make attempts to outreach and engage clients in the community by going out to look for them at various locations in the community when they missed meetings. Another challenge was the difficulty the team had when attempting to link clients to crisis services, including crisis stabilization units. The HFSP was provided with feedback that the behaviors the individual's exhibited were too challenging and/or that there were too many risk factors for the client to be at that level of care. The main purpose of the team was to support individuals with their mental health symptoms. However, the Team begun to function as housing navigators by supporting clients in locating housing, even though the team and clinic are not a housing program. If the team and client were able to locate housing, there were also insufficient resources and supports within the housing community to help the client maintain that placement, leading to the increased likelihood of recidivism to homelessness.

The projected number of individuals to be served through this program in FY25 by age category is as follows: 18-24 years - 2 individuals; 25-44 years - 16 individuals; 45-64 years - 23 individuals; 65 years and older - 5 individuals.

In FY23, the RBA Measures that were established for this FSP were as follows:

Process Measures How much did we do?	Quality Measures How well did we do it?	Impact Measures Is Anyone Better off?
• # of clients served • # of new clients opened for ongoing services • Average # of days in FSP for client • Average # of services hours per client per month • Average # of services per client per month	• % of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program • % of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month • % of discharges from hospitalization who had a follow up visit with HFSP staff within 7 and within 30 calendar days • % of clients with no service gap of over 30 days • #/% of clients closed, by reason closed • % of clients who were satisfied with services**	• # of clients housed** • # of clients who gained or maintained housing since enrollment** • % of clients who had a reduction in jail days in the last 12 months compared to the 12 months before enrollment • % of clients with a primary care visit in the last 12 months • % of clients who had a reduction in psychiatric care emergency services/inpatient/ crisis stabilization units in the last 12 months compared to the 12 months before enrollment • % of clients with a decrease in hospitalizations/hospitalization days • % of clients with an increase in the number of days in community living compared to 12 month period before enrollment**

*Demographic data was reported at the program level, where available

**Data not available for baseline reporting period, will be included in future rounds of reporting

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of days in FSP per client	Average length of stay for primary program episodes which have closed since the beginning of the reporting period	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include MAA	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin

Measure	Definition	Data Source
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed CANS/ANSA, what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of MH hospital discharge.	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
% of clients who had a reduction in days in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients with a decrease in hospitalization	Decrease in hospital admits and hospitalization days in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital admit in the 12 months prior to admission and remained in the program for at least 1 year	Yellowfin
% of clients who had a reduction in jail days	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in	Yellowfin

Measure	Definition	Data Source
	hospital and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	
% of clients with a primary care visit in the last 12 months	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/CHCN primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- Client satisfaction with services;
- Client engagement in interpersonal activities;
- Client income (incl. entitlements);
- Change in violence (e.g. # of violent interactions reported) experienced by the client;
- Change in educational or workforce training status of client;
- Client-to-staff ratio;
- % staff retention year-to-year;
- % of clients and/or their caregivers who have consented to participate in services and have received one or more face-to-face visits within 7 calendar days of their HFSP referral;
- #/% of clients who maintained housing at 6 months from housing placement date.

To provide context for the FY22 RBA outcomes, the HFSP initiated service in FY22 leading to an expansion of their client base. Throughout the latter part of FY23, the team underwent staffing changes but has since achieved full staffing capacity. The workforce was augmented by two new members, enhancing the follow-up capabilities of the program. Staff maintained a high frequency of interaction with clients, ensuring robust support. Although the HFSP lacked a Clinical Supervisor from August 2022 to April 2023, the gap was bridged by interim personnel to assist clients in progressing towards their treatment objectives.

RBA Outcomes in FY23 for this FSP are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Homeless Full Service Partnership (HFSP)

Process Outcomes ("How much did we do?")

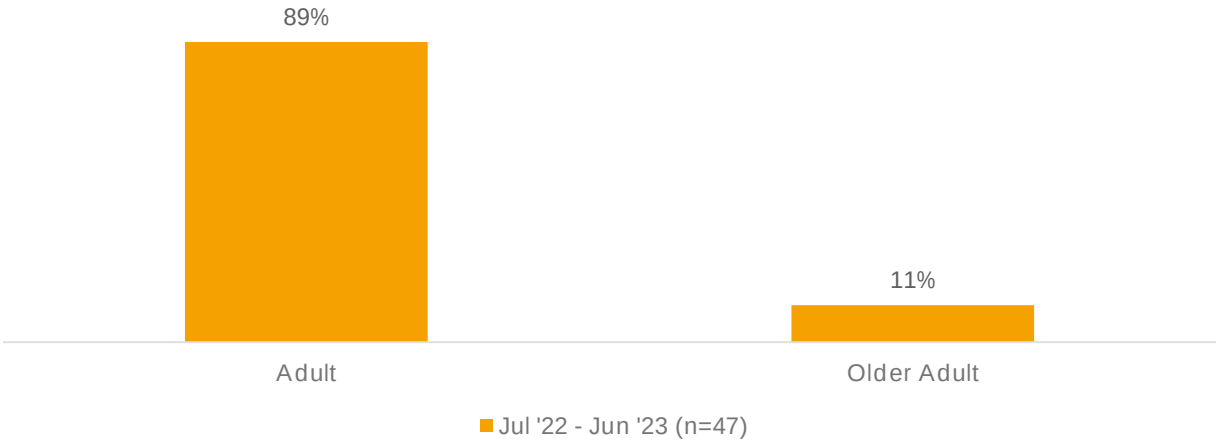
47
Clients Served

11
New Clients

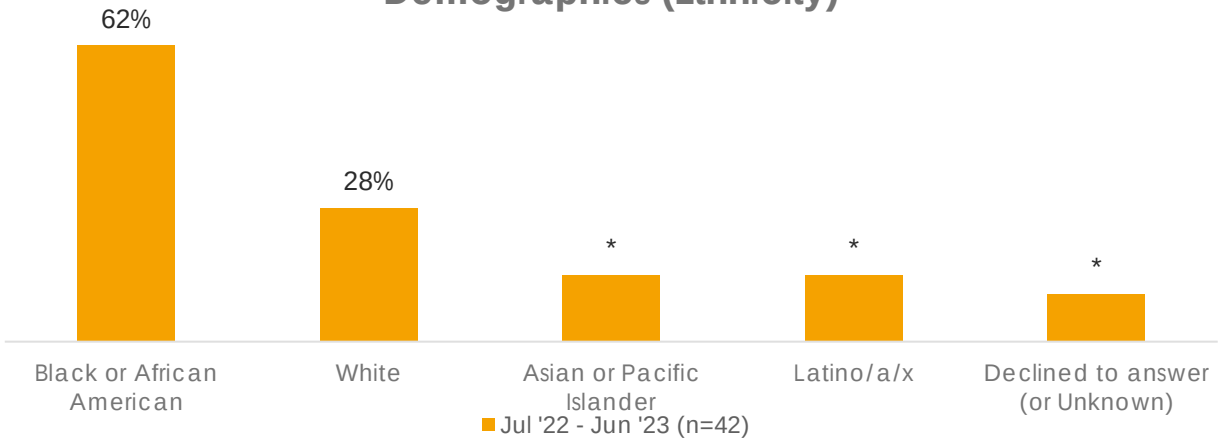
Program Description: HFSP serves unhoused residents of Berkeley in an Assertive Community Treatment (ACT) model at high staff to client ratios, providing intensive case management and mental health services in a multi-disciplinary team approach. This team serves those with the highest level of need, supporting a population that is primarily unhoused and has multiple severe functional impairments.

Program Updates: HFSP began offering services during Fiscal Year 2021-22, and therefore was growing their caseload. They additionally had some staffing transitions in the second half of FY 2022-23 but are now fully staffed.

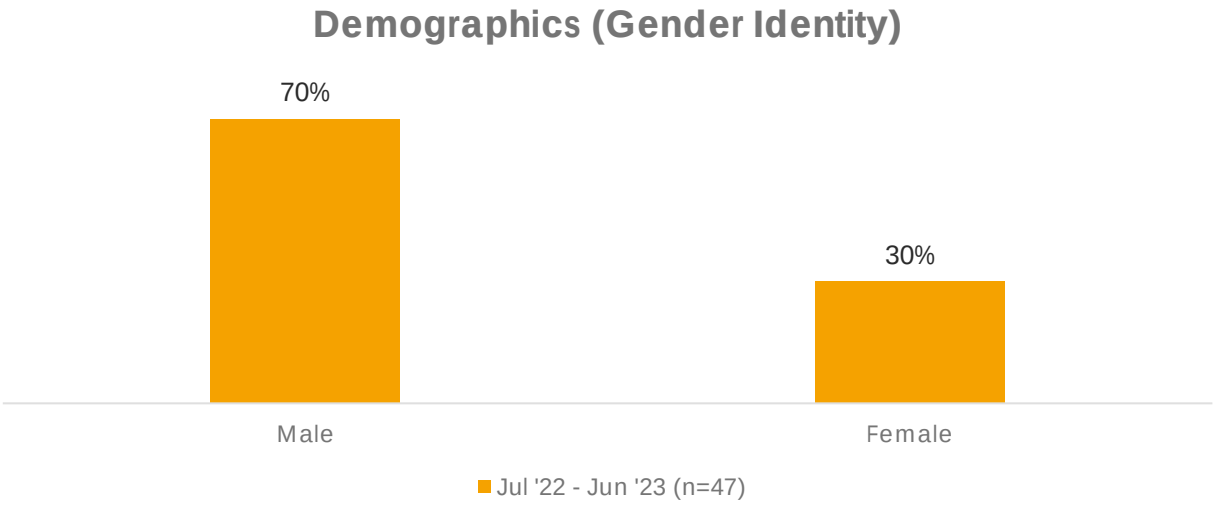
Demographics (Age)

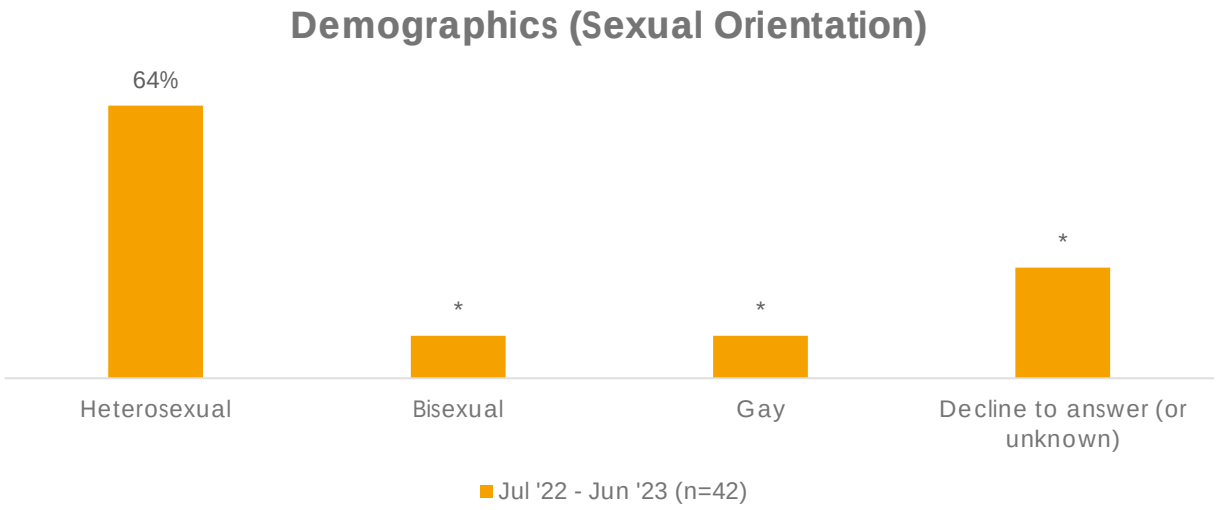


Demographics (Ethnicity)



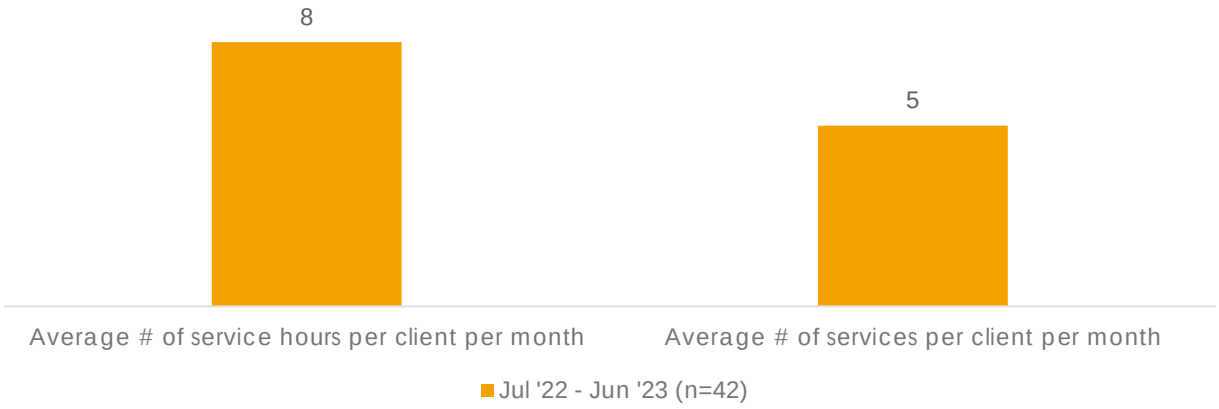
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



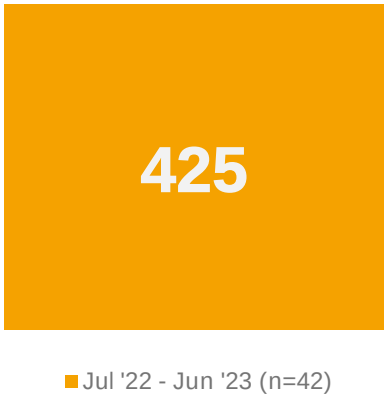


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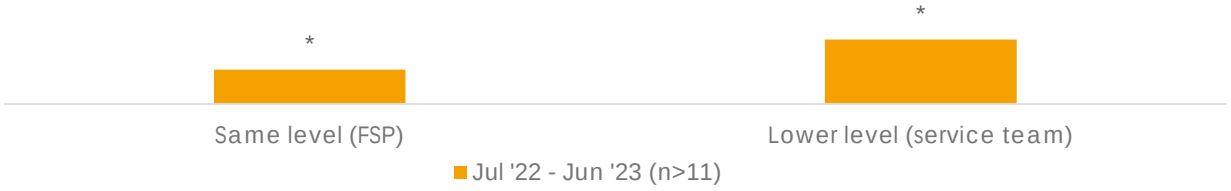
Average Monthly Services per Client



Average Number of Days in FSP



Clients Transferred to Another Program, by Level of Care

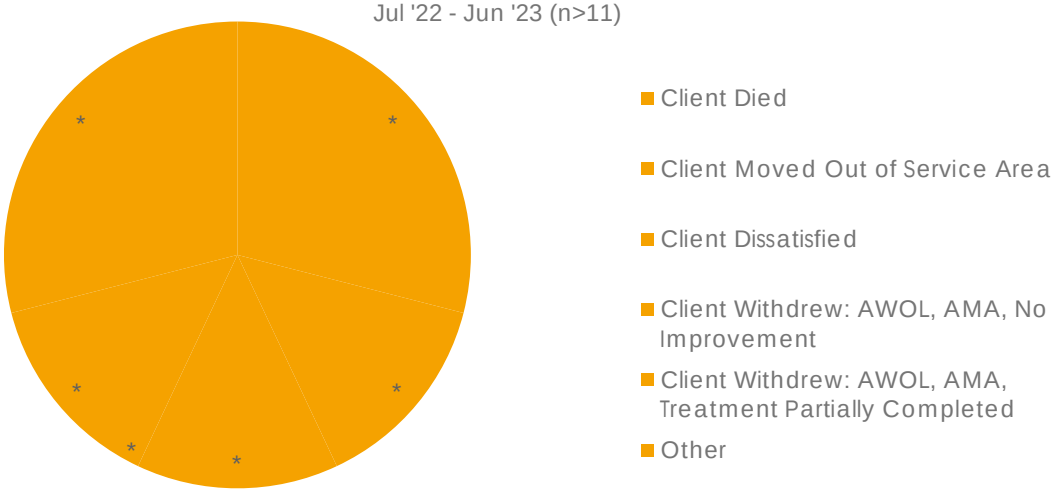


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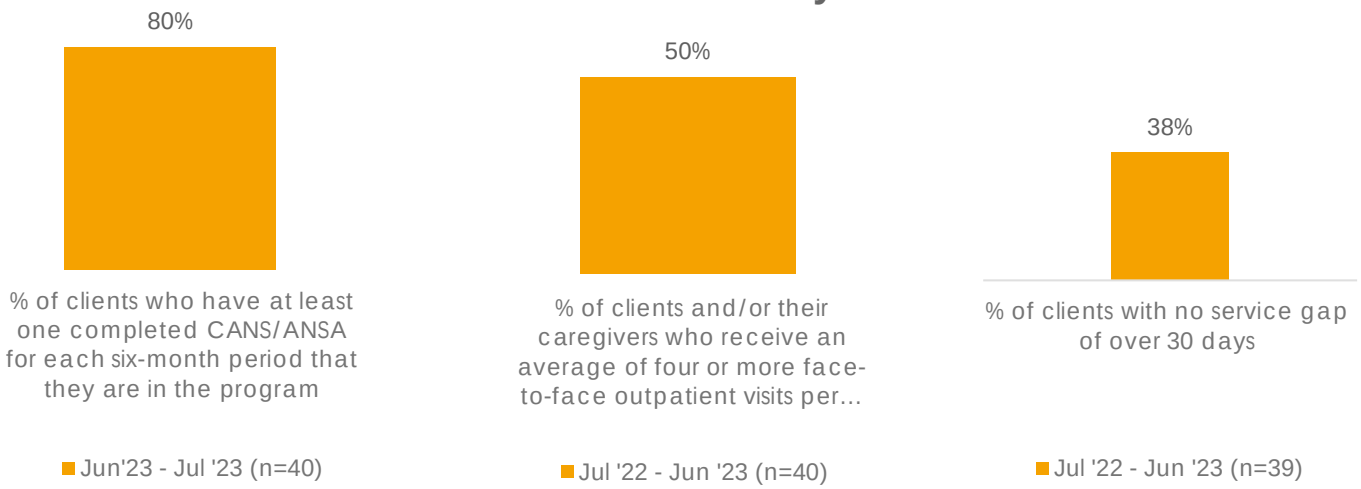
Quality Outcomes ("How well did we do it?")

Clients Closed, by Reason Closed

Jul '22 - Jun '23 (n>11)

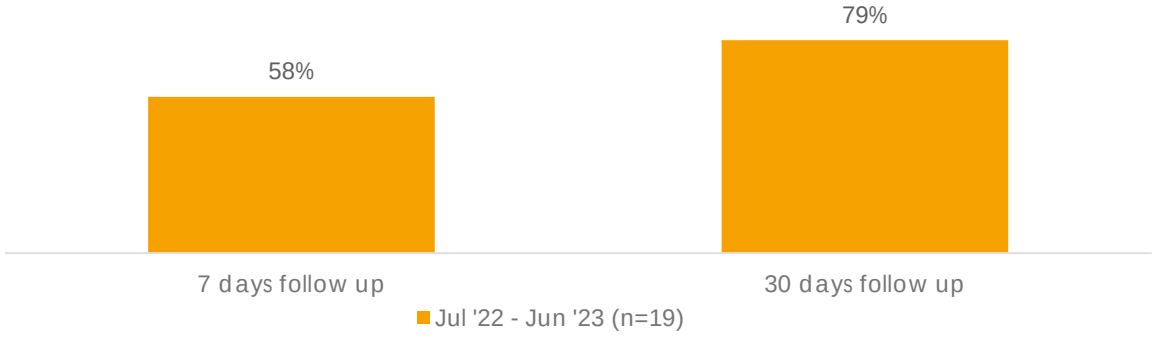


Service Consistency



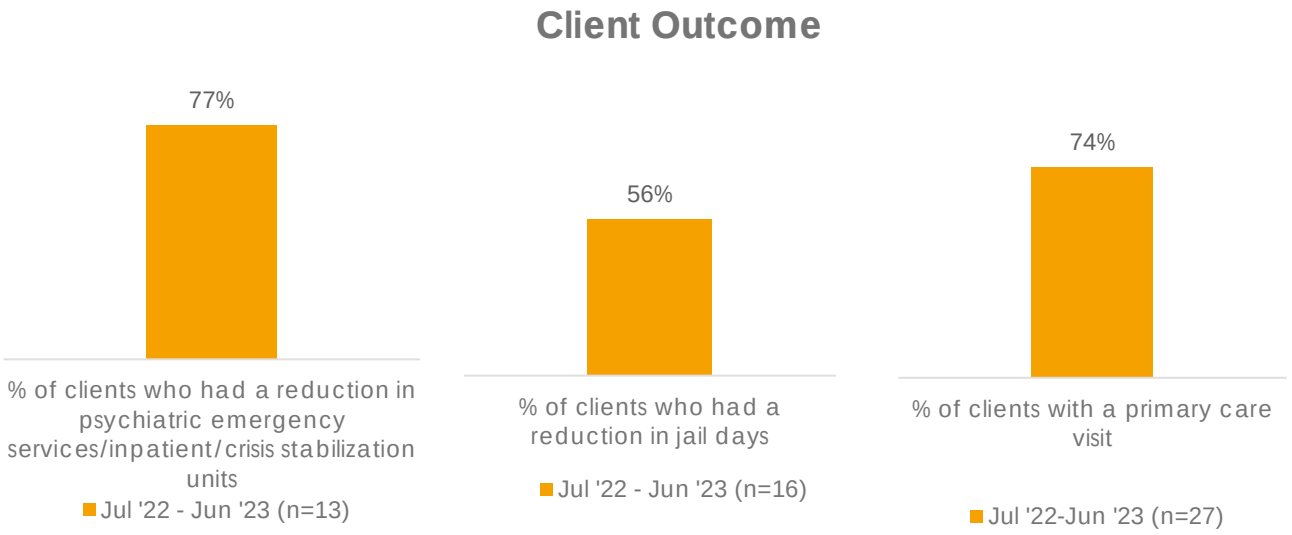
Hospital Follow Up Consistency

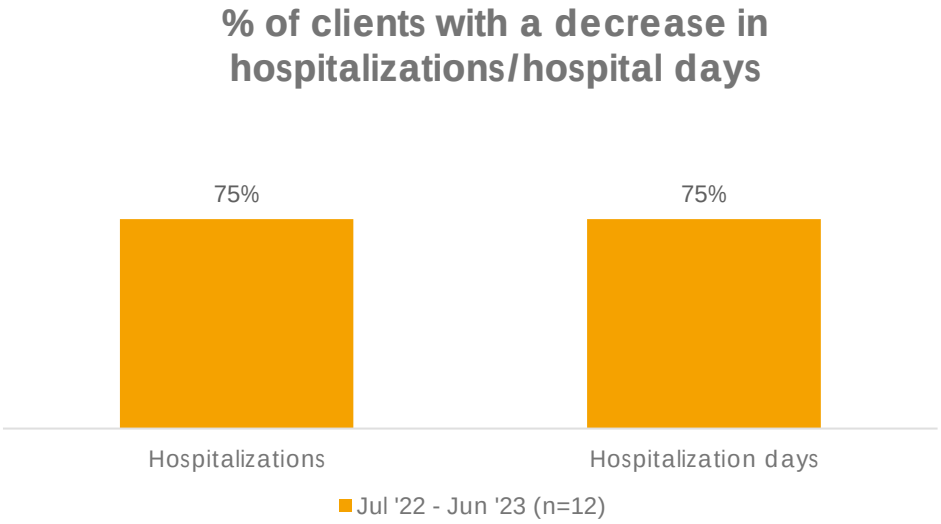
% of discharges from hospitalization or subacute who received FSP follow up within 7 and 30 days



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Impact Outcomes ("Is anyone better off?")





NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients opened for ongoing services	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medical services (MAA)	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those who were lost to follow up (e.g. not contactable, not responsive)	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
# of clients transferred to another level of care	Of clients discharged in the reporting period, # who were transferred to a full service partnership program, service team, or outpatient services in Alameda County within 90 days of discharge.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients who had a reduction in jail days	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in hospital and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin
% of clients with a decrease in hospitalizations/hospitalization days	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

MULTI-CULTURAL OUTREACH AND ENGAGEMENT

Diversity & Multicultural Services

The Diversity & Multicultural Coordinator (DMC) provides leadership in identifying, developing, implementing, monitoring, and evaluating services and strategies that lead to continuous cultural, ethnic, and linguistic improvements within the organization's system of care, with a special emphasis on unserved, underserved, inappropriately served, and emerging populations. The DMC also collaborates with the state, regional counties, other city divisions, local agencies, and community groups in order to address mental health inequities and disparities for targeted populations and communities, and the community-at-large in Berkeley.

The Diversity & Multicultural Coordinator accomplishes these goals by:

- Providing cultural humility competency training to all behavioral health, community partners, and all stakeholders in Berkeley and other geographic locations in the region as a collaborative partner;
- Performing outreach and engagement to unserved, underserved, inappropriately served and emerging communities and populations;
- Developing long and short-term goals and objectives to promote cultural/ethnic and linguistic competency within the system of care;
- Developing an annual training plan and budget;
- Chairing the agency's Diversity and Multicultural Committee;
- Attending continuous trainings in the areas of cultural competency;
- Monitoring Interpreter and Translation Services for the agency;
- Collaborating with State, Regional, County, and local groups and organizations, and
- Developing and updating BMH's Cultural Humility Competency Plan as needed.

In FY23, there was a vacancy in this position.

Transition Age Youth (TAY) Support Services

The Transition Age Youth (TAY) Support Services program provides outreach, services, supports, and/or referrals to TAY with serious mental health issues who are homeless or marginally housed and not currently receiving services. Priority is given to youth coming out of foster care and/or the juvenile justice system and particular outreach strategies are utilized to engage youth from various ethnic communities, including African Americans, Asian and Latino/a/x populations, among others. Program services include: Culturally appropriate outreach and engagement; peer counseling and support; assessment; individual and group therapy; family education; case management, coaching, ancillary program referrals and linkages. Also provided are services in housing attainment and retention, financial management, employment, schooling, and community involvement. Services are designed to be culturally relevant, tailored to each individual's needs, and delivered in multiple, flexible environments. The main goals of the program are to increase outreach, treatment services, and supports for mentally ill TAY in need, and to promote self-sufficiency, resiliency and wellness. This program serves 15-20 youth at a time. This program has not been implemented over the past couple of years, it will not be implemented in FY25.

SYSTEM DEVELOPMENT

System Development includes Wellness Recovery Support Services that are intended to expand collaboration with stakeholders, promote the values of wellness, recovery and resilience, and move the Division towards a more consumer and family member driven system. Services are comprised of the following main components: Wellness/Recovery System Integration and Family Advocacy Services. Together, both ensures that mental health peers and family members are informed of, and able to be involved in, opportunities to provide input and direction in the service delivery system and/or to participate in recovery-oriented or other supportive services of their choosing. Strategies designed to reach program goals include: developing policies that facilitate the Division in becoming more Wellness & Recovery oriented and consumer/family member driven; outreach to, and inclusion of, mental health peers and family members on Division committees; provision of family support & education; supported employment and vocational services; wellness activities; peer supportive services; and client advocacy. Some of the additional services and supports that CSS System Development provides funding for are as follows: Housing Services and Supports; Benefits Advocacy; Employment/Educational Services; Wellness Recovery Center; Counseling Services for Senior Citizens; Youth Case Management Services; Hearing Voices Groups; Transitional Outreach Team; Flex Funds and Sub-Representative Payee Services for clients, etc.

Wellness Recovery Services

The BMH Wellness Recovery Team works with staff, stakeholders, community members and clients to advance the goals of Wellness and Recovery on a system wide level. In order to accomplish these goals, some of the various tasks include: Recruiting peers for Division committees; convening committees around Wellness Recovery system initiatives; oversight/administration of peer stipends; convening and conducting meetings for the Berkeley “Peers Organizing Community Change (POCC)”; working with staff to develop various Wellness and Recovery related policy and procedures; and oversight of the Division’s “Wellness Recovery Activities”. The Consumer Liaison is also a resource person around “Mental Health Advance Directives” for individuals desiring to express their treatment preferences in advance of a crisis, and is a participant on a number of local MHSA initiatives. The combination of individual services and system-level initiatives impact all clients and their family members across the system in a given year. In FY23, there were approximately 397 clients in the BMH system.

Three positions were added in FY23, to the Wellness Recovery Program. The vacant Assistant Mental Health Clinician position was filled and two Social Service Specialist positions, or Wellness Community Specialists, were hired to make the clinic more welcoming and provide peer support to individuals waiting to be seen at the clinic. Adding these positions made more individuals aware of the wellness groups, community resources and support that the clinic has to offer.

Being fully staffed, The Wellness Recovery Team was able to bring some groups back in-person such as the WRA- Wellness Recovery Activities and to start engaging with people in the waiting room, offering resources, peer support, light refreshments and warm connections. All of

the group flyers received a facelift and were re-vamped and the Monthly Wellness Recovery Activities Newsletter was brought back for the peer community.

During the reporting timeframe, some of the various activities of the Wellness Recovery Team that were conducted under the direction of the Consumer Liaison included:

Wellness Recovery Groups

Designed to promote self-care and independence, the Wellness Recovery Team builds on the talents of consumers, encouraging self-efficacy, psycho-education and motivation through multiple groups and interactions that can spark interest through wellness activities and social interactions as follows:

Wellness Recovery Activities

The Wellness Recovery Activities (WRA) group highlights consumer facilitation and creativity skills. In FY23, there were 11 group sessions with a total of 9 attendees. The projected numbers to be served in FY25 per each age group is as follows: 18-25 years – 1 individual; 26-59 years – 5 individuals; 60 years or older – 5 individuals.

Walking Groups

The Wellness Recovery Team provides walking groups to help with isolation, promote physical activities and socialization. The walks take place at local Berkeley parks and neighborhoods and they varied in physical intensity. The walks are advertised in the Wellness Recovery monthly calendar. In FY23, 20 walks were scheduled throughout the year. During the month of January walks were not scheduled due to rainy weather. The parks visited were Ohlone, Grove Park, Cedar Rose, 4th street, Aquatic Park, Berkeley Marina, San Pablo Park and the University of California at Berkeley campus. A total of 9 unduplicated individuals participated in the Walking Groups. The projected numbers to be served in FY25 per each age group is as follows: 18-25 years – 1 individual; 26-59 years – 5 individuals; 60 years or older – 2 individuals.

Field Trips

In FY23 the Wellness Recovery Team did not schedule any field trips due to staff shortage.

Card Party Groups

This program is modeled after the Do-Send-A-Card program created by the San Francisco Mental Health Association. BMH Wellness Recovery staff partnered with the Peer Wellness Collective formally known as “Alameda Network of Mental Health Clients” Reach-Out Program to distribute the cards that were created from the Card Party groups when they visit the hospitals throughout the County.

In FY23 a total of 24 Card making groups were offered to inspire peers to write inspirational messages in cards as well as design cards with arts and crafts for individuals in psychiatric hospitals and Board & Cares. Peers can choose the card they want to receive. Through this program 50 cards were created and given to the Reach-Out Program. The number of cards made this year was significantly lower due to a loss of attendees or connecting to pick up cards from attendee’s homes. This program has been operating in-person and on the Zoom platform. A total of 4 unduplicated individuals participated in the Card Party Groups. The projected

numbers to be served in FY25 per each age group is as follows: 18-25 years – 1 individual; 26-59 years – 6 individuals; 60 years or older – 3 individuals.

Mood Group

The Mood Group is designed for people to share their thoughts and feelings in a safe place where support is also offered. In FY23 the group met mostly twice a month but a few months the group only met once due to staff shortage and events. The group focused on reviewing a Mood Scale to help people identify their emotions and address the impacts of their choices among non-judgmental peers. The group was hosted for a total of 20 times during the reporting timeframe with a total of 3 unduplicated participants. The projected numbers to be served in FY25 per each age group is as follows: 18-25 years – 2 individuals; 26-59 years – 4 individuals; 60 years or older – 4 individuals.

Peers Organizing Community Change

Peers Organizing for Community Change (POCC) which was formerly known as Pool of Consumer Champions is a community activism group designed to educate, advocate and lead and it is open to any community member who identifies as a peer, a person with lived mental health conditions. The committee meets once a month and focuses on the needs and concerns of Berkeley residents as well and provides input on the Mental Health Service Act. In FY23, the group met 10 times, with 7 regular attendees, 5 of whom assumed positions within the committee. Each year the committee is tasked with identifying and coordinating a community event to educate on a popular topic. For the FY23 the topic was “Standing proudly with Berkeley Resources” and 30 community members attended the event. The projected numbers to be served in FY25 per each age group is as follows: 26-59 years – 3 individuals; 60 years or older – 3 individuals.

Mental Health Advance Directives

One-on-One Consultations on Mental Health Advance Directives are available through Wellness Recovery Staff. Although consultations were advertised in the Wellness Recovery Newsletter and calendar, in FY23 there weren’t any requests for this service. The projected numbers to be served in FY25 per each age group is as follows: 18-25 years – 1 individual; 26-59 years – 2 individuals; 60 years or older – 3 individuals.

In FY23, a total of 49 individuals participated in Wellness Recovery services. Demographics on 30 of the individuals served are as follows:

DEMOGRAPHICS N = 30	
Age Category	
Age Category	*% of total*
25-44 years	*
45-64 years	*
65 years and older	*
Declined to Answer (or Unknown)	*

Gender Identity	
Gender Identity	*% of total*
Male	*
Female	*
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Asian or Pacific Islander	*
Black or African American	*
White	*
Multi-racial	*
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual	*
Bisexual	*
Questioning	*
Multiple Sexual Orientations	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:
In the third quarter of FY23, the Wellness Recovery Team added two Social Services Specialist positions to the program. These positions titles are designed to make the clinic more welcoming and provide peer support to individuals in the clinic waiting room. Adding these positions made more people aware of the wellness groups, events and support that the clinic has to offer. In the fourth quarter an Assistant Mental Health Clinician position was filled to provide full staffing capacity on the team.

Being fully staffed, some of the groups such as the Wellness Recovery Activities were able to be conducted in-person, and more individuals were engaged and began participating in groups. Staff has been able to do one on one support in the waiting room and offer resources to people in crisis. Some groups continued to meet on Zoom and a hybrid option was available as well and there was a consistent number of individuals who benefitted from the groups. Staff also engaged with individuals in the waiting room offering light refreshments and connections, one on one supports, and resources for individuals in crisis. In June, all of the group flyers received a facelift and were re-vamped.

Program Challenges:
There were still some members of the groups only wanted to attend group activities online or through dial-in even after the option was provided to meet in the office. It was challenging to manage the groups with the hybrid option. Engaging individuals to fill out the demographic form

was challenging as well, when individuals participated online, or either came after group had started or left prior to the ending of a group activity.

In FY23, the RBA measures for this program (which were combined with the Social Inclusion, Telling Your Story Project measures, as both are conducted by the same staff) were as follows:

Process Measures How much did we do?	Quality Measures How well did we do it?	Impact Measures Is Anyone Better off?
• # of participants served • # of different groups convened per year • # of group events held per year • # of group participants who meet the requirements for "Telling Your Story" (MHSA PEI Requirement)	• #/% of participants who return for group events	• #/% of participants who reported feeling less shame about their experiences and challenges • #/% of participants who reported progress in their recovery

Measure	Definition	Data Source
# participants served	Total # of participants served	Wellness Recovery Group Attendance Tracker
# of different group convened	Number of different types of groups (i.e. walking group, mood group, Telling Your Story group) convened	Wellness Recovery Group Attendance Tracker
Group events	Total number of meetings held	Wellness Recovery Group Attendance Tracker
# of participants who meet the requirements for "Telling Your Story"	Total number of participants in all "Telling Your Story" meetings	Wellness Recovery Group Attendance Tracker
# of participants who return for group events	Of total number of participants, % who returned for more than one event or meeting	Wellness Recovery Group Attendance Tracker
% of participants who reported feeling less shame about their experiences and challenges	Of participants who took the survey, percent who responded "agree" or "strongly agree" to the question.	Telling Your Story Survey
% of participants who reported recognizing progress in their recovery	Of participants who took the survey, percent who responded "agree" or "strongly agree" to the question.	Telling Your Story Survey

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- Advance Directives Data:
  -#/% of participants with an Advance Directive completed;

-#/% of participants able to advocate for themselves with service providers;

- Equity of services (e.g. client demographics compared to Medi-Cal population);
- % of clients who were satisfied with services.

To provide context for the FY23 RBA outcomes, the Wellness Recovery Services experienced notable growth in FY23, expanding its team and broadening the scope of its services. Subsequent reports will be refined to comprehensively reflect the program's extensive services and its overall influence.

RBA Outcomes in FY23 for this program are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Wellness & Recovery Services

Process Outcomes ("How much did we do?")

Program Description The Wellness and Recovery Program is designed to provide outreach, support, education, activities, and advocacy to consumer members living with mental illness and living in Berkeley. Wellness group activities include: Berkeley Peers Organizing Community Change (POCC), Card Groups, Mood Groups, Walking Groups, and field trips.

Program Updates The Wellness Recovery Team added two Social Services Specialist positions to the program. Adding these positions made more people aware of the wellness groups, events and support that the clinic has to offer.

49

Participants served

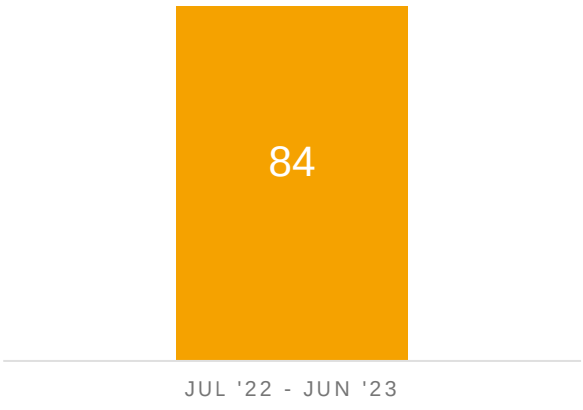
10

Participants who meet requirements for "Telling Your Story"

7

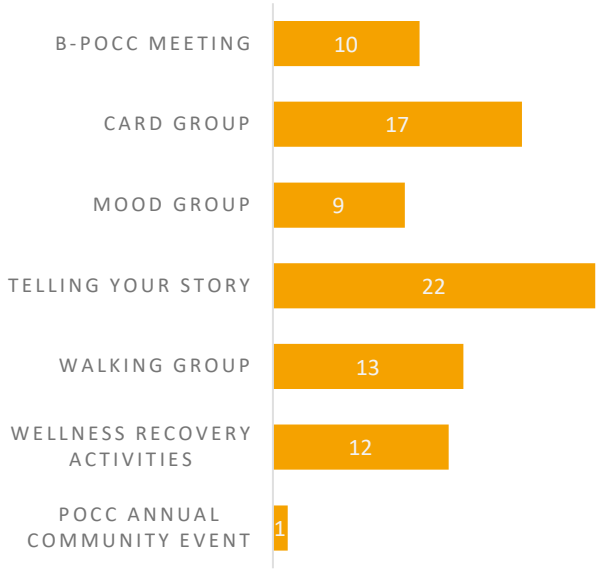
Different groups convened

WELLNESS GROUP MEETINGS ACROSS 7 DISTINCT GROUPS

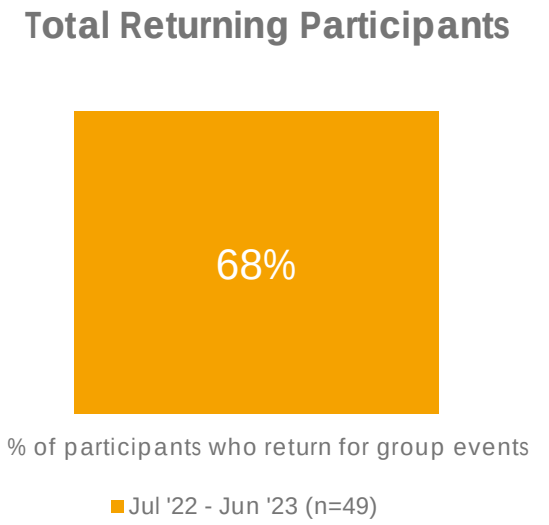


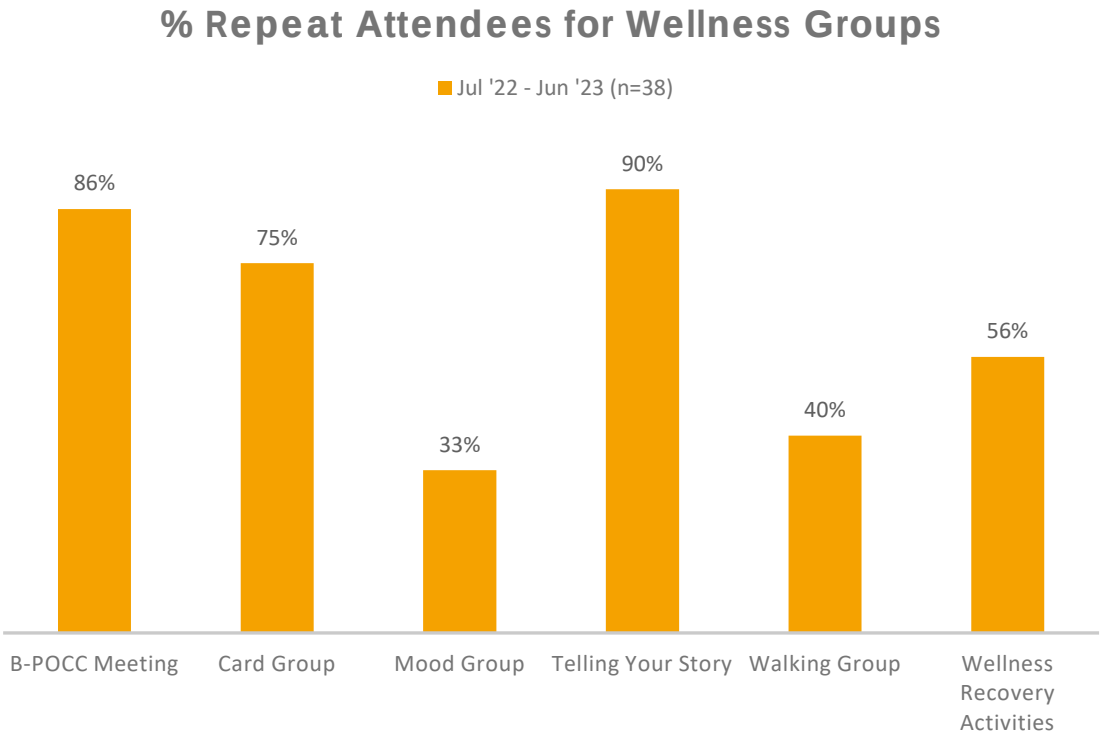
WELLNESS GROUP MEETINGS

JUL '22 - JUN '23 (N=84)



Quality Outcomes ("How well did we do it?")





Measure	Definition	Data Source
# participants served	Total # of participants served	Wellness Recovery Group Attendance Tracker
# of different groups convened	Number of different types of groups (i.e. walking group, mood group, Telling Your Story group) convened	Wellness Recovery Group Attendance Tracker
Average # of group events held per 6 months	Total number of meetings held	Wellness Recovery Group Attendance Tracker
# of participants who meet the requirements for “Telling Your Story"	Total number of participants in all "Telling Your Story" meetings	Wellness Recovery Group Attendance Tracker
% of participants who return for group events	Of total number of participants, % who returned for more than one event or meeting	Wellness Recovery Group Attendance Tracker
% of participants reporting feeling less shame about their experiences and challenges	Percentage of survey respondents who agree or strongly agree that they feel less shame about their experiences and challenges	Telling Your Story Survey
% of participants reporting recognizing progress in their recovery	Percentage of survey respondents who agree or strongly agree that they recognize progress in their recovery	Telling Your Story Survey

Family Support Services

A Family Service Specialist works with family members, staff, community-based organizations etc. to improve services and supports for BMH clients and their family members on a system-wide level. Services provide both individual family services and supports, and system–wide change initiatives.

This family/caregiver-centered program provides information, education, advocacy and support for family/caregivers of children, adolescents, TAY, adults and older adults with serious emotional disturbance or severe mental illness. Services are provided in a culturally responsive manner providing outreach to people of various ethnicities and language groups.

The Family Services Specialist serves as a point of contact for family members who are currently accessing or attempting to access services and/or who have questions and concerns about the mental health system, providing them with supports, and as needed, referrals to additional community resources. Outreach is provided to families through existing BMH family support groups, NAMI of the East Bay, community clinics and the Alameda County Family Education Resource Center (FERC). Additionally, the Family Services Specialist coordinates forums for family members to share their experiences with the system; recruit's family members to serve on BMH committees; supports family members through a "Warm line"; conducts a Family Support Group; and creates training opportunities to educate mental health staff on how to effectively work with families. The combination of individual services and system-level initiatives impact all clients and their family members across the system in a given year. In FY23, there were approximately 397 clients in the BMH system.

During the reporting timeframe, the following individual or group services and supports were conducted through this program:

Warm Line Phone Support: A phone Warm Line provided a sympathetic resource for family members needing information, referrals, supports, and assistance in navigating the complex mental health system. Through the Warm Line, the Family Services Specialist helped families find services and resources as needed.

Family Support Group: Provided supports for parents, children, siblings, spouses, significant others or caregivers. The group met once a month for two hours.

During FY23 a total of 19 family members were served. Demographics of individuals served are outlined below:

DEMOGRAPHICS N = 19	
Age Category	
Age Category	*% of total*
25-44 years	*
45-64 years	*
65+ years	*
Declined to Answer (or Unknown)	*

Gender Identity	
Gender Identity	*% of total*
Male	*
Female	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Asian or Pacific Islander	*
Black or African American	*
White	*
Multi-racial	*
Sexual Orientation	
Sexual Orientation	*% of total*
Declined to Answer (or Unknown)	100%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

As the Family Services Specialist position was vacant from April 2019 to May 2023, the previous position holder continued the Family Support Group and occasional Warm Line Phone support, until the position was filled.

The projected numbers of individuals to be served in FY25 by each age group are as follows: 18-24 years - 2 individuals; 25-44 years - 10 individuals; 45-64 years - 15 individuals; 65 years and older - 38 individuals. There are approximately 5 additional individuals of an unknown age at this time that are projected to be served.

Employment Services

Previously, a BMH Employment Specialist provided services to support individuals in job readiness and accessing employment opportunities. It was envisioned that these services would at a minimum, create and nurture supported vocational, educational and volunteer "try-out" opportunities in the community; build employment and educational readiness; and increase the numbers of individuals who are gainfully employed and/or engaging in other meaningful activities such as school or volunteer work. Different strategies were implemented over time including utilizing the Dartmouth model of supported employment. The Dartmouth model helps to promote wellness and recovery by enabling clients to work alongside other non-mentally ill workers in a competitive environment in their community.

Up until there was a vacancy in the position, the Employment Specialist provided supports to clients who were interested in starting their own business by guiding them through the necessary steps of getting a license, advertising, etc.; assisted clients who weren't quite ready to obtain employment, in becoming involved in volunteer opportunities; connected clients with the Department of Rehabilitation for computer skills training; worked with staff to ensure clients were adhering to their medication regimen; and supported clients in filling out job applications and or practicing their interview skills. Although various strategies were implemented over the years, client participation and employment outcomes remained low.

Low client outcomes coupled with the vacancy in the Employment Specialist position prompted the Division to evaluate best practices for mental health client employment. Additionally, input received during various MHSA Community Program Planning processes, provided recommendations on strategies to better support clients in reaching their employment goals, such as: assisting clients on interviews and on what to share with an employer regarding reasonable accommodations; providing mentoring and job shadowing; implementing technology training for clients; having services be integrated and supported, and implementing evidence-based practices.

It was envisioned that once the Employment Specialist position was filled, work would be focused on utilizing an evidenced based model for supporting individuals with serious mental illness in obtaining and retaining competitive employment. The hiring process for this position has not occurred yet, as the City of Berkeley has spent time assessing whether the best use of funds would be to hire the full-time position, or to contract the services out to a local organization that focuses on employment services and supports for mental health consumers.

Housing Services and Supports

The Housing Specialist provides housing resource services for clients; working with landlords to increase housing opportunities; collaborating with case management staff, landlords, and Board & Care Managers to provide additional supports for clients who are already housed; and works in tandem with the City of Berkeley HHCS Department Hub (which serves as a single entry point into emergency shelter and transitional housing, where clients are triaged based on their housing and service needs). Some of the various places where clients with subsidies are housed are the Berkeley Food and Housing Project Russell Street Residence Board and Care, McKinley House, and Lakehurst Hall.

Benefits Advocacy Services

Through this project a community-based organization, the Homeless Action Center (HAC), assists clients in obtaining public benefits. Services are provided for approximately 10 BMH clients a year. In FY23, 10 clients were served through this program. Demographics on those served were as follows:

DEMOGRAPHICS N = 10	
Age Category	
Age Category	*% of total*
18-24 years	*
25-44 years	*
Gender Identity	
Gender Identity	*% of total*
Male	*
Female	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	*
White	*

Latinx	*
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Declined to Answer (or Unknown)	100%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:
In FY23, 80% (4 out of the 5 cases closed) resulted in the individuals receiving SSI Benefits. All but one of the cases were approved at the initial or reconsideration stage. The fifth case was closed when the individual moved out of the area.

Program Challenges:
There were no program challenges during the reporting timeframe.

The projected numbers of individuals to be served in FY25 per each age category is as follows: 18-24 years = 3 individuals; 25-44 years of age: 7 individuals.

Flexible Funds for Level One Clients

A contract with the community-based organization, Berkeley Food & Housing Project (now known as Insight Housing), enables flexible funds to be used with clients across the system for supports such as housing, clothing assistance, food, transportation, etc. This use of flexible funds aids individuals in achieving better stability in areas where they are less capable of addressing their daily living needs. This program is set up to aid any clients in need across the system in a given year. In FY23, there were a total of 397 clients in the BMH system.

Mobile Crisis Team (MCT) Expansion

Through a previously approved Three Year Plan, and as a result of staff and community input on increasing and improving services for those experiencing a mental health crisis, the following additions to BMH have been or are in the process of being implemented through CSS System Development funds:

- Increase in staff to expand the Mobile Crisis Team (MCT) capacity and hours of operation;
- Mental Health First Aid Trainings to teach community members how to assist individuals who are in crisis or are showing signs and symptoms of a mental illness;
- A Consumer/Family Member Satisfaction Survey for Crisis services.

In FY23, the RBA Measures that were established for this program were as follows:

Process Measures How much did we do?	Quality Measures How well did we do it?	Impact Measures Is Anyone Better off?
• # of clients served • # of documented contacts	• % of clients who receive a visit (phone contact with client or hospital provider) in the 24 hours after	• None available at this time

	hospitalization • % of Mobile Crisis Team who had a Crisis, Assessment Team staff attempt to contact • % of clients who were satisfied with services**	

*Demographic data was reported at the program level, where available
**Data not available for baseline reporting period, will be included in future rounds of reporting

Measure	Definition	Data Source
# clients served	Total unique clients served	MCT Contact Log
Client contact types	# of client contacts made, by a. Field contacts b. Phone contacts c. Other	MCT Contact Log
Total referrals, by referring party	# of crisis services referrals made to the MCT, by referring party (i.e. BPD, BFD, BMH, community, etc.)	MCT Contact Log
# of 5150 evaluations conducted	Total number of incidents with 5150 Evaluations of any sort	MCT Contact Log
Results of 5150 Evaluations	% of 5150 evaluations that did or did not result in transportation to a receiving facility for further evaluation	MCT Contact Log
Number of interventions per client	% of clients who had one, two, or more than two interventions	MCT Contact Log

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- #/% of calls to CAT line that receive crisis intervention support that does not involve the police: crisis referral to non-MCT, crisis support, de-escalation support;
- % of clients who receive a follow-up call for a no-show screening, intake or appointment;
- #/% of no-show clients for whom there is inter-system coordination to engage;
- #/% of clients and families who receive connection to grief counseling and other services;
- % of clients connected to a service team within 7 calendar days;
- % of clients assessed or referred on the same day as inquiry.

For context around the FY23 RBA outcomes, since 2019, the Mobile Crisis Team (MCT) has been functioning with a limited core of just two full-time clinicians and without a supervisory lead. To address this shortfall, the team has relied on supplemental staffing through overtime and part-time hourly personnel. Despite these efforts, the MCT has faced challenges in operating at its intended full capacity.

RBA Outcomes in FY23 for this program are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period: June 2022 - July 2023

Mobile Crisis Team (MCT)

Process Outcomes ("How much did we do?")

700

Clients Served

978

Incidents Responded To

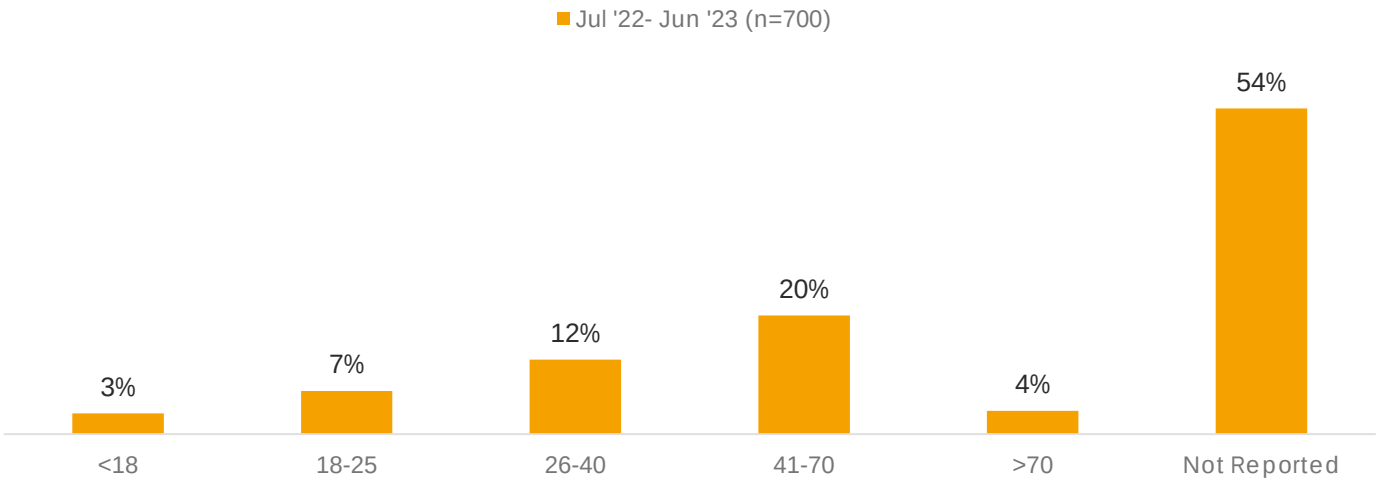
Program Description

The Mobile Crisis Team (MCT) serves residents of Berkeley, from 11:30am-10pm each day of the week when fully staffed (1 Supervisor + 3 Full Time Clinicians). It provides crisis interventions, including but not limited to 5150 evaluations, consultations, and referrals/linkages.

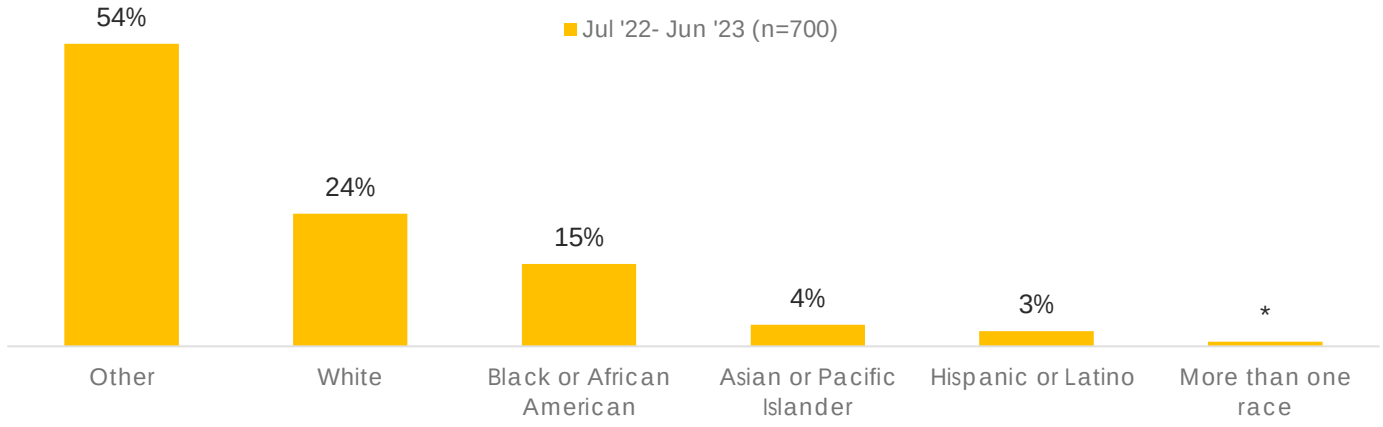
Program Updates

Since 2019, the MCT has had only 2 FT clinicians and no supervisor. As a result, the program has not been able to operate at full capacity.

Demographics (Age)



Demographics (Ethnicity)

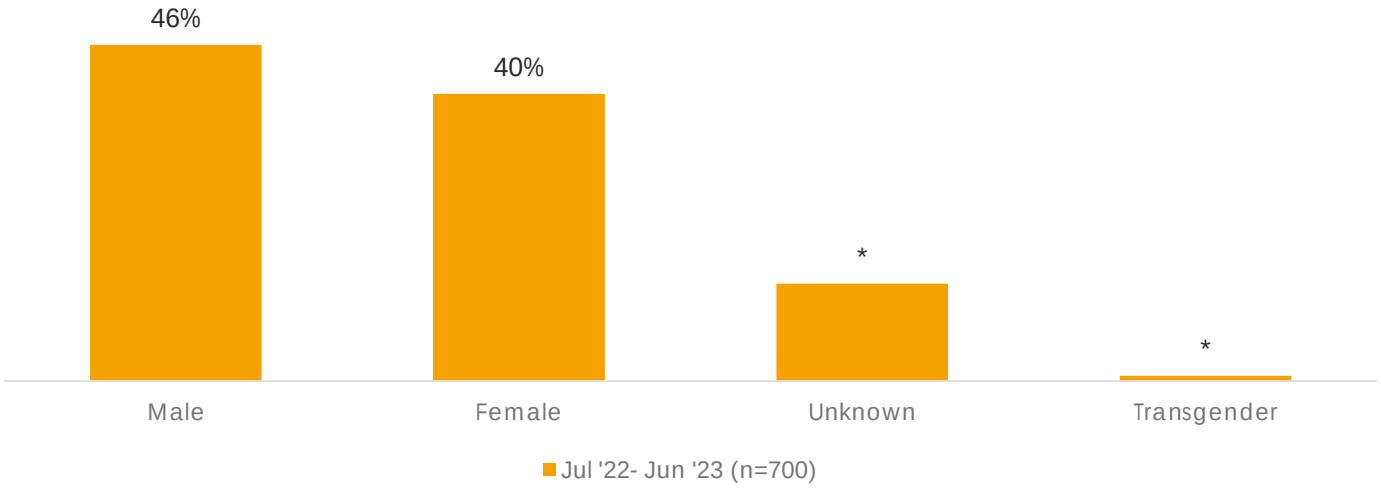


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

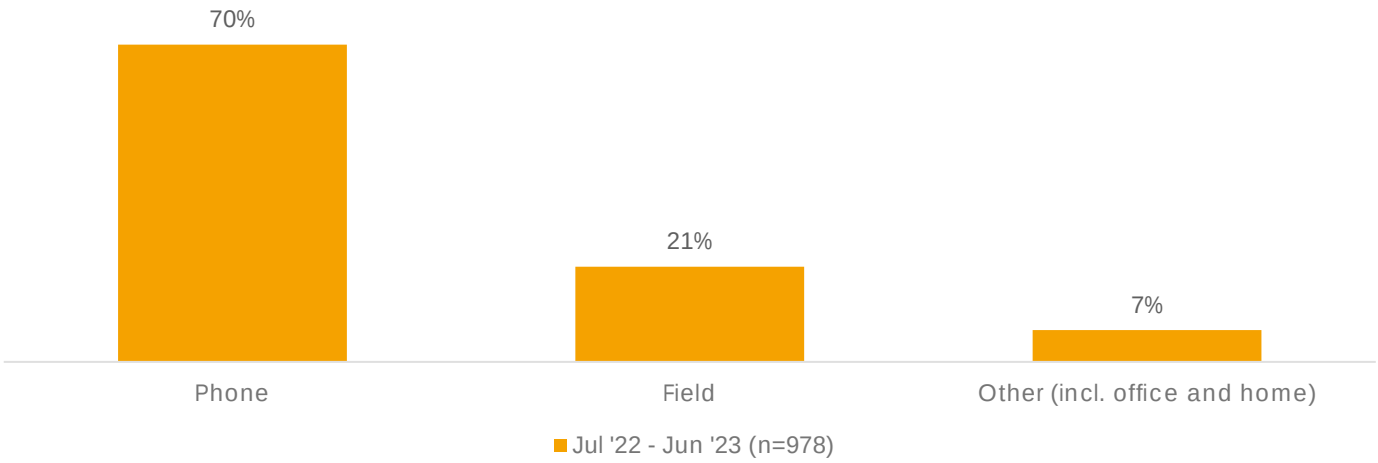
BMH RBA Report FY 2023

Reporting Period: June 2022 - July 2023

Demographics (Gender Identity)



Client Contacts Made by Contact Type



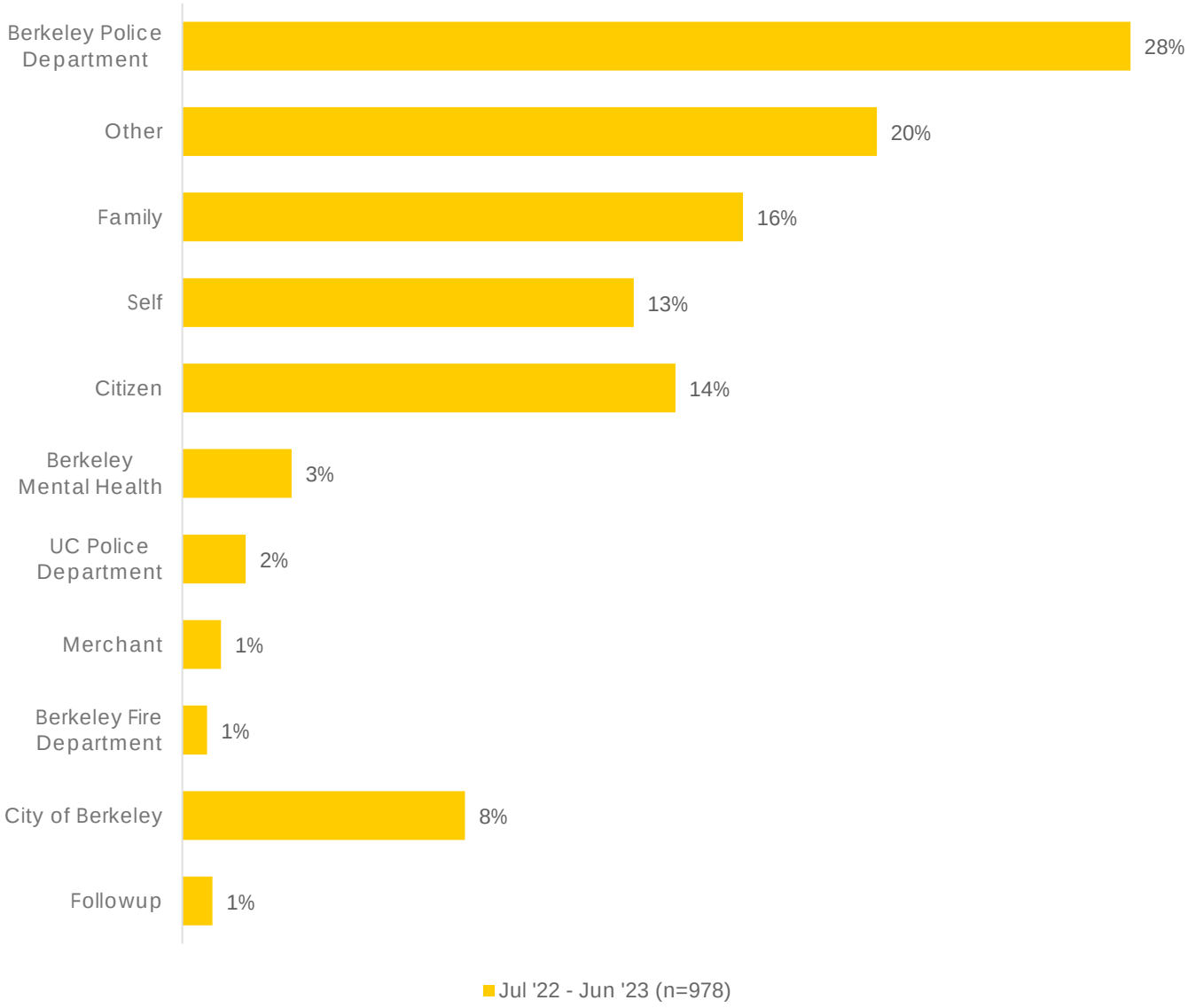
From June 2022 - July 2023, the MCT program performed **189** 5150 Evaluations

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period: June 2022 - July 2023

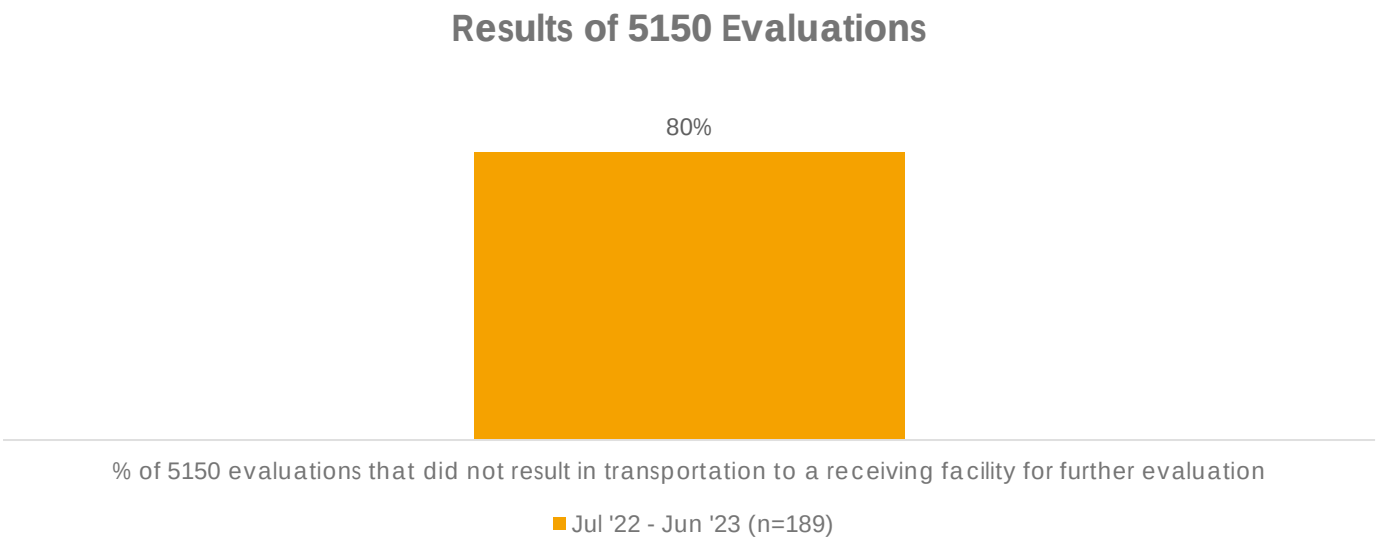
Referrals by Referring Party



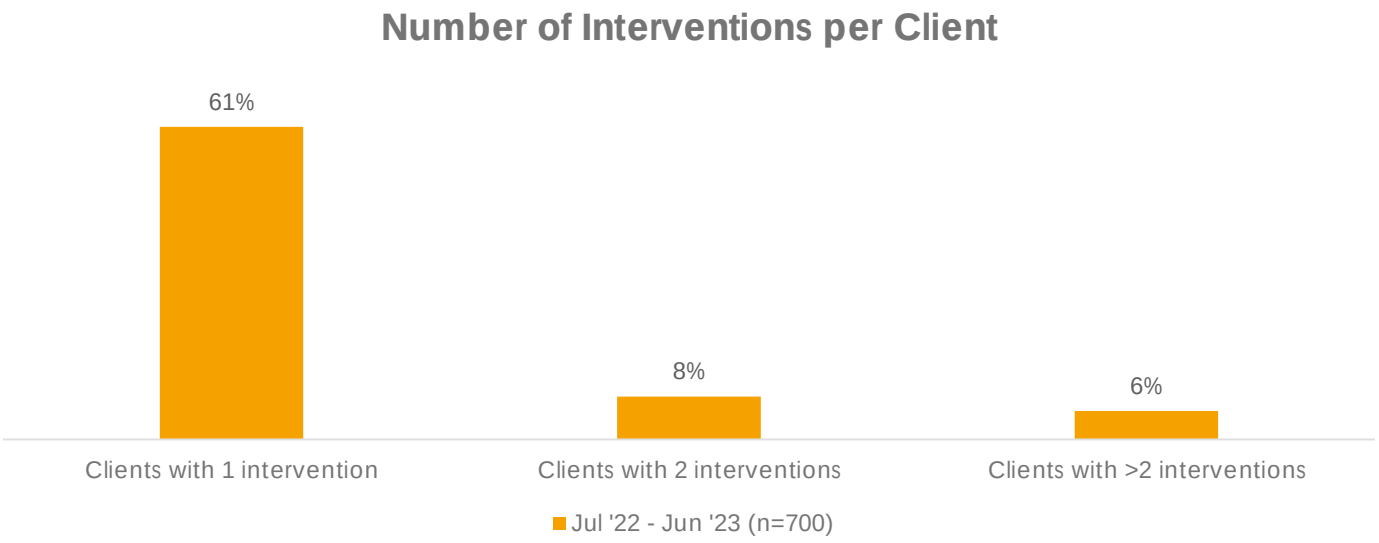
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Quality Outcomes ("How well did we do it?")



Impact Outcomes ("Is anyone better off?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Measure	Definition	Data Source
# clients served	Total unique clients served	MCT Incident Log
# of client contacts made	# of client contacts made, by a. Field contacts b. Phone contacts c. Other	MCT Incident Log
# of referrals by referring party	# of crisis services referrals made to the MCT, by referring party (i.e. Berkeley Police Department, Berkeley Fire Department, Berkeley Mental Health, community, etc.)	MCT Incident Log
# of 5150 evaluations conducted	Total number of incidents with 5150 Evaluations of any sort	MCT Incident Log
Results of 5150 Evaluations	% of 5150 evaluations that did or did not result in transportation to a receiving facility for further evaluation	MCT Incident Log
Number of interventions per client	% of clients who had one, two, or more than two interventions on separate dates requiring service	MCT Incident Log

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Transitional Outreach Team (TOT)

The Transitional Outreach Team (TOT) was added thru the previously approved MHSA FY16 Annual Update to support Crisis Services, through interventions that address issues individuals experience either immediately prior to, or following a mental health crisis. This team, follows up with individuals and families that have had a recent crisis. The goal of the team is brief outreach and engagement to assist the individual and/or family in getting connected to the resources they may need.

In FY23, 50 individuals were served through this project. Demographics on those served were as follows**:**

DEMOGRAPHICS N = 50	
Age Category	
Age Category	*% of total*
0-18 years	*
18-25 years	*
25-44 years	*
45-64 years	*
65 years or older	*
Declined to Answer (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	30%
Female	60%
Transgender	*
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Asian or Pacific Islander	*
Black or African American	22%
Latinx	*
White	46%
Multi-racial	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Declined to Answer (or Unknown)	100%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Services provided by this team are subject to the number of referrals that are generated by the Mobile Crisis Team crisis calls. Clients served by TOT often enter the crisis system with fewer resources such as collateral supports, lack of insurance, etc.

Program Successes:

- Continued successful follow-up with residents who had contact with Mobile Crisis by phone and/or in person.
- Connected individuals and families to needed and wanted mental health, housing, family, and other social services.
- Offered intensive short-term support to individuals and families who experienced a mental health crisis, including referrals, linkage, psychoeducation, and active support in connecting with needed service in Berkeley or elsewhere in the Alameda County system of care.
- Provided in person outreach and engagement to individuals receiving homeless services and staff at homeless service provider agencies, including Dorothy Day, BOSS, BFHP, and others.
- Coordinated with other programs within the City's Mental Health Division, including the Crisis/Assessment/Triage (CAT) On Duty staff and field-based services such as Mobile Crisis (MCT).
- Continues to follow-up on hospital referrals and coordinating with individuals and hospital staff after a MCT contact.

Program Challenges:

- TOT appears to have served fewer individual people during FY23 than during FY22. One possible reason may be due to how contacts were categorized in the database system.
- Data collection system does not capture all necessary information that would support accurate outcome reporting. This remains an ongoing difficulty due to the limitations of the current system.

In a prior year, TOT was merged with the Crisis Assessment and Triage (CAT) Team due to staffing limitations and to increase flexibility of staffing capacity.

The projected numbers of individuals to be served in FY25 by each age group are as follows: 0-15 years - 4 individuals; 16-25 years - 7 individuals; 26-59 years - 27 individuals; 60 years or older - 5 individuals. There are approximately 6 additional individuals of an unknown age at this time that are projected to be served.

In FY23, the RBA measures that were established for TOT/CAT were measures as follows:

Process Measures **How much did we do?**	**Quality Measures** **How well did we do it?**	**Impact Measures** **Is Anyone Better off?**
• # of clients served • # of documented contacts	• % of clients who receive a visit (phone contact with client or hospital provider) in the 24 hours after hospitalization • % of Mobile Crisis Team who had a Crisis, Assessment Team staff attempt to contact	• None available at this time

	• % of clients who were satisfied with services**	

*Demographic data was reported at the program level, where available
**Data not available for baseline reporting period, will be included in future rounds of reporting

Measure	Definition	Data Source
# clients served	Total unique clients served	Mobile Crisis Team (MCT) & Crisis Assessment (CAT) Contact Log
# of documented contacts	Total number of documented incidents	MCT & CAT Contact Log
Follow-up after hospitalization	% of clients who receive a visit (phone contact with client or hospital service provider) in the 24 hours after hospitalization	MCT & CAT Contact Log
% of MCT contacts who had a CAT attempt to contact	Of Client IDs in MCT contact log, % which also have record in CAT contact log	MCT & CAT Contact Log

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- #/% of calls to CAT line that receive crisis intervention support that does not involve the police: crisis referral to non-MCT, crisis support, de-escalation support.
- % of clients who receive a follow-up call for a no-show screening, intake or appointment.
- #/% of no-show clients for whom there is inter-system coordination to engage.
- #/% of clients and families who receive connection to grief counseling and other services
- % of clients connected to a service team within 7 calendar days
- % of clients assessed or referred on the same day as inquiry

For context around the FY23 RBA outcomes, in June 2023, the Crisis, Assessment, Triage (CAT)/Transitional Outreach Team (TOT) lengthened its walk-in availability from 3 to 5 hours. This change, while accommodating more immediate client needs, constrained the team's ability to conduct follow-up services, given the surge of new clients. Balancing the increased walk-in service hours with the imperative of crisis response made it challenging to allocate sufficient time for follow-ups.

RBA Outcomes in FY23 for this program are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Crisis, Assessment, and Triage/Transitional Outreach Team (CAT/TOT)

Process Outcomes ("How much did we do?")

645
Clients Served

1425
Contacts

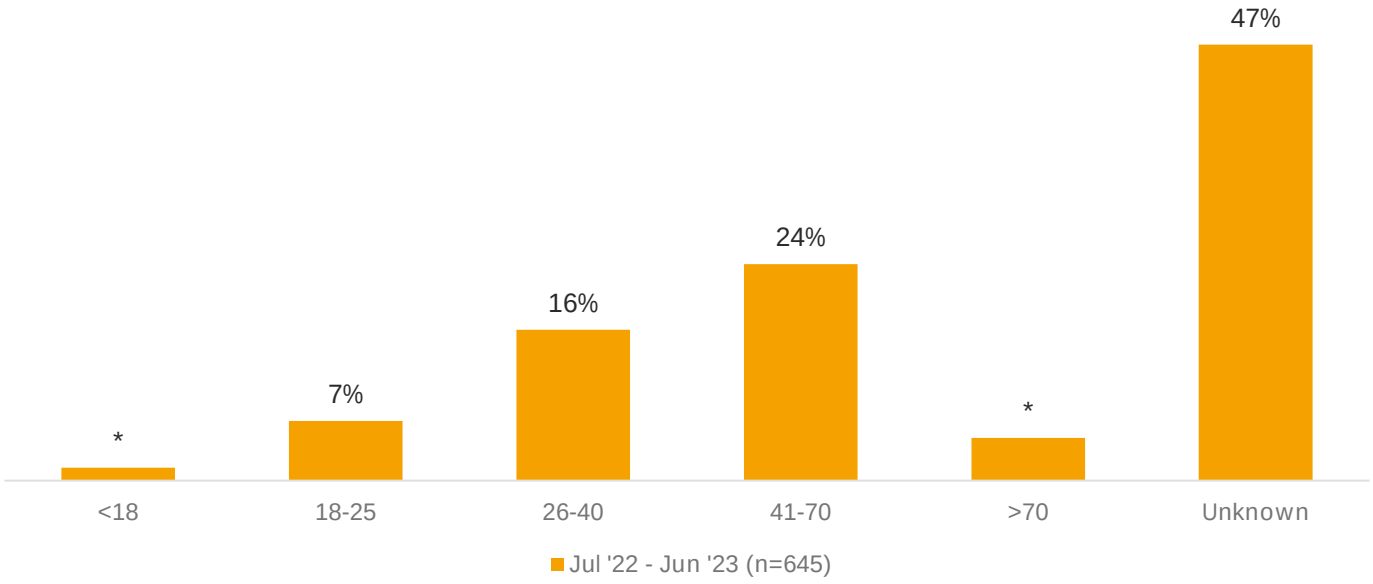
Program Description

CAT/TOT is BMH's intake and follow-up team for Adult Mental Health Services. This team provides screening/assessment for ongoing mental health services, linkage to community-based resources, crisis support, and coordination with other agencies. Services include, but are not limited to: psychiatric services, transportation, food access, medical care, health insurance, benefits, legal assistance, affordable housing listings, utilities and energy assistance resources. Services are provided in person at the clinic, as well as via the team phone line.

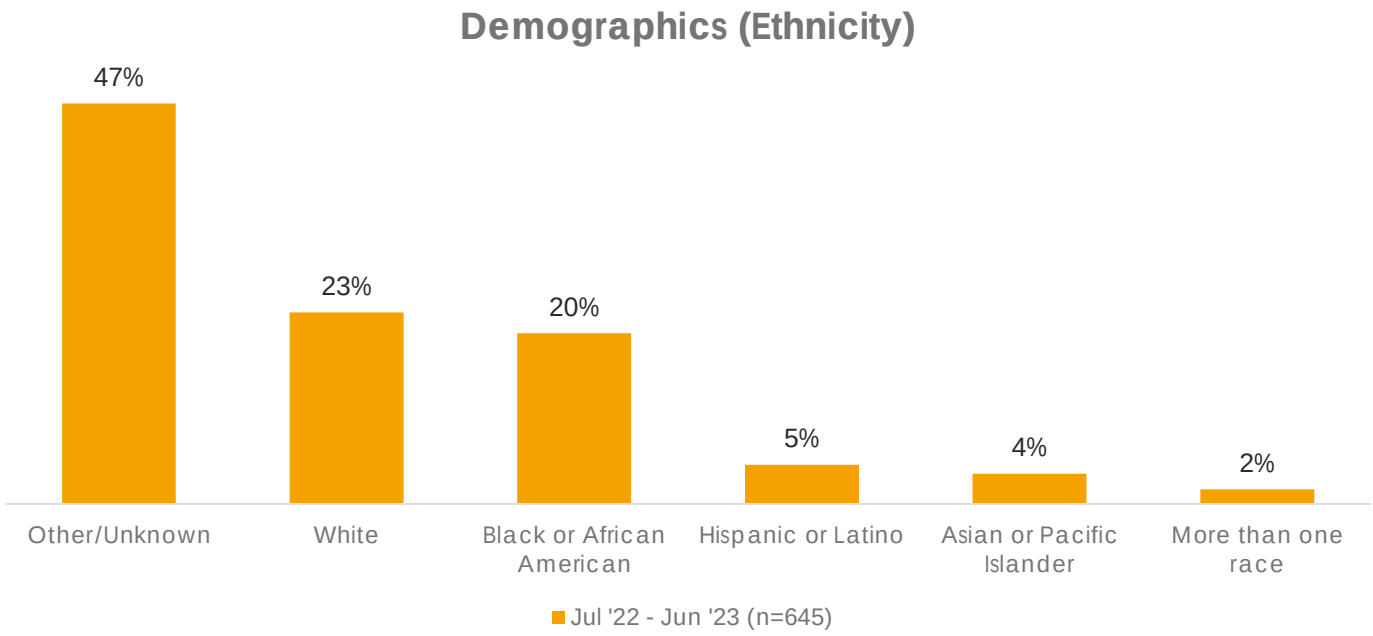
Program Updates

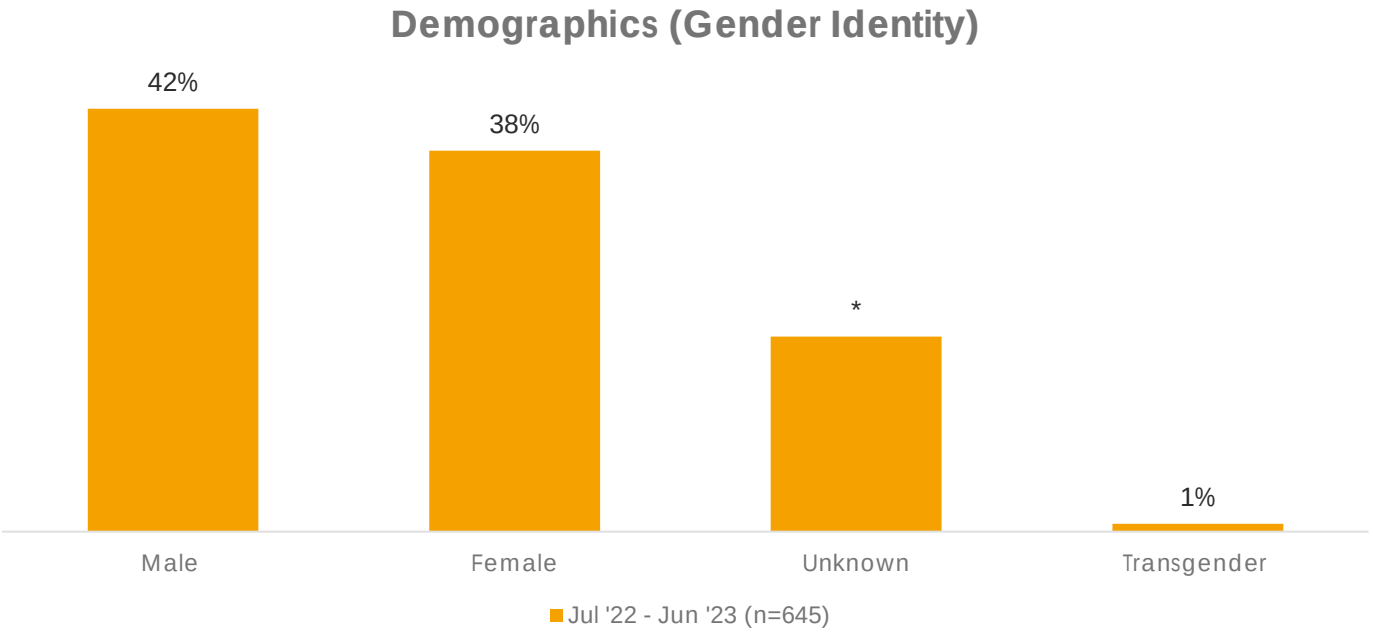
The program expanded their walk-in hours from 3 hours to 5 hours in June 2023. Due to the increase in new clients, there has been limited staff capacity for follow up services.

Demographics (Age)



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



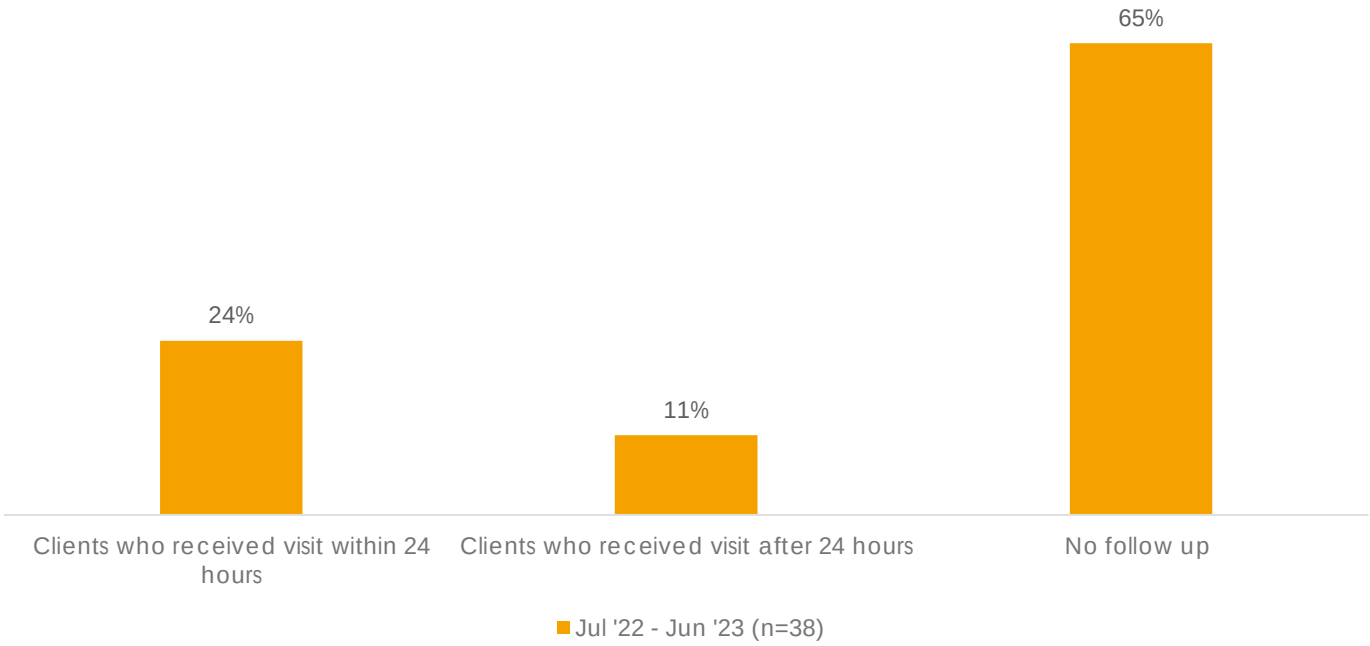


Note: "Other" includes those marked as "Other." Unknown includes those marked as "Unknown" or missing due to clients not disclosing, clinician unable to make the determination, or a crisis situation not allowing for more comprehensive data collection. Sexual orientation data not available.

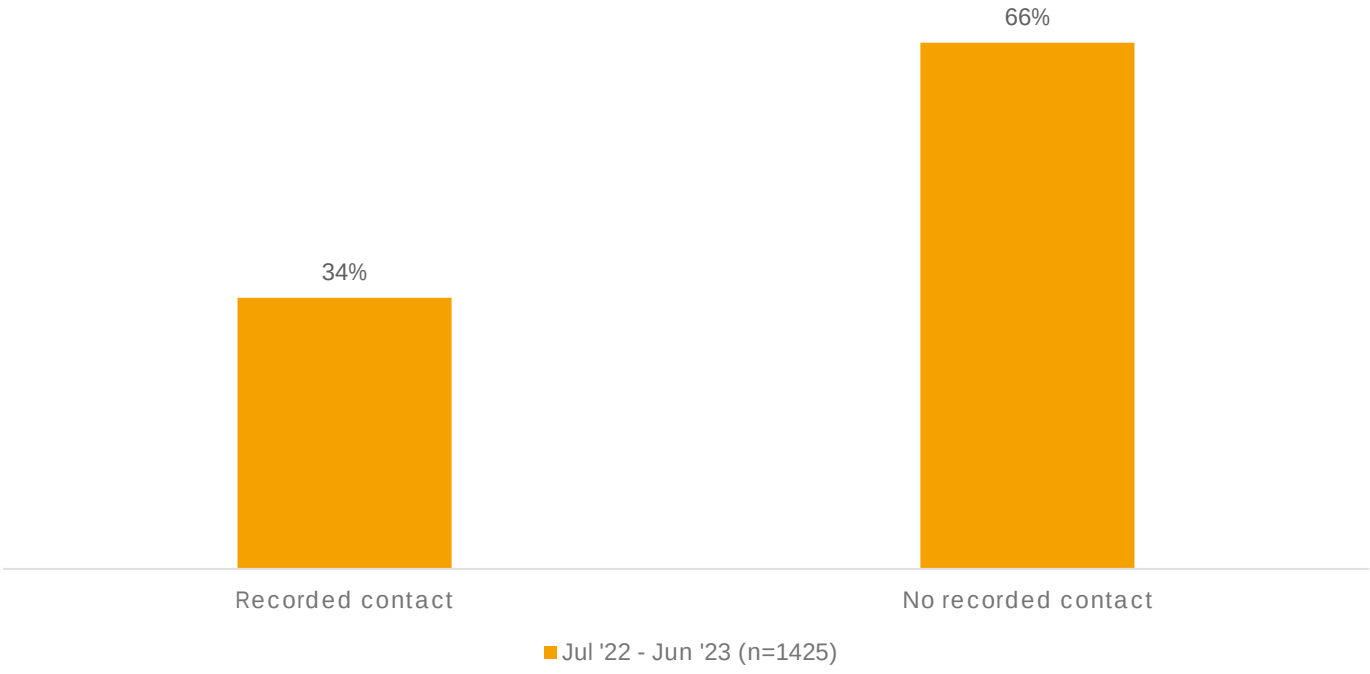
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Quality Outcomes ("How well did we do it?")

Follow-up after hospitalization



MCT contacts who had a CAT attempt to contact



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	MCT & CAT Incident Log
# of documented contacts	Total number of documented incidents	MCT & CAT Incident Log
% of clients who receive a visit (phone contact with client or hospital service provider) in the 24 hours after hospitalization	% of clients who receive a visit (phone contact with client or hospital service provider) in the 24 hours after hospitalization. Reasons for no follow up may include no viable contact information, client was not amenable to follow-up services, or the client is already connected to follow-up services provided by another agency.	MCT & CAT Incident Log
% of MCT contacts who had a CAT attempt to contact	Of Client IDs in MCT contact log, % which also have record in CAT contact log. Reasons for no contact may include no viable contact information or client declined contact.	MCT & CAT Incident Log

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Sub-Representative Payee Program

The Sub-representative Payee Program is implemented through the contractor, Building Opportunities for Self-Sufficiency (BOSS). Through this program services are provided to individuals who are in need of a payee to assist with managing their money. Approximately 79 individuals receive services a year.

In FY23, 76 individuals were served. Demographics on individuals served were as follows:

DEMOGRAPHICS N = 76	
Age Category	
Age Category	*% of total*
18-24 years	*
25-44 years	17%
45-64 years	*
Declined to Answer (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	71%
Female	29%
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	62%
Asian Pacific Islander	*
Native American	*
White	*
Other	*
Sexual Orientation	
Sexual Orientation	*% of total*
Declined to Answer (or Unknown)	100%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:
A part-time receptionist was hired in FY23 to support the program. All new clients were paired with a case manager, which enhanced staff ability to provide more effective assistance to each individual.

Program Challenges:
The Social Security Office was persistently understaffed which led to delays in processing new representative payee applications, instances of receiving incorrect funds, and various other issues related to the clients Social Security Income (SSI) and Social Security Disability Income (SSDI) funds.

The projected numbers of individuals to be served in FY25 by each age group are as follows: 16-25 years = 5 individuals; 26-59 years = 25 individuals; 60+ years = 45 individuals.

Hearing Voices Support Groups

The Hearing Voices Support Groups are offered through a contract with the Bay Area Hearing Voices Network. A free weekly drop-in Support Group is provided for adults who experience voices, visions, special messages, unusual beliefs or extreme states of consciousness. The support group is co-facilitated by trained group facilitators whom have lived experience in the mental health system. A separate support group for Family Members of individual participants is also provided.

In FY23, a total of 1,308 individuals were served through weekly online support groups. Demographics on individuals served were as follows:

DEMOGRAPHICS N = 1,308	
Age Category	
Age Category	*% of total*
25-44 years	28%
45-64 years	40%
65 years or older	32%
Gender Identity	
Gender Identity	*% of total*
Male	60%
Female	40%
Race/Ethnicity	
Race/Ethnicity	*% of total*
African American	16%
Asian or Asian Pacific Islander	*
Latino/a/x	8%
Multi-Racial	*
Native American	*
White	65%
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual or Straight	75%
Bisexual	*
Gay	10%
Other Sexual Orientation	*
Declined to Answer (or Unknown)	10%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

In FY23, three more hearing voices groups (two adult groups and a family member's group) were added. A successful Community workshop for family members, clinicians, and family members was also held at the North Berkeley Senior Center. An Instagram app was launched, and there are approximately one hundred followers on this social media platform. The on-line newsletter was also redesigned and sent out every month.

Program Successes:

- BAHVN is the only community organization which offers on line peer-led groups for adults who hear voices and have other unusual experiences. Participants who attend groups regularly express that the continuity helps them to stay out of mental hospitals, deal with stigma as well as stress and difficult experiences associated with the voice hearing experiences.
- On-line groups continued to expand in numbers of attendees.
- New facilitators were added and the monthly facilitator trainings were well attended.
- Successfully reached out to NAMI East Bay to co-host an annual community workshop.
- Started to use social media and other media sources to get the word out about groups and to help offset stigma.

Program Challenges:

- Would like to expand outreach and education to community mental health organizations, clinics, and schools.
- Would like to offer a Transitional Age hearing voices groups.
- BAHVN is seeking an organization to sponsor a new Sunday Hearing Voices group.
- Would also like to expand the BAHVN network to include other mental health agencies like Kaiser and are looking for grants to help fund the education outreach program.

Results from a survey questionnaire of 216 group participants on the impact of the groups were as follows:

How have the groups helped you?

- "It has given me a forum to share my experiences, thoughts, and symptoms."
- "This group has helped me to stay connected and find people with similarities to myself. I really enjoy coming."
- "Social connectivity and emotional support. It helped me find safety when I needed it and allowed me to be the validating accepting person anchoring someone else down when they needed it. It increased my vocabulary."
- "It has helped me to not feel alone, find resources, gain clarity, and learn about myself."
- "This group has helped me have an open mind towards all people with differences. Most importantly, it has given me hope for a more positive future for my daughter and other loved ones who might be in a similar situation. It has also helped me maintain my relationship with my daughter."
- "It has helped me feel deeply in a safe place, it has helped me to break my isolation, learn new things about my loved one's situation."

How do you feel supported by the facilitators (or not)?

- "The facilitators are sometimes the best listeners and help the group discussions move forward."
- "They treat me kindly and offer validating words and qualifiers so that I feel like I belong."
- "They are very kind and compassionate people."

- “Welcoming.”
- “Good leadership.”
- “They want to hear from me and address my concerns.”
- “Group agreements.”
- “Empathetic and helpful answers. Sometimes I think its hard for everyone (me included) to remember to ask if people want advice or feedback but I want to work on a well.”
- “They are expert listeners, their presentations hit home each time, and they validate what people say. They also provide suggestions for many helpful resources.”
- “They try to let everyone speak.”

Describe your overall experience in the Group.

- “I still think about some of the interactions and things said from groups that were 5 or more years ago. These are positive impacts and memories.”
- “Good, though I think on occasion some people get a lot more time to speak in group, at the expense of others getting to share.”
- “It is very positive.”
- “Life changing to know that I am not alone.”
- “This is the only time that I fill I have for myself to express my true feelings.”
- “Our group meetings last two hours. The facilitators give us a brief introduction to the Hearing Voices Movement. We may have up to twelve members participating on Zoom each week. What I like most is the diversity of the group, some who live in other parts of the country--New York, Cincinnati, Auston, and Los Angeles for example, but most from Berkeley and the Bay Area. It is rare that anyone leaves the group before the two hours are up. We always have a lot to share with each other.”
- “Positive.”
- “This group has become as important to me as my fringe house church. Without referencing a higher power, we are essentially in a school of love every Monday night.”
- “I feel comfortable talking about my voice experiences.”

The projected numbers of individuals to be served in FY25 by each age group are as follows: 16-25 years = 18 individuals; 26-59 years = 1,287 individuals; 60+ years = 645 individuals.

Berkeley Wellness Center

The Berkeley Wellness Center is an MHSA funded collaboration between the City of Berkeley, Mental Health Division and the Alameda County BHCS. This program implemented through the community-based organization, Bonita House, provides: mental health and substance use disorder counseling; living skills training; educational activities; pre-vocational training; wellness recovery programming; support groups; referrals to community resources; computer training; Art Therapy and other activities. The main goals of the program are to assist individuals in functioning as highly as possible so they can become integrated into the community.

In FY23, 48 individuals participated in this program. Demographics on individuals served were as follows:

DEMOGRAPHICS N = 48	
Age Category	
Age Category	*% of total*
18-24 years	*
25-44 years	25%
46-64 years	*
65 years and older	25%
Declined to Answer (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	42%
Female	58%
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	*
Asian or Asian Pacific Islander	*
Latinx	*
White	*
Other	*
Unknown	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual or Straight	33%
Declined to Answer (or Unknown)	67%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

In FY23, the Berkeley Wellness Center's former director resigned, and the program was led by an interim program manager for four months. In September, a new program manager was hired and programs were expanded. Navigation provisions and resource information was also consolidated and offered a greeting and entrance program. Outreach plans were created and implemented ranging from on the ground, to coordination with fellow service programs.

Program Successes:
Since the creation and implementation of outreach plans, the numbers of clientele increased daily, and new clients invariably became repeat visitors to the center. Individuals responses to new programming was enthusiastic. Navigation services were easier to access, which resulted in clients inquiring more often about various service needs, and staff being better equipped to provide supports.

Program Challenges**:**
The various program challenges were as follows: The building needs to be made more visible to community members; creating public awareness of services, and particularly making meaningful connections with Board and Care facilities; reintegration of previous clients that have stalled use of services; balancing the social issues arising in the meeting of various levels of cognition, emotional stability, sobriety, and class among the clients.

The projected numbers of individuals to be served in FY25 by each age group are as follows: 16-24 years = 7 individuals; 25-44 years = 11 individuals; 46-64 – 20 individuals; 65+ years = 11 individuals.

BMH Peer and Family Member Positions

Since the first MHSA Plan, BMH has included positions for peers and family members with lived experience to be added to various programs throughout the Division. The Division utilizes existing City job classifications for an employment track for peer or family member providers. The entry level position is Community Health Worker, the mid-level is Assistant Mental Health Clinician, and the top-level is Social Services Specialist. All of these classifications are also used broadly for differing purposes throughout the City. For the specific positions where the MHSA Plan envisioned utilizing peer or family providers, BMH has had success in establishing employment lists where there are applicants who describe themselves as having "lived experience" and as peer or family member providers. In 2018, a peer provider was hired to support the Wellness Recovery services work. This position became vacant in December 2021 and it wasn't filled until the third quarter of FY23.

Two additional positions were added through the FY22 Annual Update, to increase the Wellness Recovery work and enable a greater ability to provide a variety of peer led services, and the provision of activities and supports to individuals in the waiting room. These positions were hired in the third quarter of FY23.

Case Management for Youth and Transition Age Youth

In response to a high need for additional services and supports for youth and Transition Age Youth (TAY) who experience mental health issues and may be homeless or marginally housed, case management services for TAY are provided through a local community partner, Youth Spirit Artworks (YSA). This project serves approximately 50 individuals a year.

In March 2020, due to the pandemic, YSA was forced to close its facilities in Berkeley. Staff and youth participants quickly transitioned to online services. During the pandemic, staff social workers communicated with youth primarily through phone calls and tele-conferencing via the Zoom platform. As YSA transitioned back to in-person service provision, remote services remained as an option.

In FY23, 62 youth were served through this project. Demographic data on youth participants is outlined below:

DEMOGRAPHICS N = 62	
Age Category	
Age Category	*% of total*
16-25 years	100%
Gender Identity	
Gender Identity	*% of total*
Male	*
Female	37%
Transgender	*

Genderqueer	*
Another Gender Identity	*
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
American Indian or Alaska Native	*
Asian or Asian Pacific Islander	*
Black or African American	*
Latinx	*
White	*
More than one Race	29%
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual or Straight	21%
Gay or Lesbian	*
Bisexual	30%
Questioning or Unsure	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

In FY23 YSA went through many changes. A new program model was crafted and implemented with the intention of redesigning and refining the organization's programs and theory of change. Staff received training on theory of change, program development, ACES Science, trauma informed practices, the politics of trauma, facilitation skills, positive youth development, strength-based model, community resilience model, somatic awareness, individual coaching, housing navigation skills and curriculum and evaluation introduction. This change and shift in culture expanded the program offerings. The components and activities were designed with specific outcomes in mind and with the intention to increase intervention, engagement, and opportunities for the young people being served.

The Case Management program also went through significant changes to support the transitional experiences of youth. YSA referred several youth to mental health services and communities, while also assisting individuals in establishing housing through their transitional journey's.

Program Successes:

Youth participated and were engaged in the program changes. They were also trained in the Theory of Change Model and understood the feedback loop and how YSA would access them to help evaluate program effectiveness, satisfaction, and facilitator engagement. In addition, youth engaged in leadership development through facilitation, curriculum, and event planning training to assist in their future developments in leading peers and community.

Case management was conducted by the lead case manager and UC Berkeley Masters of

Social Work students. YSA made it a requirement for youth participating in youth leadership activities to also participate in case management services. Some of the youth enjoyed having wellness support with the interns, as they were able to meet specific needs they were facing. Some needs included getting a State ID to get a bank account, Mental Health Services and crisis intervention, as well as housing.

The following linkages and referrals were provided:

Mental Health: 15

Physical Health: 3

Employment: 7

Education: 2

Housing Assistance: 3

SSI/Legal Aid Assistance: 3

Education Linkage:1

Financial Resources:1

Program Challenges:

A big program challenge was dealing with staff training and buy-in. Many of YSAs staff were former youth participants and many struggled with similar challenges as the youth that were being served. During this time YSA was challenged with staff understanding the importance of data collection and evaluation. Staff were not trained on using data to drive programmatic changes, which at times led to resistance and eventually the loss of some staff.

The projected numbers of individuals to be served in FY25 by each age group are as follows: 16-25 years = 75 individuals; 26-59 years = 20 individuals; 60+ years = 20 individuals.

Additional Services for Asian Pacific Islanders

The Asian Pacific Islander (API) population is significantly underserved in the mental health system. In an effort to better meet the needs of this underserved population, BMH proposed through the previously approved MHSA FY19 Annual Update to allocate CSS System

Development funds to contract with a local community-based organization, or to partner with Alameda County BHCS, to increase funding for a contractor selected for similar purposes. It was envisioned that the contractor would provide access to additional services and supports for this population. In FY20 and FY22 three separate RFP processes were executed to find a community partner that the Division could contract with who would provide these services, however the Division was unable to secure a Contractor. At present, the Division is currently in the process of assessing how best to partner with a local community agency to implement these services.

Results Based Accountability Evaluation

Per the previously approved MHSA FY19 Annual Update, the Division allocated CSS System Development funds for a Consultant who would conduct an evaluation on all BMH programs across the system utilizing the “Results Based Accountability” (RBA) framework. The RBA

framework measures how much was done, how well it was done, and whether individuals are better off as a result of the services they received. A competitive RFP process was executed, and Resource Development Associates (RDA) was the chosen consultant.

RDA has been working with the Division since FY21 to execute this evaluation. This has included training the Division on the RBA framework, including assisting staff in developing a common language that can be used to communicate program results; working with designated staff to establish and embed RBA measures into each program; developing and implementing standardized data collection tools; collecting data and reporting out on program outcomes; and assisting the Division in implementing strategies that will build and sustain the RBA evaluation efforts.

In FY23, RDA facilitated meetings with staff and community members; collected, evaluated and reported on program data; and provided Technical Assistance. Activities are outlined detailed below:

- Conducted 24 meetings with BMH Staff and Stakeholders including the following: 12 monthly check-in meetings between RDA and BMH; 2 Community Advisory Group meetings to review dashboards; 7 individual meetings with program managers to provide technical assistance on data collection or to review data for the dashboard.
- Finalized the Data Collection and Reporting Plan using updated data sources and measures.
- Requested data from program staff and ran reports in Yellowfin.
- Cleaned and analyzed raw data from program staff and Yellowfin.
- Input RBA measures into program and division dashboards.
- Conducted two rounds of Data Reporting.
- Provided Technical Assistance for data collection and reporting.
- Began the process of recording 48 Training Videos to walk through the process of analyzing and reporting each RBA measure and completed the creation of 18 of the videos.
- Finalized dashboard template, measures list, and tracking sheet in preparation for the onboarding of Program Evaluator.
- Created an initial Technical Assistance Plan.

In FY24, RDA collected, analyzed and reported on FY23 RBA Division-wide data. The RBA outcomes for FY23 are outlined throughout this Annual Update for the following MHSA funded internal programs: Children/Youth FSP; TAY, Adult and Older Adult; Homeless FSP; Wellness Recovery Services; Crisis Services; Transitional Outreach Team; Social Inclusion Project; and the High School Prevention Project. The complete set of RBA outcomes for all BMH programs is located in Appendix B.

Counseling Services for Older Adults

Older Adults who only have Medicare insurance currently have great difficulty accessing mental health services, despite consistent input on the need for support for this population. In an effort to increase mental health services and supports for older adults, the Division allocated additional funding in the approved FY20 MHSA Annual Update to support this population.

MHSA funds are transferred to the Aging Services Division of HHCS, to implement various counseling services for Older Adults. The Aging Services Division issued a Request For Proposal (RFP), and the Wright Institute was the chosen contractor.

A total of 89 individuals received services in FY23, demographics on individuals served are outlined below:

DEMOGRAPHICS N = 89	
Age Category	
Age Category	*% of total*
65 years and older	94%
Declined to Answer (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	22%
Female	78%
Race/Ethnicity	
Race/Ethnicity	*% of total*
Asian or Asian Pacific Islander	*
Black or African American	*
Latinx	*
White	*
More than one Race	*
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual or Straight	75%
Gay or Lesbian	*
Bisexual	*
Queer	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:
According to the Aging Division that oversees this program, the Wright Institute continues to be a very reliable and collaborative partner. The clinicians and group facilitators have adopted a rhythm and regular schedule at both Senior Centers. They continue to communicate openly and willingly with Aging Services staff to discuss needs of older adult community, and to brainstorm best ways to promote therapeutic groups and workshops. Their promotional flyers for the groups and workshops are clear and easy to read and are included in the monthly Senior Center Nugget newsletter, as well as posted around the Senior Centers, to maximize attendance. They have provided a valuable service, as many older adults have expressed appreciation anecdotally.

Program Challenges:
In FY23, there were no program challenges reported.

The projected numbers of individuals to be served in FY25 by each age group are as follows: 26-59 years = 5 individuals; 60+ years = 85 individuals.

Substance Use Disorder Services

A large portion of individuals who currently receive services at BMH are also experiencing co-occurring disorders, having both mental health issues and substance use disorders (SUD). In an effort to increase the capacity to serve individuals with SUD, funds were previously allocated through the MHSA FY22 Annual Update for the Division to work with a local SUD provider to co-locate SUD services at the Mental Health Adult clinic. In FY23 a contract was executed with Options Recovery Services. This collaboration has increased the provision of SUD services for BMH clients, provides an opportunity for staff to obtain consultations on SUD services, and makes referrals into SUD services outside of BMH an easier process for individuals.

In FY23, 34 individuals received services. Demographics on individuals served are outlined below:

DEMOGRAPHICS N = 34	
Age Category	
Age Category	*% of total*
18-24 years	*
25-44 years	*
46-64 years	*
65 years and older	*
Declined to State (or Unknown)	*
Gender Identity	
Gender Identity	*% of total*
Male	*
Female	*
Declined to Answer (or Unknown)	*
Race/Ethnicity	
Race/Ethnicity	*% of total*
Black or African American	*
Asian or Asian Pacific Islander	*
Latinx	*
White	*
Multi-racial	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Sexual Orientation	*% of total*
Heterosexual or Straight	38%
Gay or Lesbian	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

In FY23, there were significant staffing changes between February 2023-May 2023 and lack data during those months. There was a 50% decrease in group participation between May 2023

and June 2023. Group participation was dependent on available transportation. If a BMH Staff member was able to bring their client to group it increased the likelihood that the individual would attend. There were 17 individual sessions between the months of August 2022-June 2023. The staff at Options consists of a coordinator and a peer mentor. The peer mentor typically assists with BMH Staff with outreach and providing peer-support services to clients. The coordinator is responsible for collecting client data, providing supervision to the peer mentor, conducting groups, reaching out to high-risk clients and collaborating with BMH case workers and other community partners. From February 2023 to April 2023 staffing changes, impacted the collaborative peer-driven approach to individual services. Options Recovery Services is currently working on boosting the number of individual and group sessions.

Program Successes:
Between August 2022 and June 2023, Options Recovery Services developed a weekly substance use support group, and gained a peer mentor. Clients were integrated into Options outpatient program with supportive housing. Individuals were also referred to residential programs through Center Point. Options utilized a collaborative approach with BMH to reach individuals who have significant mental health and substance use concerns. There were clients who were mandated by the court system and worked collaboratively with the courts, and BMH to help those individuals stay out of hospitals, jails, and other institutions. One client had exhausted their resources in Alameda County but was able to participate in the Options Co-occurring group and receiving that was provided. Options also made community connections with other agencies to help clients get services at BMH. It is predicted that fixing transportation issues and adding the peer mentor will increase the numbers of individuals reached, and result in overall growth in the program.

Program Challenges:
Transportation was a major challenge for many clients. Group participation was dependent on having transportation for the clients. Options does not have a designated driver for clients so it was up to BMH staff to drive the individuals to the group or to their appointments. When a BMH Staff was unavailable there was a high chance that the client would not make it to the group. Another barrier was the availability of co-occurring substance use treatment programs. There were difficulties referring high-level mental health clients to residential programs. There were also difficulties when a client had high-level medical concerns that were not stabilized for mental health or medical. This could be an issue when the individual was homeless and needed a stable living environment. Clients are often hospitalized and then discharged back to the community unhoused. The challenge for the Options co-occurring program was reaching the client when they are unhoused. These barriers could be addressed by having a designated staff driver and housing resources for clients with serious mental illness and or medical concerns that place them out-of-scope for traditional substance use residential programs.

The projected numbers of individuals to be served in FY25 by each age group are as follows:

0-15 years = 4; 16-25 years = 8; 26-59 years = 9 individuals; 60+ years = 1 individuals. There are approximately 11 additional individuals of an unknown age at this time that are projected to be reached through outreach.

Specialized Care Unit

Through the approved FY22 Annual Update, the Division allocated a portion of one-time CSS and PEI funds to be leveraged with other City funds to support the Specialized Care Unit (SCU). Implemented through Bonita House, the SCU is Berkeley's new behavioral health crisis response team without the involvement of law enforcement. The SCU consists of trained crisis-response field workers who respond to behavioral health occurrences that do not pose an imminent threat to safety.

In FY23, MHSA funds directly supported start-up costs of the program including recruitment, hiring, and training of Bonita House staff. Training included crisis support training through Bonita House's Crisis Training Academy as well as the design and training of Berkeley-specific procedures for the SCU program. Additionally, this funding supported the salaries of the SCU program management staff as additional team members were hired. During this time, program management staff worked closely with the City of Berkeley to create the policies and procedures for a SCU that aligned with the implementation recommendations from the Berkeley community. The SCU began providing services in early FY24, and continues to operate daily from 6am to 4pm, eventually building toward a 24/7 crisis response service without involvement of law enforcement.

On-site management at Martin Luther King Jr. House

The Martin Luther King Jr. House is a 12-unit single room occupancy (SRO) complex with shared living spaces that serves the disabled community in Berkeley. Per the approved FY23 Annual Update, the Division allocated a portion of CSS System Development funds to provide on-site property management at this SRO. A contract was executed through the Housing and Community Services Division of HHCS, to provide management and oversight of this SRO.

Short-term housing for individuals on the Homeless FSP

Through the approved FY23 Annual Update the Division allocated a portion of MHSA FSP Funds to support short-term housing for individuals receiving services on the Homeless FSP. It was envisioned that the funding would be utilized to provide housing in trailers located at 701 Harrison Street, and daily living supports for four individuals. Since the approval of the FY23 Annual Update, the Division learned that it will not be possible to utilize the Harrison Street trailers for this purpose. Going forward it is anticipated that funding allocated for this purpose, will be expended on other short-term housing sites for individuals in need.

PREVENTION & EARLY INTERVENTION (PEI)

The Prevention & Early Intervention (PEI) funding component is for strategies to recognize the early signs of mental illness and to improve early access to services and programs, including the reduction of stigma and discrimination, and for strategies to prevent mental illness from becoming severe and disabling.

The original City of Berkeley PEI was approved in April 2009. Since the approval of the original plan, Three Year Plans or Annual Updates outlining proposed PEI funding and programming have been approved on an annual basis. From the original PEI Plan and/or through subsequent plan updates, some of the many services the City of Berkeley has provided through the PEI funding component are as follows:

- An early identification, assessment, treatment and referral program for children (0-5 years old) and their families;
- Prevention and short-term intervention services in the Berkeley school system;
- Trauma support services for youth, adults and older adults in unserved, underserved and inappropriately served populations;
- An anti-stigma support program for mental health peers and family members; and
- Intervention services for at-risk children.

PEI Reporting Requirements

Per MHSA PEI regulations, all PEI funded programs are require to collect specified state identified outcome measures and detailed demographic information. MHSA also requires Evaluation Reports for PEI funded programs. PEI Evaluations are required to be included in each MHSA Annual Update or Three-Year Plan. Included in Appendix C of this Annual Update is the Prevention & Early Intervention (PEI) Fiscal Year (FY) 2022/2023 Annual Evaluation Report.

Impact Berkeley

In FY18, the City of Berkeley introduced a new initiative in the HHCS Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

- How much did you do?
- How well did you do it?
- Is anyone better off?

RBA has been incorporated into selected programs within the Department. This has included community agency programs funded through the MHSA Prevention & Early Intervention Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results. The results of this initiative are outlined in each of the projects funded through the PEI Community Education & Supports program.

Results Based Accountability Evaluation for all BMH Programs

Through the approved FY19 Annual Update the Division executed a Request for Proposal (RFP) process to hire a consultant to conduct a Results Based Accountability Evaluation (RBA) for all programs across the Division, and Resource Development Associates (RDA) was the chosen vendor. In FY21 RDA began working with the Division to implement the RBA research methodology. An update of the activities conducted by RDA in FY22 on this evaluation is included in the CSS Section of this Three-Year Plan.

RBA outcomes in FY23 are outlined in this Annual Update for the following MHSA PEI funded internal programs: Social Inclusion Project, and the High School Prevention Project. The complete set of RBA outcomes for all BMH programs is located in Appendix B.

PEI Regulations

Per PEI State Regulations, Mental Health jurisdictions are to utilize PEI funds to implement the following programs: Prevention, Early Intervention, Access and Linkage to Treatment, Stigma and Discrimination Reduction, and Outreach for Increasing Recognition of Early Signs of Mental Illness. Programs and/or strategies within programs can also be combined. Jurisdictions may also opt to utilize some PEI funds to implement a Suicide Prevention program. The definitions of each program that have been funded through FY24 are outlined below along with the City of Berkeley corresponding program:

PEI Program Type	Program Definition	City of Berkeley PEI Program(s)
Prevention	A set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.	• Mental Health Promotion Campaign • High School Prevention • DMIND • MEET • African American Success
Early Intervention	Treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.	• High School Prevention • Be A Star • DMIND • MEET • African American Success • Supportive Schools • Community Education and Supports
Outreach for Increasing Recognition of Early Signs of Mental Illness	A process of engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.	• Mental Health First Aid (non-PEI funded program)

PEI Program Type	Program Definition	City of Berkeley PEI Program(s)
Stigma and Discrimination	Direct activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.	• Social Inclusion
Access and Linkage to Treatment	Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.	• High School Prevention
OPTIONAL Suicide Prevention	Activities to prevent suicide as a consequence of mental illness.	• CalMHSA PEI Statewide Project

Beginning January 1, 2020, per Senate Bill (SB) 1004, Welfare and Institutions Code (WIC) 5840.7 (a) directed the Mental Health Oversight and Accountability Commission (MHSOAC) to establish priorities for the use of MHSA PEI funds. Section 5840.7 (d)(1) states that mental health jurisdictions shall, through their MHSA Three Year Program and Expenditure Plans and Annual Updates, focus use of their PEI funds on the Commission-established priorities or other priorities as determined through their respective, local stakeholder processes. If a mental health jurisdiction chooses to focus on priorities other than, or in addition to those established by the Commission, "the plan shall include a description of why those programs are included and metrics by which the effectiveness of those programs is to be measured" (WIC Section 5840.7 (d)(1)).

Current MHSOAC priorities for the use of PEI funding are as follows:

- Childhood trauma prevention and early intervention to deal with the early origins of mental health needs;
- Early psychosis and mood disorder detection and intervention, and mood disorder and suicide prevention programming that occurs across the lifespan;
- Youth outreach and engagement strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college;
- Culturally competent and linguistically appropriate prevention and intervention, including community defined evidence practices (CDEPs);
- Strategies targeting the mental health needs of older adults;
- Early identification programming of mental health symptoms and disorder, including but not limited to, anxiety, depression, and psychosis.

In order to meet the requirements, each mental health jurisdiction is required to show in the PEI Component of the Three-Year Plan or Annual Update the following:

- Which specific PEI priorities the mental health jurisdictions plan addresses, an estimate of the share of PEI funding allocated to each priority, and an explanation of how stakeholder input contributed to those allocations;
- If the mental health jurisdiction has determined to pursue alternative or additional priorities to those listed in Section 5840.7(a), how the determinations were made through its stakeholder process;
- For any alternative or additional priority identified by the mental health jurisdiction, what metric or metrics relating to assessment of the effectiveness of programs intended to address that priority the county will measure, collect, analyze, and report to the Commission, in order to support statewide learning.

All MHSA programs and projected funding amounts were vetted through the Community Program Planning process for this Annual Update. Many PEI projects meet multiple established priorities. Per PEI regulations, outlined below are the City of Berkeley PEI programs, priorities, and FY25 projected funding amounts:

CITY OF BERKELEY PEI PROGRAMS	PEI PRIORITIES	FY25 Projected Funding Per Priority
• Supportive Schools	Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.	$110,000
• High School Youth Prevention Project	Youth Engagement and Outreach Strategies that target secondary school and transition age youth	$900,560
• Mental Health Peer Mentor Program	Culturally competent and linguistically appropriate prevention and intervention including community defined evidence practices (CDEPs)	$46,389
• Dynamic Mindfulness Program		$95,000
• African American Success Project		$150,000
• Social Inclusion • Community Education & Supports	Culturally competent and linguistically appropriate prevention and intervention, including community defined evidence practices (CDEPs)	$310,000
	Youth Engagement and Outreach Strategies that target secondary school and transition age youth not in college.	$32,046
	Strategies targeting the mental health needs of older adults.	$32,046

PEI Funded Children and Youth and TAY Services

Per MHSA regulations 51% of PEI funds are to be used on services and supports for Children, Youth, and TAY. Small counties, of which the City of Berkeley is considered, may elect to forego this regulation as long as a community vetted, locally approved justification is provided as to why children and youth services are funded at a lower level. Since the initial PEI Plan, the City of Berkeley has allocated more than 51% of PEI funds to services and supports for children, youth and TAY as the majority of PEI funds has been utilized to serving these populations. All City of Berkeley PEI programs in FY25 will provide services for children and youth and/or Transition Age Youth. Five programs are in the Berkeley Unified School District (BUSD).

Programs and services funded with PEI funds that were approved to be continued in FY25 through the previously approved Three Year Plan, are outlined below by PEI Program type, along with FY23 data.

PREVENTION PROGRAMS

Prevention Program – Includes a set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

Mental Health Promotion Campaign

As a result of the impact of the COVID-19 pandemic, and public input around the overwhelming need for mental health supports in the community, the Division proposed through the FY22 Annual Update to allocate PEI funds for a community Mental Health Promotion Campaign to support the wellness and self-care of Berkeley residents. The Division will partner with the community and consider using a social marketing firm to develop and implement the campaign.

PEI Goals: The goal of this campaign is to increase prevention efforts and response to early signs of emotional and behavioral health problems.

PEI Priority: Culturally competent and linguistically appropriate prevention and intervention; including Community Defined Evidence Practices (CDEPs).

It is anticipated that this campaign will be implemented in FY25.

EARLY INTERVENTION PROGRAMS

Early Intervention Program – Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley Early Intervention programs are as follows:

Early Childhood Health and Wellness Program

The Early Childhood Health and Wellness program (formerly named the Be A Star Project) has been a collaboration with the City of Berkeley's Public Health Department since the initial MHSA PEI Plan. It has provided a coordinated system in Berkeley that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns. The program specifically targets low income families, including those with teen parents, who are experiencing homelessness, substance use disorders, or are in danger of foster care. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed. Children and families are accessed through targeted efforts at the following: Black Infant Health; Vera Casey Teenage Parenting programs; Child Health and Disability Prevention programs, Pediatric providers, and through state-subsidized Early Childhood Development Centers. The goals of the program are to identify, screen and assess families early, and connect them with services and supports as needed.

The program uses the "Ages and Stages Questionnaires" (ASQ) screening tool to assess children in need. The ASQ consists of a series of 20 questionnaires that correspond to age intervals from birth to 6 years designed to help parents check their child's development. Each questionnaire contains simple questions for parents to answer that reflect developmental milestones for each age group. Answers are scored and help to determine whether the child's development is on schedule or whether the child should be referred for a developmental checkup with a professional. Over 400 children are assessed each year.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priority: Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.

In FY23, a total of 2,339 children were screened through this program (255 at BUSD, and 2,084 at the Help Me Grow sites) however data was not collected on all individuals screened. Although all 2,339 of the individuals that were either screened or were screened and received services, were aged 0-15, the other data elements were only collected on the 255 children screened at BUSD as follows:

DEMOGRAPHICS N=255	
Age Groups	
0-15 (Children/Youth)	100%
Race	
American Indian or Alaska Native	*
Asian	17%
Black or African American	30%

White	19%
More than one Race	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican-American/Chicano	25%
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Declined to Answer (or Unknown)	100%
Primary Language	
English	51%
Spanish	18%
Declined to Answer (or Unknown)	31%
Disability	
Declined to Answer (or Unknown)	100%
Gender: Assigned Sex at Birth	
Male	44%
Female	56%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- On-site technical assistance visits to all Berkeley Help Me Grow providers continued and went well.
- 2,339 ASQ developmental screenings were conducted in Berkeley, BUSD preschools and Berkeley Help Me Grow pediatric provider sites combined.
- Berkeley Help Me Grow sites conducted a total of 2,084 screenings, across all sites averaging a 20% increase in children screened from the previous year.
- Referrals to resources & follow-up: BUSD referred a total of 64 preschool students and Help Me Grow providers referred 94 infants/children.
- Approximately 72% of all Help Me Grow referrals had their goals met.

Program Challenges:

- The Early Childhood Health and Wellness Public Health Nurse vacancy occurring in May 2023 and staffing vacancies/turnovers at the Berkeley Help Me Grow provider sites impacted the continuity of services, with the need to introduce/train/orient provider sites to ASQ implementation, tracking, and resource referrals to clients;
- Help Me Grow sites did not collect race/ethnicity, language spoken data, or gender; BUSD does not collect specific ethnicity data, gender, sexual orientation for this age group. BUSD does collect language spoken students that are not reflected on this PEI Report, for

example, data reflected Arabic, Vietnamese, Russian, Mandarin, Cantonese, Urdu, and other languages not on this report form.

- There were delays in receiving the annual infographic data for Help Me Grow sites. The Help Me Grow Collaborative collects and analyzes the data from all Help Me Grow sites in Alameda County so it takes time to collect and synthesize the data and to receive the Berkeley specific data.

Beginning in FY25, the MHSA-PEI funding for this program will be discontinued, as the Public Health Division will be transitioning these program activities to be funded and housed programmatically under their Maternal, Child and Adolescent (MCAH) Program.

- The MCAH Program is a California Department of Public Health (CDPH) funded program committed to serving women, children, teens and their families by improving access to comprehensive, quality health care, and focusing on prevention and early intervention strategies.

- Within MCAH, there are program requirements which align with the focus of early identification, assessment, treatment, and referral for children (ages 0-5) and their families that provides rationale for the shift to MCAH.

- As part of the MCAH scope of work, the focus on supporting early childhood development screenings will be able to be integrated with other programs that reside within the MCAH scope, such as the Berkeley Black Infant Health Program and Fatherhood Initiative.

Going forward, the Early Childhood Health and Wellness Program (ECHW) moved under the MCAH Program will address the MCAH Child Priority Need: To optimize the healthy development of all children so they can flourish and reach their full potential with a child focus area to expand and support developmental screening.

Supportive Schools Program

Through this program leveraged MHSA PEI funds support the provision of mental health prevention and early intervention services at each of the Elementary Schools in Berkeley. Services include: outreach; mental health programming; classroom, group, and one-on-one psycho-social education and support; and consultation with parents and/or teachers.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priority: Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.

In FY23 Early Intervention Services were provided at each of the BUSD elementary schools. BUSD sub-contracted with local agencies to provide early intervention services based upon the standard of evidence-based practices. Bay Area Community Resources (BACR), Child Therapy Institute (CTI), and Lifelong Medical (Lifelong) were subcontracted to provide services at BUSD elementary schools.

Supports for each school per each service provider, and numbers served in FY23 were as follows:

Elementary School	Agency/Provider	Number of Students Served
• Cragmont • Emerson • John Muir • Malcolm X • Oxford • Ruth Acty • Sylvia Mendez • Thousand Oaks	Bay Area Community Resources (BACR)	644
• Bay Area Arts Magnet (BAM) • Washington	Child Therapy Institute	37
• Rosa Parks	Lifelong Medical Care	133
Total		**814**

Information on services provided, successes, and challenges with each sub-contractor are outlined below:

Bay Area Community Resources (BACR): Provided services to improve emotional functioning and success in school and life, including individual and group therapy, family consultation, conflict resolution/restorative justice, suicide prevention, check-in/check-out, crisis intervention, and classroom presentations. BACR used many different therapy modalities as well as classroom support to develop skills and health. Additionally, the BACR Counselor participated in weekly Coordination of Services (COST), Student Success Team (SST), and Individualized Education Program (IEP) meetings for students, providing mental health and trauma informed perspectives. BACR consulted with school staff on many issues and provided trauma informed coaching for teachers needing support. BACR also made referrals to outside providers, parenting classes/support groups, crisis hotlines, and other programs.

Program Successes:

- A total of 644 individuals were served.
- 90% of youth in therapy showed improved emotional functioning and resiliency through the CANS and/or Stages of Change scale.
- 85% of students receiving classroom education reported gaining skills or knowledge.
- 95% of Caregivers reported that they are satisfied with the services their children/family received.
- 100% of school personnel reported that BACR is a great partner and supports their goals.

Program Challenges:

The biggest challenge was the increase in cost to fund the program. These increases required the district to make cuts in other programming areas, as well as moving resources around to be able to continue providing ongoing services at the same rate as in the previous year. An additional challenge was ensuring that each school site had an equivalent 1.0 FTE BACR

counselor at all BUSD elementary schools, as there was a shortage of credentialed therapist and counselors and BACR had to compete with other agencies for employees.

Child Therapy Institute (CTI): Continued providing services at Bay Area Arts Magnet and Washington Schools.

Program Successes:
CTI staff met with 37 students individually and in groups.

Program Challenges:
There were few direct challenges, however, a significant challenge is the increase in the costs to fund the program. These increases have required the district to make cuts in other programming areas, as well as to move resources around to be able to continue providing ongoing services at the same rate as in the previous year.

Lifelong Medical: A Licensed Clinical Social Worker (LCSW) and interns provided individual counseling to students, family counseling, and mental health consultation to caregivers and school staff. Full-class support was provided in several classrooms. The full class support was tailored to the needs of the teacher and class and consisted of community building, regulation strategies such as Zones of Regulation, and social emotional learning.

Program Successes:
A total of 52 students received individual counseling and 81 students participated in group services. The Family Resource Center (FRC) was a valuable resource and support to children, families, and school staff during the reporting timeframe. Through individual counseling, groups, and as-needed support, the FRC staff worked hard to help make Rosa Parks a place of healing and joy. The Rosa Parks community experienced the ripple effects of global pandemic and many losses in the community. FRC created spaces for students to experience a sense of belonging and connection. FRC helped children develop regulation and coping strategies to help them manage their emotions so that they could be more present in the classroom for learning. FRC developed deep relationships with students in order to help guide them in the process of making sense of the many scary and sad experiences they have had over the past few years. Additionally, FRC provided consultation and referrals to mental health services in the community.

Program Challenges:
There were few direct challenges, however, a significant challenge was the increase in the cost to fund the program. These increases required the district to make cuts in other programming areas, as well as moving resources around to be able to continue providing ongoing services at the same rate as in previous year.

Demographic data provided by BUSD on 814 students that were served through this project in FY23, is outlined below:

DEMOGRAPHICS N= 814	
Age Group	
0-15 (Children/Youth)	100%
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	26%
Native Hawaiian/Pacific Islander	*
White	35%
More than one Race	26%
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican American - Chicano	*
Other	29%
Declined to Answer (or Unknown)	*
Ethnicity: **Non-Hispanic or Non- Latino/Latina/Latinx**	
African	*
Asian Indian/South Asian	*
Chinese	*
Eastern European	*
European	*
Middle Eastern	*
Other	13%
More than one Ethnicity	*
Declined to Answer (or Unknown)	55%
Primary Language Used	
English	*
Spanish	*
Other language	*
Declined to Answer (or Unknown)	81%

Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
No Disability	*
Declined to Answer (or Unknown)	96%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	50%
Female	40%
Declined to Answer (or Unknown)	10%
Current Gender Identity	
Male	44%
Female	37%
Another Gender Identity	*
Declined to Answer (or Unknown)	17%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

The projected numbers of individuals to be served in FY25 per age groups are as follows:
0-15 years = 820 individuals.

Community Education & Supports

Through five community-based organizations, the Community Education & Supports program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic, and age specific populations that are unserved, underserved and inappropriately served in Berkeley including: African Americans; Latino/a/x; LGBTQIA+; TAY; and Senior Citizens.

In FY23 the Community Education & Supports program participated in the HHCS Results-Based Accountability (RBA) Evaluation. In an aggregated summary across the five projects within this program the following work was conducted: 549 Support Groups/Workshops; 2,693 Support Group/Workshop encounters; 476 Outreach activities; 4,001 Outreach Contacts; and 393 Referrals.

Descriptions of the five projects within the Community Education & Supports program along with FY23 data and RBA evaluation results, are outlined below:

- **Transition Age Youth Trauma Support Project**

Implemented through Youth Spirit Artworks this project provides supportive services for Transition Age Youth (TAY) who are suffering from the impact of trauma and/or other life stressors and are homeless, marginally housed, or housed but in need of supports. The project serves a wide range of youth from various cultural and ethnic backgrounds who share the common goal of living lives less impacted by trauma and more impacted by wellness. The project consists of the following four components: One-on-one sessions that assess individuals needs around trauma supports and support group readiness; psycho-educational support groups; youth social outings that provide TAY with exposure to healthy settings designed to enhance life skills and choices; and youth celebratory events that are held monthly to convene youth around a positive occasion to acknowledge the various small and large accomplishments of TAY participants, and build trust and community. Approximately 30-35 TAY receive services through this project a year.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including Community Defined Evidence Practices (CDEPs);
- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.

In FY23, YSA went through many changes. A new program model was crafted and implemented with the intention of redesigning and refining the organization's programs and theory of change. Staff received training on theory of change, program development, ACES Science, trauma informed practices, the politics of trauma, facilitation skills, positive youth development, strength-based model, community resilience model, somatic awareness, individual coaching, housing navigation skills and curriculum and evaluation introduction. This change and shift in culture expanded the program offerings. The components and activities were designed with specific outcomes in mind and with the intention to increase intervention, engagement, and opportunities for the young people being served.

In FY23, 83 youth participated in one or more program services. Demographics on youth served were as follows:

DEMOGRAPHICS N = 83	
Age Group	
16-25 (Transition Age Youth)	100%
Race	
American Indian or Alaska Native	*
Asian	*

Black or African American	48%
White	*
More than one Race	28%
Declined to Answer (or Unknown)	*
Ethnicity: Latino/Latina/Latinx	
Mexican/Mexican American-Chicano	18%
Declined to Answer (or Unknown)	15%
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
African	*
Declined to Answer (or Unknown)	66%
Primary Language Used	
English	100%
Sexual Orientation	
Gay or Lesbian	*
Heterosexual or Straight	27%
Bisexual	33%
Questioning or Unsure of sexual orientation	*
Another sexual orientation	*
Declined to Answer (or Unknown)	26%
Disability Status	
Declined to Answer (or Unknown)	100%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	21%
Female	28%
Declined to Answer (or Unknown)	51%

Current Gender Identity	
Male	25%
Female	28%
Transgender	*
Genderqueer	*
Another Gender Identity	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA Outcomes during the reporting timeframe were as follows: 6 Behavioral Health Education Groups were conducted reaching 99 individuals; 100 Peer Mentoring sessions were conducted reaching 75 individuals; 108 Art Therapy sessions were conducted reaching 107 individuals; and 32 individuals participated in 6 events.

Feedback per participant self-report was as follows:

- 84% reported that groups were helpful;
- 70% of Art as Therapy participants reported that they feel their Behavioral Health is improved or very improved.

Program Successes:
Youth participated and were engaged in the program changes. Youth engaged in being trained in theory of change and understood the feedback loop and how YSA would assess them to help evaluate program effectiveness, satisfaction, facilitator engagement. In addition, youth engaged in leadership development through facilitation, curriculum, and event planning training to assist in their future developments in leading peers and community.

Youth within the village were also connected to youth leadership opportunities, and were engaged in life skills development such as financial wellness, and cooking workshops. Both workshops were created to assist youth in being financially independent and well, while redirecting learned survival skills into resilience building opportunities that create building blocks for growth. Youth led and organized a fashion show “Out Of The Binary” where they created all of the fashion pieces for the runway. Youth also planned, organized, advertised, and facilitated the entire event using skills that they acquired through youth leadership meetings, and youth leadership training spaces. A total of 30 referrals & Linkages were provided to youth in Berkeley.

YSA was able to gain a deep understanding on how to shape the Art as Therapy workshops, the Peer to Peer led Pathways with practical, experiential engagement and opportunity to lead as well as the Behavioral Health support given to participants through relationship workshops offered out of our Youth Empowerment Meetings.

Project Challenges:
A big program challenge was dealing with staff training and buy-in. Many of YSAs staff were former youth participants and many struggled with similar challenges as the youth that were being served. During this time YSA was challenged with staff understanding the importance of data collection and evaluation. Staff were not trained on using data to drive programmatic changes, which at times led to resistance and eventually the loss of some staff.

The projected numbers of individuals to be served in FY25 per age groups are as follows:
16-25 years = 85 individuals.

- **Trauma Support Project for LGBTQIA+ Population**

Implemented through the Pacific Center for Human Growth, this project provides outreach, engagement and support group services for individuals (18 and above) in the LGBTQIA+ community who are suffering from the impact of oppression, trauma and other life stressors. Particular emphasis is on outreaching and providing supportive services to identified underserved populations within the local LGBTQIA+ community. Weekly or bi-weekly support groups are held throughout the year targeting various populations and needs within the LBGTQIA+ community. Support groups are led by Peer Facilitator community volunteers who are trained in Group Facilitation/Conflict Resolution and who have opportunities to participate in additional Skill Building workshops in order to share methods used to address group challenges and to learn new facilitator techniques. Approximately 250 individuals a year are served through this project.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:
- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Strategies targeting the mental health needs of older adults.

In FY23, a total of 275 individuals were served. Demographics on individuals served include the following:

DEMOGRAPHICS N=275	
Age Groups	
16-25 (Transitional Age Youth)	13%
26-59 (Adult)	67%
Ages 60+ (Older Adult)	17%

Declined to Answer (or Unknown)	*
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	*
White	58%
More than one Race	*
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Carribbean	*
Mexican/Mexican-American Chicano	*
Puerto Rican	*
South American	*
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
African	*
Asian Indian/South Asian	*
Chinese	5%
Eastern European	*
European	26%
Filipino	*
Korean	*
Middle Eastern	*
Vietnamese	*
More than one Ethnicity	14%
Other	*
Declined to Answer (or Unknown)	29%

Primary Language Used	
English	97%
Spanish	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Gay or Lesbian	19%
Heterosexual or Straight	*
Bisexual	10%
Questioning or Unsure	*
Queer	12%
Another Sexual Orientation	49%
Declined to Answer (or Unknown)	*
Disability	
Difficulty Hearing or Having Speech Understood	*
Mental Domain not including a mental illness (including but not limited to a learning disability, developmental disability or dementia)	8%
Physical/mobility domain	*
Chronic health condition (including but not limited to chronic pain)	8%
Other (Specify)	17%
No Disability	64%
Veteran Status	
Yes	*
No	95%
Declined to Answer (or Unknown)	*
Gender: Assigned Sex at Birth	
Declined to Answer (or Unknown)	100%

Current Gender Identity	
Male	15%
Female	12%
Transgender	29%
Genderqueer	*
Questioning or Unsure	*
Another gender identity	37%
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA Outcomes during the reporting timeframe were as follows: 427 Support Groups were conducted reaching 275 individuals; 55 Outreach activities were conducted; 21 individuals attended Train the Trainer sessions to become Peer Support Group Facilitators; and 52 Peer Support Group Facilitators attended Skill Building Workshops. There were 88 referrals for additional services and supports. The number and type of referrals included: 47 Mental Health; 20 Physical Health; 12 Social Services; 3 Housing; 6 Other unspecified services. To assess the project services, a self-administered Peer Support Group Survey was distributed to all peer group members. Survey results were as follows:

- 98% indicated they would recommend the organization to a friend or family member;
- 95% felt like staff and facilitators were sensitive to their cultural background;
- 88% reported they deal more effectively with daily problems;
- 84% indicated they have trusted people they can turn to for help;
- 85% felt like they belong in their community.

Program Successes:

- Peer groups continued to run uninterrupted and to be a vital support to the LGBTQIA+ community during the reporting timeframe.
- 92.4% of participants reported that the peer support group(s) they attended helped them to feel safe talking about their gender.
- 88% reported that the peer support group(s) they attended helped them to feel safe in talking about their sexuality.
- The primary goal in FY23 was to increase capacity and reduce burnout for the group facilitators. To that end,16 new facilitators were on-boarded and an additional 3 facilitators were re-trained at their request.
- A full set of Diversity Equity and Inclusion trainings were also offered including one that was co-facilitated by a peer facilitator and our Community Programs Director.

Program Challenges:

- During quarter three facilitators were struggling with the Diversity Equity and Inclusion trainings offered and felt they were ready to move beyond the basics of inclusion and wanted more tools to interact with group members around issues of race, privilege, neurodivergence etc.
- In quarter four, the Diversity Equity and Inclusion training was co-facilitated by the Community Programs Director and a peer group facilitator and focused on lowering barriers to access and creating a more inclusive and welcoming space.

The projected numbers of individuals to be served in FY25 are as follows: 16-25 years = 40 individuals; 26-59 years = 176 individuals; 60+ years = 52 individuals.

- **Living Well Project**

Implemented through Center for Independent Living, this project provides services for Senior Citizens (aged 50 and over) who are coping with trauma and/or mental health issues associated with acquired disabilities. Senior Citizens with acquired disabilities are one of the most difficult groups to reach with disability services. It is similarly difficult to intervene with this group's developing mental health issues related to aging and the traumatic impact of acquiring one or more disabilities (such as loss of mobility, vision, hearing, et al). The core of the project is a wellness workshop series entitled "Living Well with a Disability". Through a combination of education, goal setting, group and peer counseling, the workshop series is designed to promote positive attitudinal shifts in a population who, despite the tremendous need for care, are often typically not responsive to mental health intervention. The workshop series includes a 10 week, one to two-hour class conducted by Peer Facilitators, and an optional 30-minute counseling session. Counseling sessions are designed to monitor curriculum impact and continually assess individual goals and resource needs. This project serves up to 80 Older Adults a year.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including Community Defined Evidence Practices (CDEPs).
- Strategies targeting the mental health needs of older adults.

In FY23, 89 Living Well Workshop sessions were conducted. Each Living Well Workshop series included the following sessions: Orientation; Goal Setting; Problem Solving; Healthy Reactions; Beating the Blues (Depression and Moods); Healthy Communication; Seeking Information; Physical Activity; Eating Well (Nutrition); Advocacy (Self and Systems Change); and Maintenance. Topics of Grief and Loss, Depression, Retirement, and Senior Invisibility were also incorporated into the project.

In FY23, a total of 73 individuals participated in the Living Well Workshop Series program. Demographics of Workshop participants are outlined below:

DEMOGRAPHICS N=73	
Age Groups	
Age 60+ (Older Adult)	88%
Declined to Answer (or Unknown)	*
Race	
Asian	23%
Black or African American	22%
White	34%
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican-American-Chicano	*
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Asian Indian/South Asian	*
Chinese	*
European	19%
Middle Eastern	*
Other	25%
Declined to Answer (or Unknown)	*
Primary Language Used	
English	79%
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
Difficulty Seeing	*
Difficulty Hearing or Having Speech Understood	22%

Mental (not mental health)	*
Physical/mobility disability	*
Chronic health condition	22%
Other Disability	*
No Disability	*
Declined to Answer (or Unknown)	*
Veteran Status	
Yes	*
No	71%
Declined to Answer (or Unknown)	*
Gender: Assigned Sex at birth	
Male	*
Female	69%
Declined to Answer (or Unknown)	*
Current Gender Identity	
Male	*
Female	71%
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA Outcomes during the reporting timeframe were as follows: 4 outreach and informational events were conducted reaching 51 individuals. A total of 99 individuals participated in the Living Well Workshop series and 72 received engagement services. There were 149 referrals for additional services and supports. The number and type of referrals included: 46 Mental Health; 27 Physical Health; 38 Social Services; 26 Housing; 12 other unspecified services. Project participants completed a Living Well Workshop Series. Feedback per participant self-report was as follows:

- 93% reported they felt satisfied with the workshops;
- 93% indicated an improvement in feeling satisfied in general;
- 93% had increased feelings of social supports;
- 93% felt prepared to make positive changes; and
- 93% reported they felt less overwhelmed and helpless.

Project Successes**:**

- The Living Well with a Disability programming continued to be well attended, especially the PEERS group, which is a peer-based support and discussion group focused on mental and emotional health for seniors.
- New seniors attended every quarter, and participant survey's demonstrated positive outcomes.
- Due to the success of the program, the Senior and Aging Engagement Specialist received numerous requests to host Living Well workshops at additional locations.

Project Challenges:

- The Living Well program continued to experience the impacts of the ongoing pandemic; older adults are still at higher risk for complications from Covid-19. Some staff also got COVID/experienced long COVID, which impacted the program.
- A majority of participants expressed that they did not feel comfortable answering all of the demographic and life situation questions required by the MHSA reporting. The Management Team is continuing to work with the Senior and Aging Engagement Specialist to devise strategies to support getting the required information, and also to ensure that trust, confidentiality, and person-centered services remain at the core of the work.
- The Center for Independent Living transferred to a new customer relationship management (CRM) software called MiCil, and the shift between the two CRMs, as well as the on-ramp period to get Living Well staff familiar with the new system and ensure it was accessible to them, created challenges in getting numbers and reports in in a timely manner.
- There was also some transition in Senior Management staff, which led to a delay in invoicing and financial reports on a couple of occasions.
- The agency had an Interim Executive Director during the reporting timeframe and has continued search for a new Executive Director.
- The program structure shifted to include more managers, which will hopefully alleviate some of the challenges, particularly around data management.
- A Data and Reporting Specialist was hired, who works closely with the Senior and Aging Engagement Specialist to ensure Living Well data is tracked in an accurate and comprehensive manner.

It is anticipated that these issues will be ameliorated within the current fiscal year, as the Living Well program systems, policies, and procedures are being revised and revitalized.

A majority of participants expressed that they did not feel comfortable answering all of the demographic and life situation questions required by the MHSA reporting. The Management Team is continuing to work with the Senior and Aging Engagement Specialist to devise strategies to support getting the required information, and also to ensure that trust, confidentiality, and person-centered services remain at the core of the work.

The projected numbers of individuals to be served in FY25 per age groups are as follows: 26-59 = 10 individuals; 60+ = 70 individuals.

- **Soul Space Project**

Implemented through ONTRACK Program Resources, the Soul Space project assists African Americans in Berkeley with accessing culturally, ethnically, and linguistically responsive and trauma-informed prevention and early intervention services. Project services include: community education; outreach and engagement; individual quality of life assessments; coaching; empowerment planning; referrals; navigation supports; support groups; and life skills training.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including Community Defined Evidence Practices (CDEPs).
- Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Strategies targeting the mental health needs of older adults.

In FY23, 35 individuals were served. Demographics on individuals served are as follows:

DEMOGRAPHICS N=35	
Age Groups	
Transition Age Youth (16-25)	*
Adults (26-59)	69%
Older Adults (60+)	*
Race	
Black or African American	86%
Declined to Answer (or Unknown)	14%
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Declined to Answer (or Unknown)	*
Primary Language	
English	100%
Sexual Orientation	
Heterosexual or Straight	*
Bisexual	*
Another sexual orientation	*
Declined to Answer (or Unknown)	*

Disability	
Mental (not mental health)	*
Physical/Mobility Disability	*
No Disability	*
Declined to Answer (or Unknown)	*
Veteran Status	
Declined to Answer (or Unknown)	100%
Gender: Assigned Sex at Birth	
Male	37%
Female	63%
Current Gender Identity	
Male	37%
Female	63%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA Outcomes during the reporting timeframe were as follows: 20 Community Education Trainings were conducted and 417 individuals were reached through outreach and engagement services. A total of 19 individuals received case management and 20 participated in Support Groups. There were 4 referrals for additional services and supports.

Project Successes**:**

- *Community Engagement***:** Soul Space Berkeley successfully integrated itself into the Berkeley community and has become a recognized and trusted resource for individuals seeking wellness and support services. Partnerships with community agencies, Building Opportunities for Self Sufficiency (BOSS) and Options for Recovery, yielded a reciprocal referral stream that has been beneficial.
- *Expanded Services*: One of the major accomplishments was the ability to serve individuals in the community effectively. The case management services proved to be highly beneficial assisting individuals in finding mental health resources; adjusting to life after the pandemic; offering financial education; and offering a safe place where individuals could openly express their needs and employment assistance.
- *Family Support*: Entire families the Soul Space services, reflecting the broad impact of the programs on the community. This demonstrates programs ability to address holistic well-being at both the individual and family levels. Soul Space will continue to offer family services given the need.
- *Successful Women's Group*: The establishment and success of the women's group “Crown Never Off” was a testament to the value of the services provided. This group provided a supportive and empowering space for women within the community.

- *Community Recognition*: Soul Space established meaningful connections with community organizations, enhancing the presence and reputation within the Berkeley community. The commitment to building community relationships yielded positive results.

Project Challenges:

- *Staffing*: Soul Space experienced staff turnover amid growth and an increased demand for services. Recruitment for new staff to ensure the right team is in place to meet the needs of the expanding program is an ongoing challenge given the program budget. In FY24, two new staff were hired. Soul Space is seeking additional funding to support the current staffing arrangement.
- *Location Accessibility*: In FY23, OnTrack, the provider of the SoulSpace project, was relocated to a space within Inter-City Services. However, due to various building issues, this space was temporary and OnTrack had to relocate again to it's current space in South Berkeley.

The projected numbers of individuals to be served in FY25 are as follows: 16-25 years = 27 individuals; 26-59 years = 39 individuals; 60+ years = 7 individuals.

- **Latinx Trauma Support Project**

Implemented through East Bay Sanctuary Covenant the Latinx Trauma Support Project assists low-income, Latinx families in Berkeley in accessing culturally, ethnically, and linguistically responsive and trauma-informed prevention and intervention services. Project services are in direct response to, and in collaboration with, Latinx community members, and are largely facilitated by individuals from within the targeted community and conducted in Spanish or an indigenous language. Services include: One-on-one outreach and support; support groups; staff and partner training and warm referrals.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including Community Defined Evidence Practices (CDEPs).
- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Strategies targeting the mental health needs of older adults.

In FY23, this project served 339 individuals. Demographics on individuals served were as follows:

DEMOGRAPHICS N=339	
Age Groups	
Children and Youth (0-15)	*
Transition Age Youth (16-25)	*
Adults (26-59)	84%
Older Adults (60+)	*
Declined to Answer (or Unknown)	*
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	*
White	*
Other	85%
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Central American	47%
Mexican/Mexican-American/Chicano	35%
South American	*
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Non-Hispanic or Latino/Latina/Latinx	
African	*
Asian Indian/South Asian	*
Cambodian	*
Eastern European	*
European	*
Japanese	*
Korean	*
Other	*

Primary Language	
English	*
Spanish	87%
Declined to Answer (or Unknown)	*
Sexual Orientation	
Gay or Lesbian	36%
Heterosexual or Straight	43%
Bisexual	*
Queer	*
Another sexual orientation	*
Declined to Answer (or Unknown)	*
Disability	
Other	*
No Disability	93%
Declined to Answer (or Unknown)	*
Veteran Status	
No	100%
Gender: Assigned Sex at Birth	
Male	44%
Female	55%
Declined to Answer (or Unknown)	*
Current Gender Identity	
Male	41%
Female	55%
Another Gender Identity	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA Outcomes during the reporting timeframe were as follows: 7 Support Group sessions were conducted reaching 132 individuals, and 94 individuals received One-on-One Supports. A total of 8 Trainings were conducted, reaching 30 individuals. There were 152 warm referrals for additional services and supports. The number and type of referrals included: 32 Mental Health; 8 Physical Health; 44 Social Services; 68 other unspecified services.

Support Group feedback per participant self-report was as follows:

- 100% reported they liked participating in the Support Group;

- 98% indicated they would recommend the organization to a friend or family member;
- 100% indicated they felt safe, included and respected;
- 95% reported that they were able to deal more effectively with daily problems;
- 98% reported increased feelings of supports after participating in the support group.

Training feedback per participant self-report was as follows:

- 100% of participants indicated that they were satisfied with the training;
- 100% of participants indicated that the information in the training was informative;
- 100% of participants indicated that the training would help them in their work.

Project Successes**:**

- Continued to provide integrated support to low-income Latinx immigrants through case management, warm referrals, trilingual hotline, support groups, mental health support, and trainings, as well as quarterly retreats for LGBTQ asylum seekers and Mam women.
- Due to growth in the Support Services program an additional caseworker was hired, which helped clients connect to more public benefits, including Medi-Cal and CalFresh.
- In addition to 1x1 support, a support group was offered reaching 24 LGBTQ asylum seekers and a storytelling workshop reaching 17 people.
- Utilized undergraduate interns for 16-24 hours a week to provide direct service to individuals, and to assist with administrative tasks.
- Hosted four Trauma-Informed trainings for staff and partner organizations providing legal and mental health services to asylum seekers. Staff trainings on Wellness and Domestic Violence Prevention were also conducted. The Support Services team attended a training on Motivational Interviewing and participated in a convening of Bay Area nonprofits serving unaccompanied immigrant youth.
- Provided a training on Mental Health First Aid and suicide prevention, one for law student volunteers, and one in Spanish for outreach workers.
- Partnered with “No Separate Survival”, a participatory documentary project, to offer asylees a chance to get behind the camera and share their perspectives as storytellers, and hosted a film screening for asylum seekers and their families in a single-day support group event.
- The OLAS LGBT Sanctuary Project held a retreat on the theme, “The Pride of Being,” to empower participants to be proud of their unique identities, and to build community with each other.
- Connected clients to services such as rental assistance, state-funded medical services, mental health services, and more.
- Planned an integrated wellness workshop for clients, which took place in the Fall of 2023. The workshop covered topics such as sleep and stress, and offered a range of culturally appropriate approaches including Talk Therapy and traditional Mayan herbal remedies.
- The Community Education Manager and Amplifying Sanctuary Voices Team led two “Tell Your Story” workshop training sessions to help community members learn how to share their immigration stories with legislators and the public. These workshops helped community members find power and confidence in sharing their lived experiences to advocate for a greater cause.

- The OLAS LGBTQ Asylum Program Coordinator, led a support group retreat for new and returning members focused on the immigrant identity. Activities allowed participants to safely share their migration stories and discuss the dynamics of acculturation and chosen family.

Project Challenges:
It continued to be a challenge to connect clients with mental health services in a timely fashion, as the shortage of mental health workers seemingly only deepened. We stayed in close touch with groups like “Partnerships for Trauma Recovery” to make sure we had up-to-date information on which providers are accepting new patients and what wait times our clients could expect. A Team Member who specializes in working with teenagers and transition-aged youth, offered a support group for her clients, however it proved to be difficult to recruit for the group, as the need to earn money often overwhelmed all other needs of the potential participants.

The projected numbers of individuals to be served in FY25 per each age group are as follows: 0-15 years = 4 individuals; 16-25 years = 86 individuals; 26-59 years = 295 individuals; 60+ = 23 individuals.

PREVENTION & EARLY INTERVENTION COMBINED PROGRAMS

Prevention Program – Includes a set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

Early Intervention Program – Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley Prevention & Early Intervention combined programs are as follows:

Dynamic Mindfulness Program (DMind)

Dynamic Mindfulness (DMind) is an evidence-based trauma-informed program implemented in BUSD middle and high schools. Validated by independent researchers as a transformative program for teaching children and youth, skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering into an intervention that is implemented in the classroom in 5-15 minute sessions, 3 to 5 times a week. This program has proven to be successful with vulnerable students who are exhibiting signs of chronic stress, trauma, and Post Traumatic Stress Disorder (PTSD) from Adverse Childhood Experiences (ACEs), and/or disengagement from school, chronic absences, and significant behavioral challenges, including emotion regulation, impulse control, anger management, and/or getting frequent referrals, or suspensions and at high risk of school failure. DMind also enables teacher and staff well-being, which has been shown to enhance student learning. Program components include in-class and after-school DMind sessions for students, student peer leadership development, and training and coaching of school staff**.**

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priorities:

- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, services were directly provided to 550 students and 66 staff. An additional 2,000 unduplicated students were reached through knowledge and skills shared by individuals who received direct services. Additionally, there were many more students who practiced along with the online curricular supports by accessing the DMind video library (containing over 300 brief DMind practices), and the "Mood Shifter" for emotion regulation in the programs InPower Mobile App. The big post-COVID change was going from online to in-person services/programs, including in-class sessions by Niroga instructors, as well as staff (teachers, counselors, administrators) training and coaching sessions.

The only demographic data provided by BUSD on individuals who were served in FY23, was as follows: 0-15 years = 84%; 16-25 years = 5%; 26-59 years = 11%.

Program Successes:

- Successfully pivoted from online to in-person programming after the COVID lockdown ended.
- Staff (teachers and counselors) reported that there was a substantial increase in student mental health issues, leading to challenging student behaviors, e.g. disruptive, distracted, disengaged (fight/flight/freeze), saying they were seeing a certain 'feral quality' to many students (as they re-learned socializing after the long period of social isolation because of COVID), Even so, staff and students responded very positively to the in-person movement-based mindfulness program.

In addition to engaging students, this program also works with school staff to (a) enhance their own personal sustainability (self-care, stress resilience and healing from vicarious trauma) as well as (b) professional application with their students (emotion regulation, de-escalation, focus/attention/engagement). This not only built staff capacity and ensured adequate DMind 'dosage' for enabling neuroplasticity and neurogenesis to rewire their brains and change behavior, but also provided a multiplier factor of ~30-40 (typical class size in middle and high schools, and nominal caseload for counselors), significantly increasing the reach and scope of programming, serving a much larger group of unduplicated students than would have been otherwise possible given budgetary limitations.

Program Challenges:
Program staff witnessed significant levels of overwhelmed school staff which limited their ability to participate in the capacity-building training and coaching offerings.

The projected numbers of individuals to be served in FY25 per each age group are as follows: 0-15 years = 517 individuals; 16-25 years = 31 individuals; 26-59 years = 68 individuals.

Mental and Emotional Education Team (MEET)

The Mental and Emotional Education Team (MEET) program implements a peer-to-peer mental health education curriculum to 9th graders, and an internship program for a cohort of high school students to serve as peers to their fellow students. The goals of the program are to increase student awareness of common mental health difficulties, resources, and healthy coping and intervention skills. Through this program, students are trained by a licensed BUSD clinician to conduct class presentations covering common mental health disorders, on and off campus resources, and basic coping and intervention skills. This model of peer-to-peer education can contribute to reducing mental health stigma, increasing students' understanding and use of coping skills, and increasing students' awareness and use of school-based mental health support services.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priorities:

- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, the MEET program was relaunched after having been discontinued for a couple of years. During this reporting timeframe,15 MEET Peer Educators participated in weekly trainings and in a 1 full day training for the purposes of developing leadership skills, learning about mental health needs and resources, and providing mental health education for their peers. The trained Peer Educators then presented in eight U-9 Freshman Seminar Classes.

Five of the MEET students participated in the City of Berkeley Health Justice (HJI) Internships with MEET as their internship site. The HJI interns participated in an additional weekly meeting and acted as leaders within MEET by developing the PowerPoint presentation and leading practice sessions with other MEET peer educators to prepare for their classroom presentations.

In FY23, 15 individuals were served through this program. Demographics on individuals served were as follows:

DEMOGRAPHICS N=15	
Age Groups	
Children and Youth (0-15)	100%
Race	
Asian	*
Black or African American	*
White	*
More than one Race	*
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Non-Hispanic or Latino/Latina/Latinx	
African	*
Asian Indian/South Asian	*
Other	*
Declined to Answer (or Unknown)	*
Primary Language	
Declined to Answer (or Unknown)	100%
Sexual Orientation	
Gay or Lesbian	*
Heterosexual or Straight	*
Bisexual	*
Questioning or unsure of sexual orientation	*
Queer	*
Declined to Answer (or Unknown)	*
Disability	
Difficulty Seeing	*
Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability or dementia)	*
Other	*

No Disability	*
Declined to Answer (or Unknown)	*
Veteran Status	
No	100%
Gender: Assigned Sex at Birth	
Declined to Answer (or Unknown)	100%
Current Gender Identity	
Male	*
Female	*
Genderqueer	*
Questioning or unsure of gender identity	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- Developed informational PowerPoint and presentation for U-9 Freshman Seminar classes.
- Completed 8 educational presentations to U-9 Freshman Seminar classes.
- Presentations reached over 200 students and aimed to foster greater comfort in discussing mental health, provide information about common mental health issues, reduce mental health stigma, teach coping skills, and show students how to access mental health resources in and outside of Berkeley High School.
- Five MEET students participated in the City of Berkeley Health Justice (HJI) Internships with MEET as their internship site. The HJI interns acted as leaders within MEET by developing the PowerPoint presentation and leading practice sessions to prepare for their classroom presentations.
- Created informational posters about depression, anxiety, coping skills, and selfcare to be posted across campus.
- Helped design mental health survey questions that were used in the district-wide Mental Health Needs Assessment.
- Conducted over 40 interviews of Berkeley High Students for the district-wide Mental Health Needs Assessment.
- Assisted in designing a BHS Wellness Website.
- Nine weekly trainings and one full day training was facilitated for MEET students to foster community, learn about common mental health concerns and prepare to facilitate presentations to U-9 freshmen.
- HJI MEET interns met with the training facilitator an additional 5 times to support their development of the PowerPoint presentation, foster their leadership within MEET, and provide feedback and assistance in creating mental health informational posters.

- Each MEET participant co-facilitated at least 2 classroom presentations.
- MEET students taught over 200 students (all U-9 freshmen) in their classrooms by facilitating the PowerPoint presentation and interactive activities focusing on mental health and coping skills.
- Feedback from MEET peer educators, U-9 students, and teachers was overall positive. 93% of MEET Peer Educators reported that they learned more about mental health and 100% reported that they felt comfortable or very comfortable expressing themselves within the group.

Program Challenges**:**
A significant challenge was the increase in costs to fund the program. These increases required the school district to make cuts in other programming areas, as well as move resources around to be able to continue providing ongoing services.

The projected numbers of individuals to be served in FY25 per each age group are as follows: 0-15 years = 15 individuals.

African American Success Project

The African American Success Project (AASP) implements “Umoja” - a daily elective class offered at Longfellow Middle School. Umoja provides African American students a safe affinity space to explore their cultural heritage and identity, while building positive peer relationships and establishing relational trust with adults. Umoja provides an ongoing focus on social and emotional development, including building skills, habits and mindsets that enable self-regulation, interpersonal skills, perseverance and resilience. This project aligns with stated needs found in key BUSD initiatives, and strategic actions, including but not limited to the: Black Lives Matter Resolution, Local Control & Accountability Plan (LCAP), the African American Success Framework (AASF), and the Comprehensive Coordinated Early Intervention Services (CCEIS) Plan.

This project provides a unique chance to expose learners to content traditionally overlooked by educational institutions. Umoja course lessons are rooted in African and African American cultural precepts, and are composed to guide African American learners through:

- An exploration of their identities;
- An interrogation (questioning or query) of their ancestral history.
- Development of a positive sense of purpose and cultural pride.
- Envisioning their futures and outlining a path for fulfillment.
- Developing an awareness of their communal role.

Direct services for parents and guardians**:**
The project seeks to increase entry points for caregivers to be informed and involved in their child’s learning. Highlights in this area include:

- Providing digital newsletters, and updates using email marketing.
- Coordinating and hosting parent teacher conferences.

- Individual parent meetings/contacts, including advising, problem-solving, and updates regarding student progress.
- Hosting events including the Annual Kwanzaa celebration, and an end of the year meeting to gather qualitative program feedback.

Direct services for students (academic, social, behavioral):

- School-day cultural enrichment designed to uplift and empower African American learners using African centered pedagogical approaches.
- Equity centered support sessions (weekly).
- Structured class check-in sessions.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention, including Community Defined Evidence Practices (CDEPs).
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, 53 students participated in this project. Outlined below are demographics on individuals served through this project:

DEMOGRAPHICS N=53	
Age Groups	
Children/Youth (0-15)	100%
Race	
Black or African American	66%
Declined to Answer (or Unknown)	34%
Ethnicity: Hispanic or Latino/Latina/Latinx	
Other	*
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Other	*
Primary Language	
English	100%
Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
No	72%

Declined to Answer (or Unknown)	28%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	45%
Female	55%
Current Gender Identity	
Declined to Answer (or Unknown)	100%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- *Learning Outcomes*: 6th-grade participants demonstrated significant growth in Literacy on the BUSD STAR Assessment.
- *Learning Experiences*: Participants were exposed to a variety of learning experiences, including field trips, STEM enrichment, and guest speakers
- 6th-grade participants visited the Ramses the Great exhibit at the DeYoung Museum.
- *School Yard Raps*: All participants had the opportunity to attend the Ourstory: The Black History musical. The musical aligned with the program curriculum, and many students reported increased interest and engagement with the performance since they had prior knowledge of the content. Additionally, this learning experience uplifted the significance of Black History Month and allowed students to be affirmed.
- *College Trips*: Umoja 7th graders visited Cal Berkeley and California State University, East Bay.
- *Berkeley Historical Society*: Participants were visited by members of the Berkeley Historical Society, who provided a guest lecture about local Black History that students learned in class.
- *STEM Enrichment Club*: 6th-grade boys gained access to a STEM Enrichment Club provided by Bay Area Sigmas. Four monthly Saturday sessions were held during the second semester. STEM Enrichment Club participants built STEM competencies using science-related activities.
- *BUSD Black History Oratorical Festival*: Umoja participants had a strong showing at the 2023 BUSD Black History Oratorical Festival and, for the third year in a row, placed as finalists for the secondary division. The winner of the 2022 and 2023 secondary division was an Umoja participant. An Umoja participant also placed third in the secondary division for 2023.
- *Community Engagement*: For the fourth consecutive year, Umoja held an annual Kwanzaa recognition. The 2022 Kwanzaa event was a great success and brought together many families and staff for an evening of celebration and shared learning.

- *Professional Development:* The Umoja team provided professional learning opportunities for Longfellow staff, including an annual presentation to support them in preparing for Black History Month.
- The Umoja team joined professional learning efforts provided under the BUSD African American Success Framework, which provided a year-long cultural competence training series for Longfellow staff.
- *Collaboration*: The Umoja instructor actively collaborated with the Longfellow team to create a safe, welcoming, and inclusive school environment by helping to organize and host community engagements like the annual Rites of Passage Ceremony. They also attended Grade Level Team meetings, Content/Department Team meetings, IEP meetings, etc., to support Umoja participants. Their voices and perspectives about best supporting African-American students should be highlighted as a valuable resource to the school community.
- *Partnerships*: The Umoja team strategically partnered with organizations to meet program needs, including The City of Berkeley, The Mind of Milan LLC, AM1 Media, Freedom Soul Media Education Initiatives, Jason Seals and Associates, Bay Area Sigmas, Marcus Books, RT Fisher Educational Enterprises, and the Berkeley Public School Fund. These organizations provided financial support, subject matter expertise, services, and resources to keep the program running.

Program Challenges:
During the fiscal year, the program did not serve 8th-grade students as in past years. This caused a slight reduction in the number of participants served. Confusion regarding the course selection process and available options likely contributed to this circumstance.

The projected numbers of individuals to be served in FY25 per each age group are as follows:
0-15 years = 55 individuals.

ACCESS AND LINKAGE TO TREATMENT

Access and Linkage to Treatment Program – Connects children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

PREVENTION & EARLY INTERVENTION COMBINED PROGRAM WITH ACCESS AND LINKAGE TO TREATMENT COMPONENT STRATEGY

Access and Linkage to Treatment Program or Strategy – Connects children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

Prevention Program – Includes a set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

Early Intervention Program – Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley has one Prevention & Early Intervention combined program that also has an Access and Linkage to Treatment component:

High School Youth Prevention Program

This program operates in conjunction with other health related services offered at Berkeley High School (BHS) and Berkeley Technology Academy (BTA) and has become a successful partnership between BUSD and the Public Health and Mental Health Divisions of Berkeley's HHCS Department. The program provides young people with the information and individual support they need to make positive and healthy decisions in their lives. The program includes: outreach activities designed to provide students with basic information around the risks of certain behaviors, and ways to protect themselves and make positive and safer decisions; classroom presentations to enable students to receive more in-depth information around a variety of health topics and available resources, and provide the opportunity for students to do a personal assessment of risk and current lifestyle choices; drop-in crisis, counseling services; individual appointments to identify young people who may need more intensive intervention; and short-term treatment. The individual appointments, held at the school-based health center, provide young people with the opportunity to hold very in-depth discussions around the choices they are making and the risks that are involved in their choices. They receive guidance about changes they can make to reduce or eliminate their risks, and are given the opportunity to identify barriers that might exist for them that prevent them from making healthier choices. In addition, they complete a 40 question, in-depth HEADSSS (Home, Education, Activities, Drugs/Alcohol, Sexuality, Safety, and Suicidality) assessment. Based on the outcome of the individual appointment and/or assessment, a young person may be referred to either a medical or mental health professional for follow-up care and intervention and/or treatment.

The Berkeley High School (BHS) and Berkeley Technology Academy (BTA) Health Centers are both multidisciplinary co-locations of the City of Berkeley's Mental Health and Public Health Divisions. The Health Center team provides a range of Prevention/Early Intervention (PEI) services and also functions as an Access and Linkage to Treatment program. Culturally and linguistically diverse staff provide services in English and Spanish. Translation services in all other languages are available using a language line.

The Health Centers are operational year-round, Monday through Friday, from 8:30 AM-4 PM, with a daily closure from 12-1 PM for lunch and administrative tasks. There are brief periodic closures due to BUSD's academic calendar and in these instances some services are still provided via telehealth when possible. When fully operational, services can be accessed via student drop-in and/or via scheduled appointment. Services can also be requested via Jotform, an online, HIPAA-compliant, referral platform. This referral platform can be accessed is accessible via QR code on informational flyers that are posted across campus and also online in

several locations including the Health Center website. Students can self-refer using Jotform, and parents/caregivers, staff, and friends are also able to refer someone else using this method. Additionally, students, parents/caregivers, and staff are able to request services via phone by calling the Health Center main phone number. Hours of operation at Berkeley Technology Academy Health Center are more limited due to the small student population and staffing constraints. When BTA students are unable to access a needed service at that Health Center, they are referred to BHS Health Center for those needed services.

Health Center staff frequently facilitate linkages on behalf of youth and their families, depending upon a given need. Behavioral Health Clinicians (“BHCs”) conduct initial assessments with students in order to screen for a variety of health and mental health needs, considering accessibility, insurance status, acuity, and risk factors to support with decision-making around level of care considerations and related linkages. BHCs provide students with short-term behavioral health services—crisis, individual, group—as needed irrespective of insurance status and all students are eligible to receive these free and confidential services. BHCs also link youth/families with more intensive needs to additional services depending upon their specific needs and insurance status. BHCs provide this linkage support via internal referrals (e.g. EPSDT Medi-Cal services; Full Service Partnership team; psychiatry/medication management), Alameda County Access, as well as linkages to services through private insurance carriers. BHCs also sometimes make internal on-campus referrals to the 504 and Special Education programs when some type of mental or physical health condition may be impeding a youth’s ability to adequately access their education. BHCs also support youth and their families who are uninsured with accessing and enrolling in Medi-Cal and other relevant programs that support health and well-being.

As an Access and Linkage to Treatment Program, the Health Center’s Mental Health Program Supervisor monitors all referrals in order to ensure timely responsiveness and follow up that supports engagement in treatment. All BHCs have access to and monitor incoming referrals that are submitted via Jotform and respond to referrals on a rotating basis. The MH Program Supervisor monitors and responds to referrals via phone and checks voicemail multiple times per day. In instances where a staff person responds to a referral but is unable to make contact with the referring party, staff will follow up at least three times in an effort to support engagement. The Jotform referral inquires about preferred method of contact and also inquires about whether a youth can be pulled from class in order to conduct an initial assessment. Staff utilize these preferences in order to inform outreach efforts and increase the likelihood of establishing and supporting engagement.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

PEI Priorities:

- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.

- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

During the reporting timeframe, The Health Center resumed hosting a cohort of three graduate-level trainees (0.6 FTE each) due to stabilization of full-time staff capacity, which contributed to increased service capacity for the duration of the 22-23 school year. One full-time (1.0 FTE) Behavioral Health Clinician II obtained a promotional opportunity outside of the City of Berkeley and transitioned out of his role in early August 2022. This position was temporarily vacant and eventually backfilled by a new Behavioral Health Clinician II in late November 2022. One additional full-time (1.0 FTE) Behavioral Health Clinician I position was added to the High School Mental Health team in late October 2022, and this staff was based across multiple sites (0.4 FTE at Berkeley High School; 0.4 FTE at Berkeley Technology Academy; and 0.2 FTE at K-8 School-Based).

In April 2023, as a result of a Division-wide structural reorganization, High School Mental Health became a standalone program separate from Family, Youth & Children's Services. As part of this reorganization, a new full-time (1.0 FTE) Mental Health Program Supervisor position was created. The team's existing full-time (1.0 FTE) Mental Health Clinical Supervisor was promoted into this new position in April 2023, and the Mental Health Clinical Supervisor position has since remained vacant.

In FY23, approximately 244 students received services through this project. Demographics on youth served are outlined below:

DEMOGRAPHICS N=244	
Age Groups	
0-15 Years	24%
16-25 Years	76%
Race	
American Indian or Alaska Native	*
Asian	11%
Black or African American	20%
White	22%
More than one Race	18%
Other	22%
Declined to Answer (or Unknown)	*

Ethnicity: Hispanic or Latino/Latina/Latinx	
Other	32%
Declined to Answer (or Unknown)	*
Primary Language	
English	83%
Spanish	14%
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Gay or Lesbian	*
Heterosexual or Straight	49%
Bisexual	13%
Questioning or Unsure of Sexual Orientation	*
Queer	*
Another Sexual Orientation	*
Declined to Answer (or Unknown)	21%
Disability	
Declined to Answer (or Unknown)	100%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	34%
Female	65%
Declined to Answer (or Unknown)	*
Current Gender Identity	
Male	31%
Female	55%
Transgender	*
Genderqueer	*
Another gender identity	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- Continued to provide the full suite of in-person mental health, reproductive & sexual health, and first aid services for the duration of the school year.

- The Mental Health (MH) team was able to resume its graduate-level training program and provide a wider array of multi-tiered services with the resumption of support groups.
- Substantially increase service utilization year-over-year compared to 21-22 school year.
- Continued to use the Jotform application for referrals in order to streamline accessibility and minimize barriers to care.
- Maintained a collaborative and productive relationship with BHS's Coordination of Services Team (COST) throughout the school year in order to ensure that appropriate referrals were made to the Health Center and other programs.
- Due to a vacancy and new position, the Health Center was able to recruit two diverse, experienced, highly skilled clinicians, one of whom is a native bilingual Spanish speaker. Both new clinicians quickly became part of a cohesive and collaborative mental health team and integrated well into the larger Health Center team.
- Provided an array of crisis support services following the tragic deaths of two BHS students in October 2022.
- Health Center leadership continued to develop strong working relationships with BHS admin, especially the BHS Principal, new Vice Principal of Climate & Wellness, and 504/COST Program Supervisor. Health Center leadership, City of Berkeley HHCS Departmental leadership, and the BHS VP of Climate & Wellness also developed a plan to open a differentiated Wellness Center space at BHS along with a continuum of tiered wellness support services, to be implemented in the 23-24 school year by BHS staff with additional funding support and partnership from City of Berkeley.
- Continued to build upon and improve existing relationships and partnerships with other BHS stakeholders. To this end, the MH team collaborated with several different on-campus programs throughout the year such as the Multilingual Program, McKinney Vento Program, Special Education Program, and Intervention Counselors.

Program Challenges:

- From August through November 2022, one full-time bilingual Behavioral Health Clinician II position was vacant. This vacancy negatively impacted individual and group service provision as well as On Call crisis coverage. Nevertheless, the resumption of a graduate-level training program helped to offset some of these negative impacts.
- Staffing shortages across the Health Center's Public Health team, both administrative and clinical, contributed to less consistently available First Aid and Reproductive & Sexual Health services. This, in turn, negatively impacted students' ability to access integrated services. As a result of reduced administrative capacity, the MH Clinical Supervisor and MH team were also responsible for additional, sometimes time-consuming administrative tasks.
- Quality Assurance (QA)/Quality Improvement (QI) and related encounter data extraction/analysis were constrained for the duration of the 22-23 school year due the to an abrupt resignation of the City IT staff person who managed the Health Center's EHR, NextGen. As a result of this, other City IT staff were not sufficiently cross-trained to provide technical support. Furthermore, NextGen vendor staff were often unresponsive to the needs and requests of the Health Center program. This contributed to significant delays with data analysis and reporting, which contributed to additional challenges with data collection across

demographic categories and also constrained supervisory decision-making that could have improved efficiencies and improvements in service provision.

- The MH team also continued to use multiple EHRs and applications that are not integrated with one another. This made clinical documentation more cumbersome and time-consuming for all staff and also made data collection and analysis more laborious.

The projected numbers of individuals to be served in FY25 per each age group are as follows: 0-15 years = 67 individuals; 16-25 years = 201 individuals**.**

In FY23, the RBA Measures that were established for this program were as follows:

Process Measures **How much did we do?**	**Quality Measures** **How well did we do it?**	**Impact Measures** **Is Anyone Better off?**
• # of clients served • # of clients opened for ongoing services • # of services provided by service type	• # of clients screened for depression, trauma, and substance use • # of clients contacted within a week following a referral to the High School Health Center (HSHC) • % of school population served • % of clients satisfied with services, as measured by % of clients who agree with the following: HSHC Staff… -Treat me with respect -Listen carefully to what I have to say • Make me feel like there's an adult at school who cares about me	• % of clients able to receive needed care, as measured by % of clients who agree with the following: The HSHC… -Is easy to get help from when I need it -Helps me to meet many of my health needs

*Demographic data was reported at the program level, where available

Measure	**Definition**	**Data Source**
# clients served	Total clients served	ETO/RedCap
# services provided by service type	# of services coded as behavioral_service with codes BHSV1-8. Key code accompanies Redcap data. Each incident could include more than one service provided.	ETO/RedCap
% clients screened for depression, trauma, and substance use	Percent of total clients that were recorded as having been screened for depression, trauma, and/or substance abuse at least one-time during reporting period.	ETO/RedCap

Measure	Definition	Data Source
% referrals to HSHC followed up within one week	Percentage of referrals that had 7 days or less between referral date and response date. Calculation reflects % of total referrals, not % of total clients.	Referral Log
% of school population served	Unique clients served by HSHC divided by total student population	ETO/RedCap; BHS data
% of clients satisfied with services, as measured by % of clients who agree with various statements	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey
% of clients able to receive needed care, as measured by % of clients who agree with various statements	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- Responsiveness of service (e.g. x days following qualifying event);
- % of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program.

To provide a context for the FY23 RBA outcomes, the High School Health Center expanded its team for the 2022-2023 academic year by hiring two additional full-time employees and welcoming three master's-level interns. These new team members increased the client service capacity as well as reinitiated, group sessions. Significant challenges were with the Electronic Health Records (EHR) system, which impeded the Center’s quality control efforts.

RBA Outcomes in FY23 for this program are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period: July 2022 - June 2023

High School Health Center (HSHC)

Process Outcomes ("How much did we do?")

244

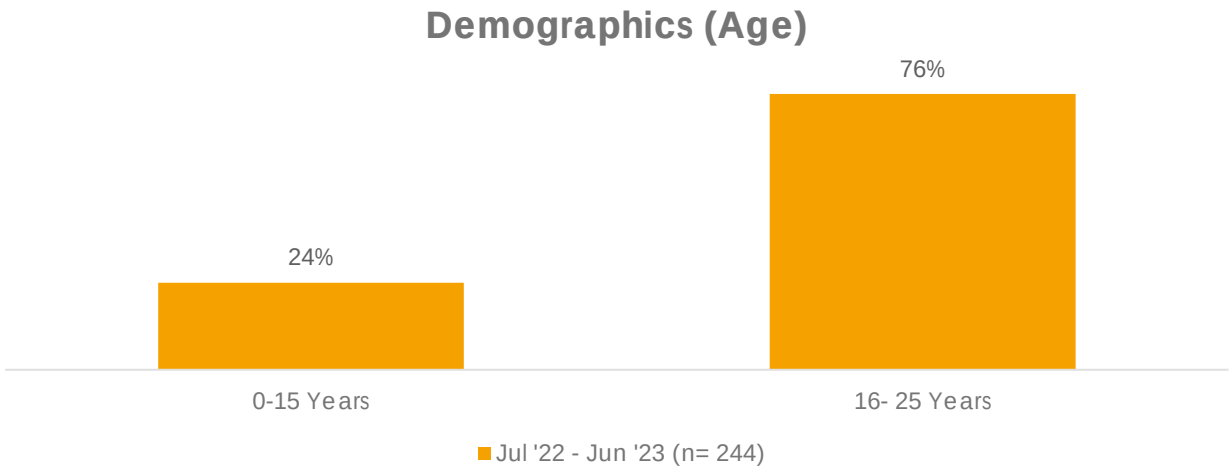
Clients Served

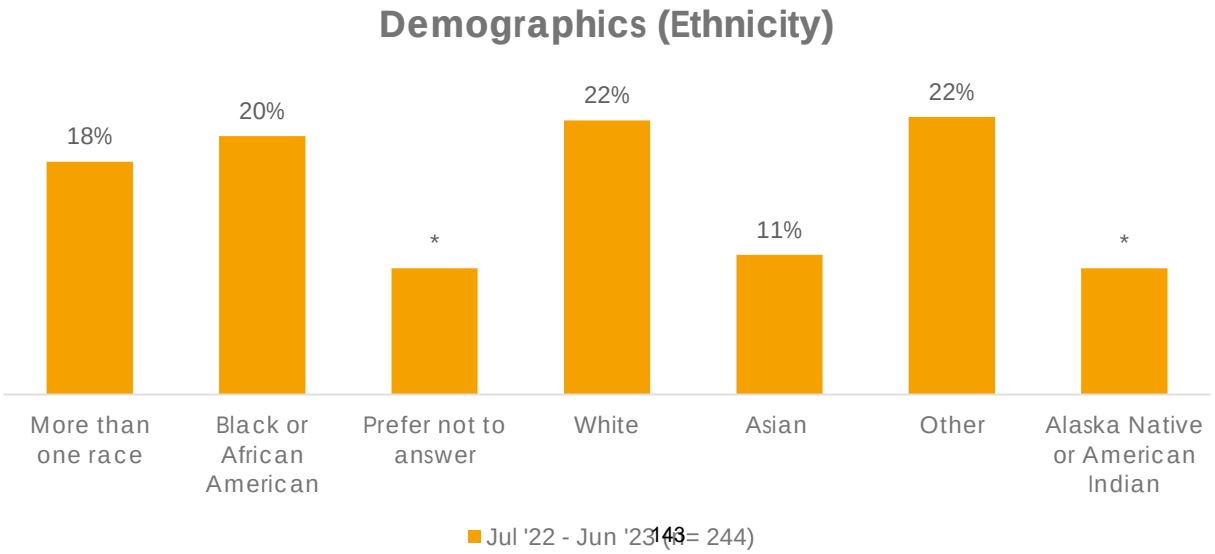
Program Description

The HSHC team provides mental health services on site at Berkeley High School; these services include individual and group therapy, crisis assessments, and drop in support. The program also hosts graduate students for training.

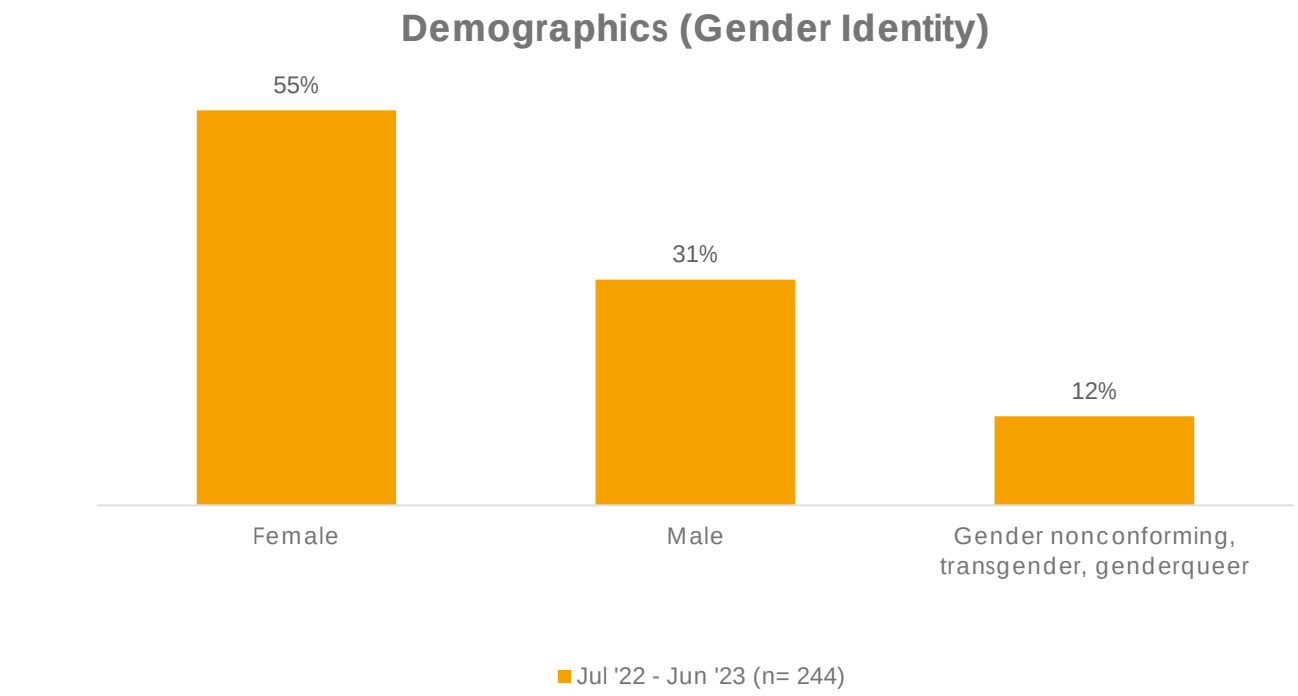
Program Updates

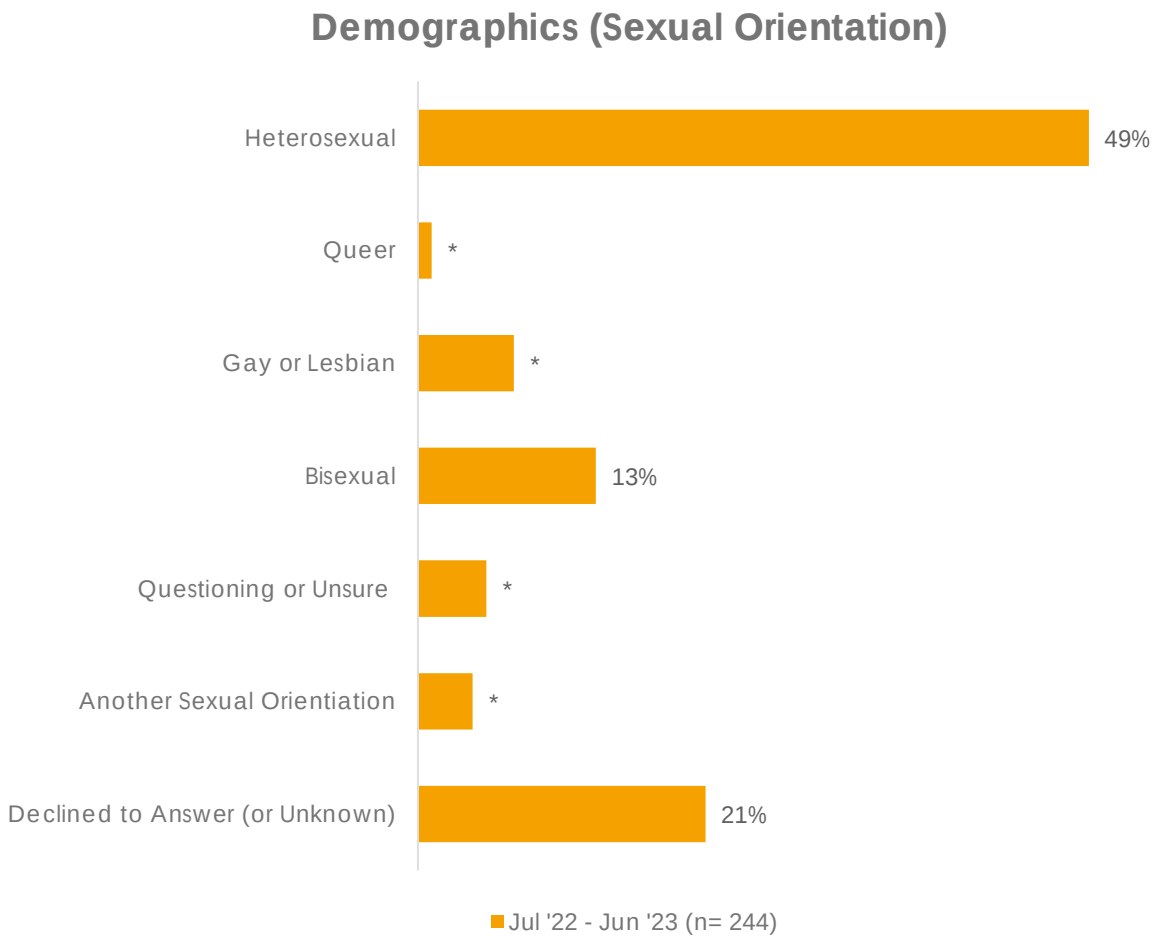
HSHC hired two new full time staff and onboarded 3 master's-level interns in the 2022-2023 school year. This allowed the team to serve more clients and restart groups. HSHC had significant challenges with their EHR, resulting in barriers to quality control.



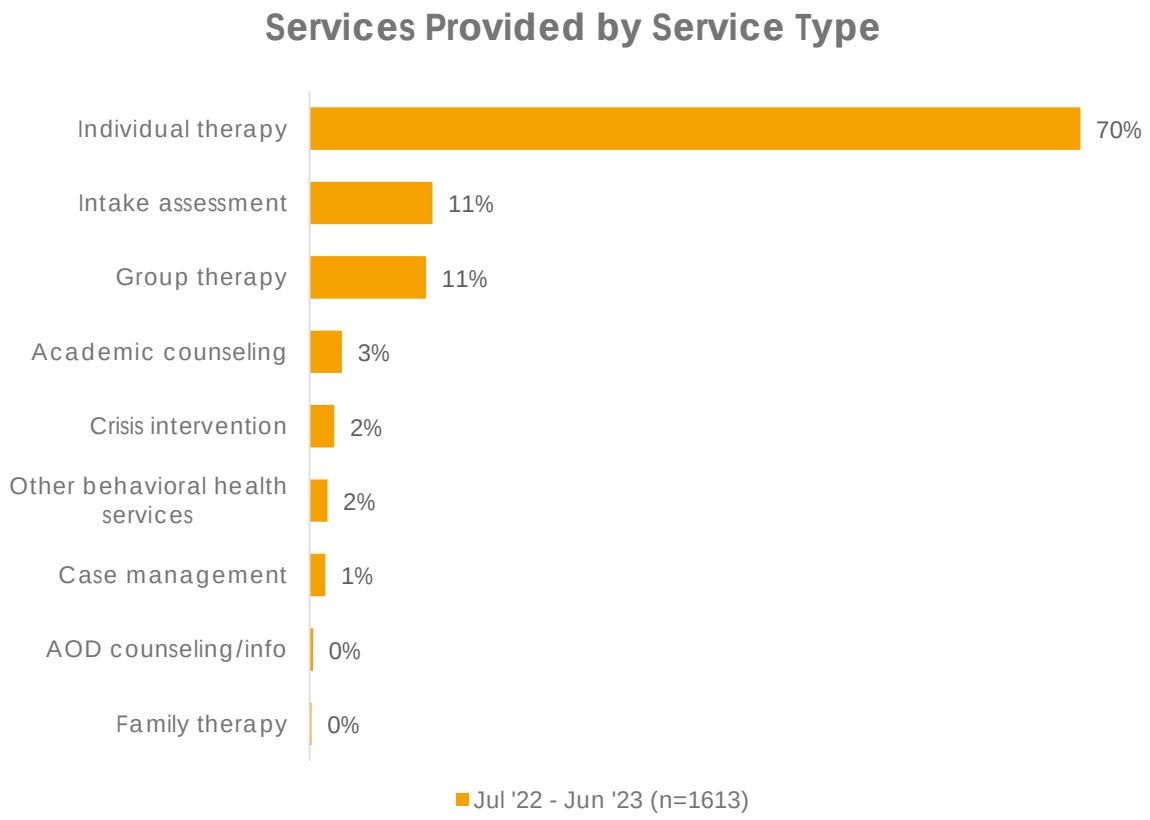


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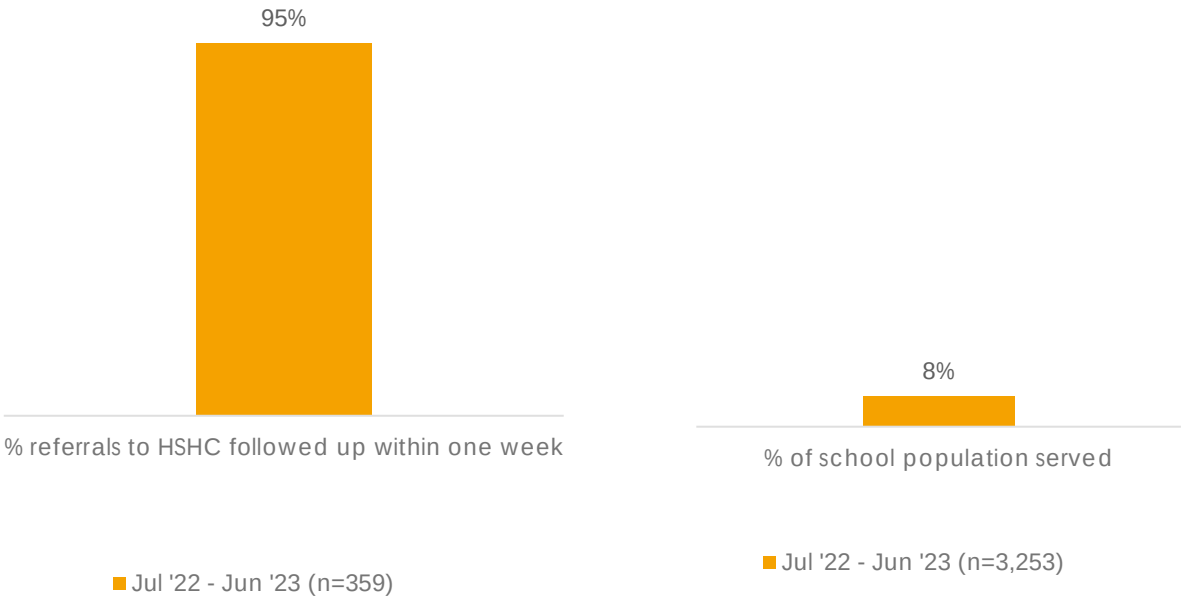


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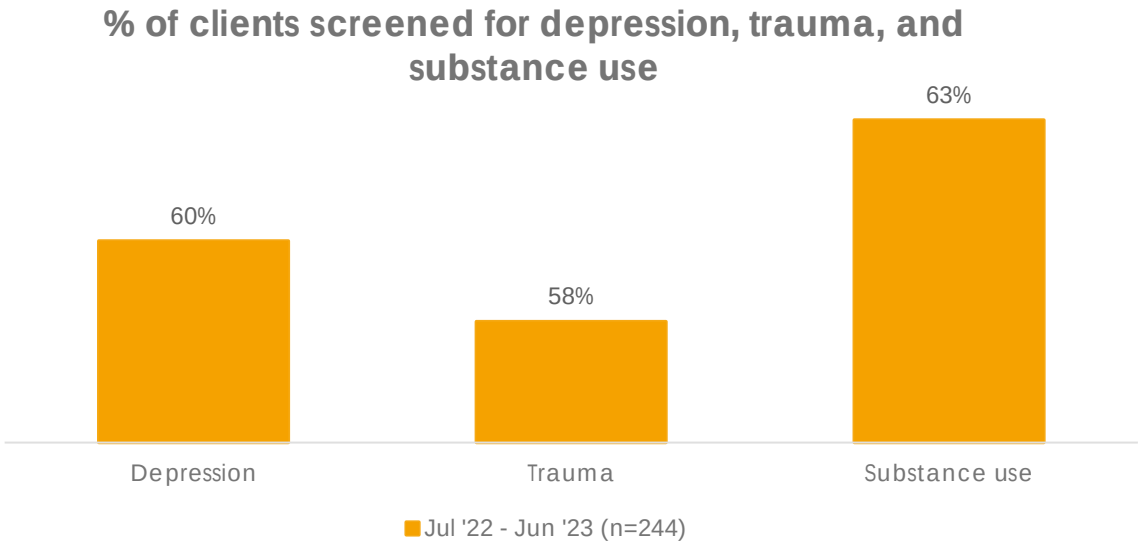


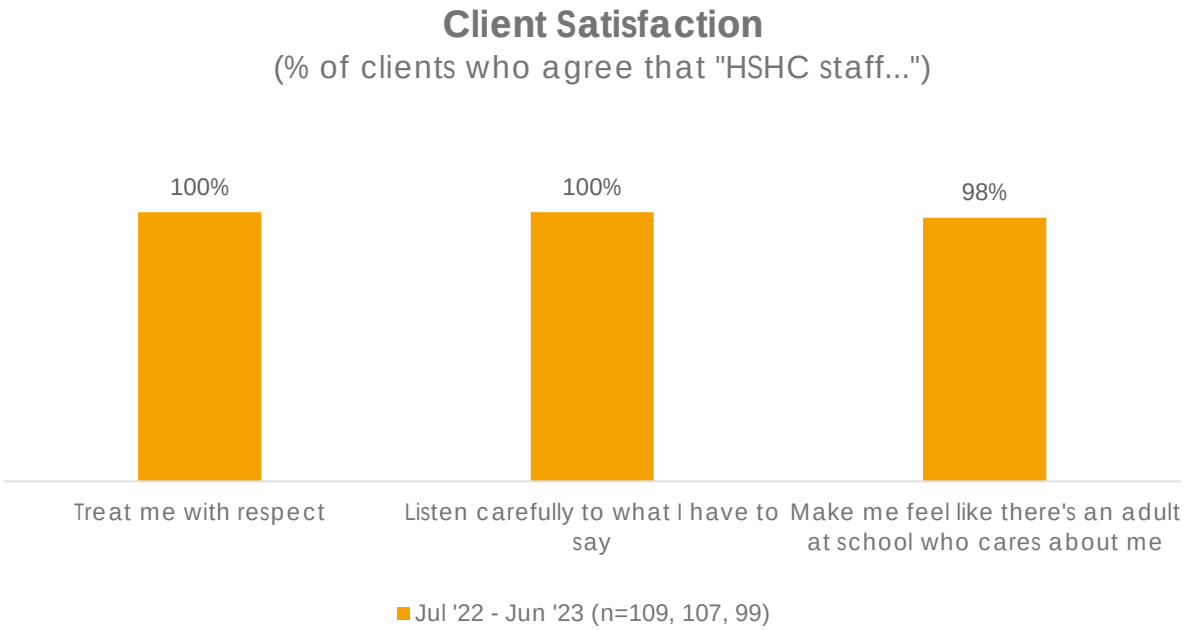
Note that multiple services could be provided in one visit (e.g. crisis assessment and referral) so total services by type is greater than total encounters.

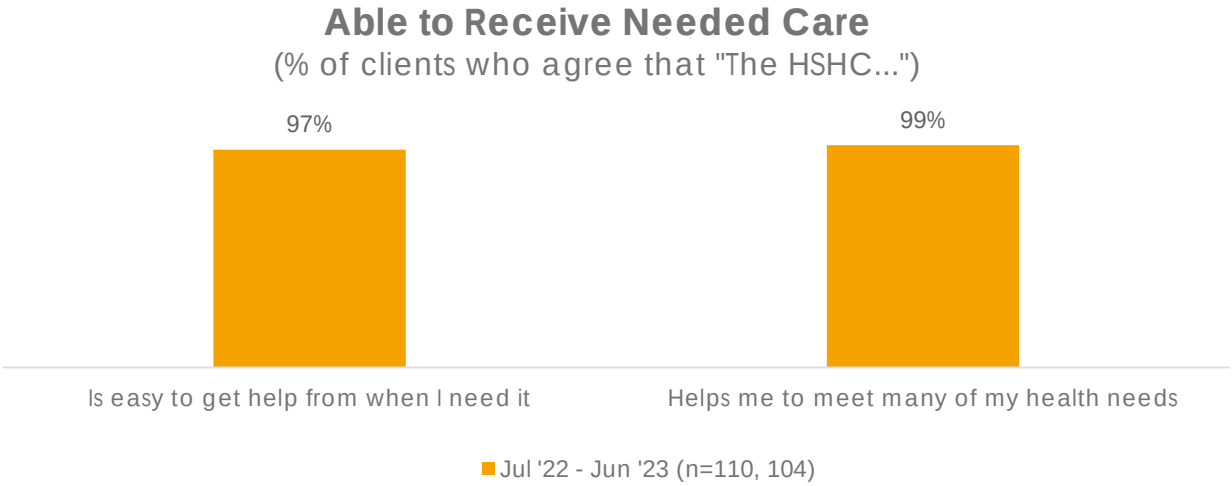
Quality Outcomes ("How well did we do it?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.







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Measure	Definition	Data Source
# clients served	Total clients served	NextGen
# of services provided by service type	# of services coded as behavioral_service with codes BHSV1-8. Key code accompanies NextGen data. Each incident could include more than one service provided.	NextGen
% clients screened for depression, trauma, and substance use	Percent of total clients that were recorded as having been screened for depression, trauma, and/or substance abuse at least one time during reporting period.	NextGen
% referrals to HSHC followed up within one week	Percentage of referrals that had 7 days or less between referral date and response date. Calculation reflects % of total referrals, not % of total clients.	Jotform
% of school population served	Unique clients served by HSHC divided by total student population of BHS and BTA.	NextGen; DataQuest
% of clients satisfied with services	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey
% of clients able to receive needed care	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

EARLY INTERVENTION PROGRAM
WITH ACCESS AND LINKAGE TO TREATMENT COMPONENT

Access and Linkage to Treatment Program – Connects children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

Early Intervention Program – Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley provided one-time PEI funding for a new program that is an Early Intervention program that also has an Access to Treatment component. The program is as follows:

Specialized Care Unit

As outlined in the CSS section of this Annual Update, through the approved FY22 Annual Update, the Division allocated a portion of one-time CSS and PEI funds to be leveraged with other City funds to support the Specialized Care Unit (SCU). Implemented through Bonita House, the SCU is Berkeley's new behavioral health crisis response team without the involvement of law enforcement. The SCU consists of trained crisis-response field workers who respond to behavioral health occurrences that do not pose an imminent threat to safety.

PEI Goals: The goal of this program is to connect individuals who have severe mental illnesses as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to, care provided by county mental health programs.

PEI Priority: Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, MHSA funds directly supported start-up costs of the program including recruitment, hiring, and training of Bonita House staff. Training included crisis support training through Bonita House's Crisis Training Academy as well as the design and training of Berkeley-specific procedures for the SCU program. Additionally, this funding supported the salaries of the SCU program management staff as additional team members were hired. During this time, program management staff worked closely with the City of Berkeley to create the policies and procedures for a SCU that aligned with the implementation recommendations from the Berkeley community. The SCU began providing services in early FY24, and continues to operate daily from 6am to 4pm, eventually building toward a 24/7 crisis response service without involvement of law enforcement.

STIGMA AND DISCRIMINATION PROGRAM

Stigma and Discrimination Program - Directs activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.

The City of Berkeley Stigma and Discrimination program is as follows:

Social Inclusion Program

PEI Goals: To reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. To create changes in attitude, knowledge and/or behaviors related to seeking mental health services or related to mental illness.

PEI Priority: Culturally competent and linguistically appropriate prevention and intervention, including community defined evidence practices (CDEPs).

The Social Inclusion program was created to combat stigma, attitudes and discrimination around individuals with mental health issues. Through this program, a “Telling Your Story” group provides mental health peers with opportunities to be trained, compensated and empowered to share their stories of healing in a supportive peer environment. When they feel ready, individuals can elect to be community presenters, sharing their inspirational stories at pre-arranged local public venues to dispel myths and educate others. This program serves approximately 10-20 individuals a year.

In FY23, 10 unduplicated individuals participated in the program. Demographics on program participants served were as follows:

DEMOGRAPHICS N= 10	
Age Groups	
26-59 (Adult)	*
Ages 60+ (Older Adult)	*
Race	
Black or African American	*
White	*
Other	*

Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican-American Chicano	*
Puerto Rican	*
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
African	*
Eastern European	*
Other	*
Declined to Answer (or Unknown)	*
Primary Language Used	
English	100%
Sexual Orientation	
Heterosexual or Straight	*
Bisexual	*
Declined to Answer (or Unknown)	*
Disability	
Difficulty Seeing	*
Difficulty Hearing	*
Mental Domain not including a mental illness	*
Physical Mobility domain	*
Chronic Health Condition	*
Other (Specify):	*
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	*
Female	*
Current Gender Identity	
Male	*
Female	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:
In FY23, the Telling Your Story group has grown to having more consistent attendees in person and on the zoom platform. Some participants enjoyed having the group virtually in the comfort of their home, they felt safer, and the hassle of commuting was eliminated. Other individuals enjoyed connecting in-person with participants who, joined the group in the same way. The group continued to be conducted through the structure of a brainstorming session and a sharing component. The topics of discussion were focused on the Eight Dimensions of Wellness. Per staff report, many participants benefitted from listening to answers to questions that staff developed based on the topics of discussions, as well as through staff assistance with formulating their story. Per staff report, participants felt more prepared during their shares and enjoyed the support they received from their peers.

Program Challenges:
In FY23, the Telling Your Story group had a few challenges, which provided the staff have been working to improve to make the group more enjoyable for all participants. Over the course of the last two years, staff hosted the group online and in-person and at times, this caused some delays to the start of the group due to individuals arriving at different times and having to update all participants. Managing and making sure everyone engaged was difficult as individuals who joined by Zoom, called in so staff were unable to see participants faces. For individuals who primarily come to the group on Zoom, the questionnaire that required their feedback went unanswered, therefore staff wasn't able to obtain a full report of how the group was helping individuals to feel confident with sharing their story. Managing both platforms can be complicated and it lacks the in-person connection. This group was held twice a month and even though there was a brainstorming session of topics to discuss, some members didn't seem to come prepared to share based on the topic at the next group and this may be due to memory or not fully being engaged in the group when people are calling in on Zoom. The last challenge was the number of participants, a very consistent group of individuals participated, however staff would like to do more outreach to engage potential group participants, in an effort make a positive impact for more individuals in the community.

The projected numbers of individuals to be served in FY25 per each age group are as follows: 18-25 years = 2 individuals; 26-59 years = 6 individuals; 60+ = 4 individuals.

The RBA measures and outcomes for this program are reported with the CSS System Development, Wellness Recovery program.

SUICIDE PREVENTION PROGRAM

Suicide Prevention Program – An optional program that provides activities to prevent suicide as a consequence of mental illness.

The City of Berkeley has one Suicide Prevention Program through a partnership with the California Mental Health Services Authority as follows:

California Mental Health Services Authority (CalMHSA) - PEI Statewide Projects

In 2009, California's counties formed the California Mental Health Services Authority (CalMHSA) as a Joint Powers Authority. Contributing jurisdictions are members of a CalMHSA board that provides direction into the types of initiatives that are implemented. One of the initiatives that was implemented is the PEI Statewide Projects. With an approved combined funding level of $40 million per year for four years during the timeframe of 2011 through 2015, CalMHSA implemented statewide initiatives in the following areas: Suicide Prevention, Stigma and Discrimination Reduction, and Student Mental Health.

Following 2015, funding for PEI Statewide projects was generated through pooled contributions from individual mental health jurisdictions. In order to continue to sustain programming, CalMHSA previously asked jurisdictions to allocate 4% of their annual local PEI allocation each year to these statewide initiatives. In the City of Berkeley, this has varied from year to year depending on the amount of PEI revenue received.

In FY23, through this initiative resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination reached approximately 1,624 individuals. Additionally, resources were distributed via email to local schools, community agencies and community members.

At present, the City has approximately $153,901 of unspent funds that were previously allocated to CalMHSA for this initiative. As a result, through this Annual Update, the Division is proposing to eliminate the allocation of local annual PEI funding for this initiative. Additionally, the Division will either utilize the previously allocated funds that are remaining at CalMHSA, to continue this initiative for a short-time, or to have the funds returned to the City for local use.

INNOVATION (INN)

The Innovation (INN) funding component is for short-term pilot projects that increase learning in the mental health field.

The City of Berkeley's initial INN Plan was approved in February 2012. Subsequent updates to the initial plan were approved in May 2013, January 2014, June 2014 and January 2015. Per the initial INN Plan and/or through Plan Updates the following seven pilot projects were implemented from June 2012 – June 2015 through this funding component:

- A Community Empowerment project for African Americans;
- Services and supports for Ex-offenders re-entering the community, Veterans returning home from being deployed or at war, and their families;
- Cultural Wellness strategies for Asian Pacific Islanders;
- A Holistic Health care project for TAY;
- Technology Support Groups for senior citizens;
- Nutrition, Healthy Meal Preparation, and Exercise classes for Board and Care residents;

- Mental Health services and supports for LGBTQI located in community agencies.

Since the initial plan was approved, INN requirements were changed to require approvals from the State Mental Health Services Oversight and Accountability Commission (MHSOAC) in addition to local approval.

In May 2016, the second MHSA INN Plan was approved by the MHSOAC. This plan implemented a Trauma Informed Care project in BUSD for students, educators, and school staff**.** An update to this plan was subsequently approved by the MHSOAC in December 2018 which added funds to the project and switched the initial target population from BUSD students and staff to children, teachers and parents at YMCA Head Start sites in Berkeley.

In September 2018, the Division received approval from the MHSOAC for a third INN project to allocate funds to join the Technology Suite Multi-County Collaborative (later re-named Help@Hand Project) and in April 2022, the Division received approval for a fourth INN Project to allocate funds for an Encampment Based Mobile Wellness Center Project.

INN Reporting Requirements

Per MHSA INN regulations, all INN funded programs have to collect state identified outcome measures and detailed demographic information. INN Evaluations are required to be included in each MHSA Annual Update or Three-Year Plan. The Innovation (INN) Fiscal Year (FY) 2021/2022 (FY22) Annual Evaluation Report is located in Appendix E of this Three-Year Plan.

A description of INN Programs and FY23 data are outlined below:

Help@Hand Project

In September 2018, following a four-month community planning process and approval from City Council, the City of Berkeley Technology Suite Project (which has since been renamed "Help@Hand) was approved by the MHSOAC. This project allocated INN funding to participate in a Statewide Collaborative with other California counties to pilot a Mental Health Technology Project that made various technology-based mental health services and supports applications (Apps) locally available in Berkeley.

The Help@Hand Project was implemented to learn whether the use of Apps would increase access to mental health services and supports; and whether it would lead to better outcomes. The Division worked both internally and with the California Mental Health Services Authority (CalMHSA), the fiscal intermediary for this project, to prepare for citywide implementation of this project. Due to a need for additional community mental health supports as a result of the pandemic, the priority population for accessing Apps was changed from the original primary focus on TAY and Older Adults, to include anyone who either lived, worked or attended school in Berkeley.

Per a competitive recruitment process, the Division contracted with Resource Development Associates (RDA), who conducted Project Coordination work through early FY22 on this project. Following that time frame the BMH MHSA Coordinator has served as the Project Coordinator for this project. On behalf of the City and with locally designated Help@Hand project funds, CalMHSA

executed a contract with Uptown Studios, in early FY22 to conduct a marketing and social media campaign for this project.

In November 2021, as a result of this project, free access to the HeadSpace and MyStrength Apps became locally available in Berkeley for a limited timeframe. The MyStrength App was available through October 2022 and the HeadSpace App was available through September 2023. During the duration of the project there were 1,720 enrollees in MyStrength and 7,328 enrollees in HeadSpace.

The Division is currently participating in a State Evaluation with other counties in this project. The evaluation is being conducted by the University of California at Irvine (UCI). Additionally, following a competitive recruitment process, the Division entered into a contract with Hatchuel, Tabernik & Associates to conduct a local evaluation of this project. The evaluations are currently underway and will be reported on in future MHSA Plans and Annual Updates.

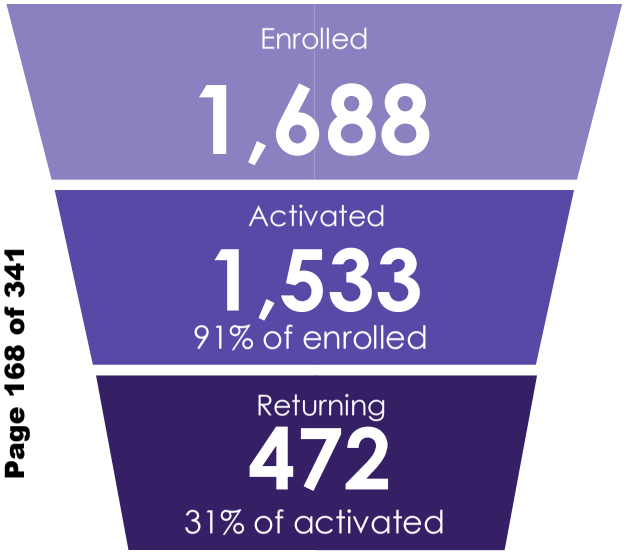
Each App company collected and provided reporting on various user data measures. Local usage data provided by each App is outlined on the following pages.

myStrength scorecard

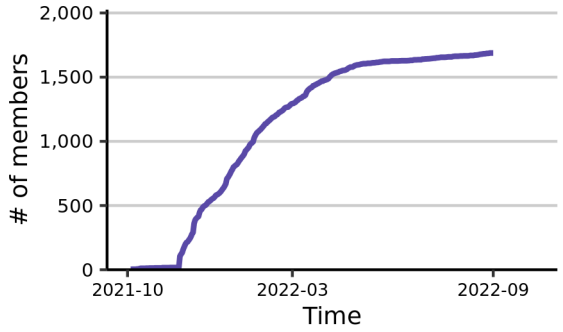
City of Berkeley

Program launch: 2021-09-20 Data thru: 2022-08-31

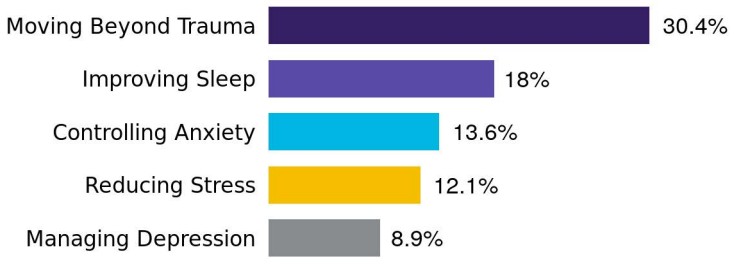
Members enrolled



Enrollment trends



Top 5 digital recommendations



Program engagement

Average 90 day member engagement rates (% of returning)

155

14%
65/472
Logged in

4%
20/472
Completed activity

NA%
NA/472
Used engagement guidance

3 average logins/member

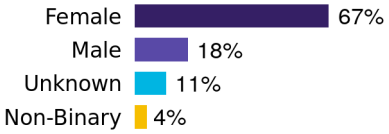
4 average activities completed/member

NA average messages sent to guide/member

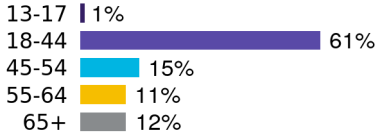
Member demographics

(% of enrolled)

Gender



Age Group



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myStrength scorecard

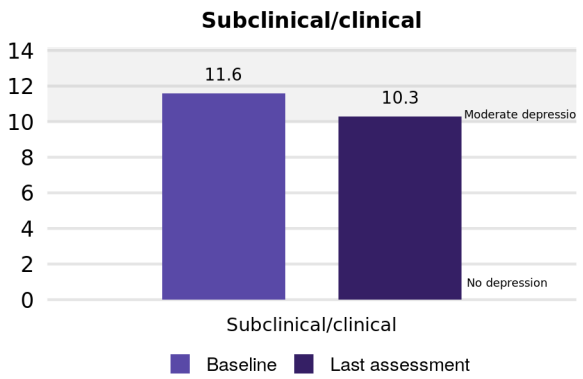
City of Berkeley

Program launch: 2021-09-20 Data thru: 2022-08-31

Depression outcomes

Clinical and subclinical population

Scored 5 or more in the PHQ-9 assessment



68.1%

Maintained or improved

40.5%

Clinically Improved

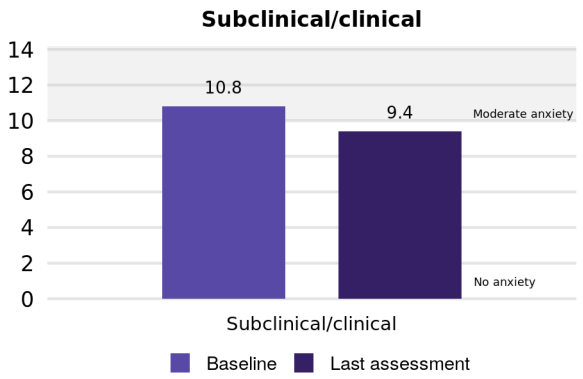
Started with scores ≥15 and decreased their score by at least 5 points

A PHQ-9 score indicates the severity level of a member's symptoms, where a score of 0-4 is nonclinical, 5-14 is subclinical, and 15+ is clinical.

Anxiety outcomes

Clinical and subclinical population

Scored 5 or more in the GAD-7 assessment



72.4%

Maintained or improved

25.8%

Clinically Improved

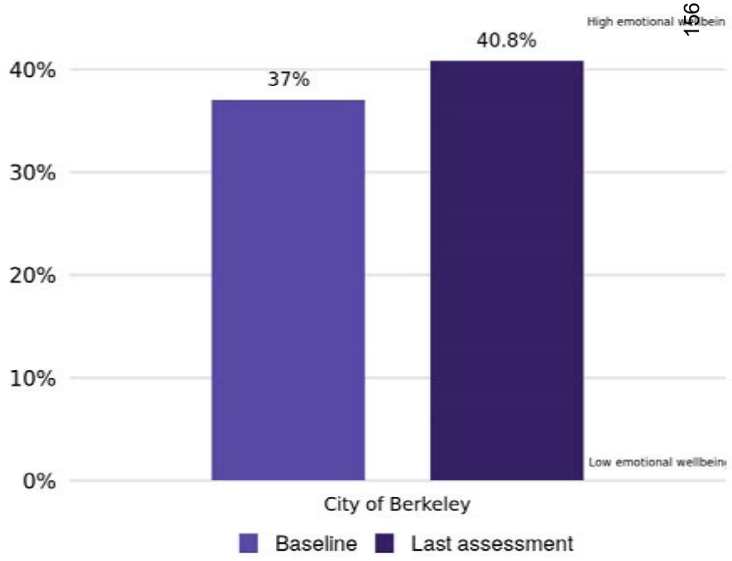
Started with scores ≥15 and decreased their score by at least 5 points

A GAD-7 score indicates the severity level of a member's symptoms, where a score of 0-4 is nonclinical, 5-14 is subclinical, and 15+ is clinical.

Wellbeing outcomes

28.4%

Of members' wellbeing improved at least 10% (Clinical definition of improvement)



A WHO-5 score below 52% (13 points) indicates poor well-being.

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DATA DEFINITIONS

Members enrolled

Enrolled: Number of members who registered and successfully enrolled

Activated: Number of members who completed the onboarding assessment

Returning: Number of activated members who have logged into the myStrength program at least once after onboarding assessment completion

Enrollment trends: Number of members who have enrolled (current enrolled) over time since the program launch date

Top 5 digital recommendations

The percentage of returning members that were recommended "Just for You" content or digital courses and programs.

Program engagement

Logged in: The percentage of returning members that logged into the myStrength application via the mobile app or the myStrength website at least once in the last 90 days.

Completed activity: The percentage of returning members that completed at least one activity in the last 90 days. Members must click the "Finish" button after going through all the steps in order to be counted.

Engagement guidance: The percentage of returning members that have sent at least one message to a guide in the last 90 days.

*N/A will display if engagement guidance is not a part of the program that was purchased

Clinical outcomes

PHQ-9 is a validated depression screening tool. Total score is between 0 and 27 with higher scores meaning more symptoms. Metrics show % of members who have taken the PHQ-9 assessment at least twice – once at baseline and at least once more after baseline.

GAD-7 is a validated anxiety screening tool. Total score is between 0 and 21 with higher scores meaning more symptoms. Metrics show % of members who have taken the GAD-7 assessment at least twice – once at baseline and at least once more after baseline.

WHO-5 is a validated measure of general wellbeing (not a specific diagnosis or problem). Total score is between 0 and 25 with lower scores showing lower quality of life and higher scores showing higher quality of life. Raw scores are multiplied by 4 to get a percentage score. Metrics show % of members who have taken the WHO-5 assessment at least twice – once at baseline and at least once more after baseline.

*For each clinical outcome, the reported population has at least 10 members in the program and completed at least two assessments.

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headspace

City of Berkeley

Enrollment

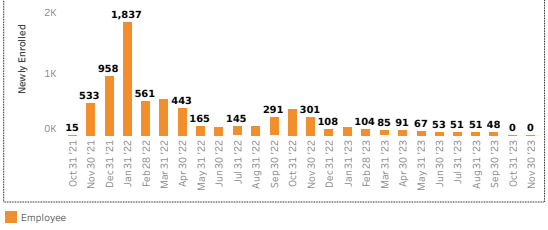
Current Members

Number of people (employees) from my organization enrolled to Headspace

New Enrollments

Number of new member enrollments by Month

For week view, weeks may include enrollments from prior/future month if these dates are in the chosen period; Week start is on Sunday and week end is on Saturday



Employee

Engagement

Headspace Minutes in None

Total minutes using ALL Headspace content within calendar year

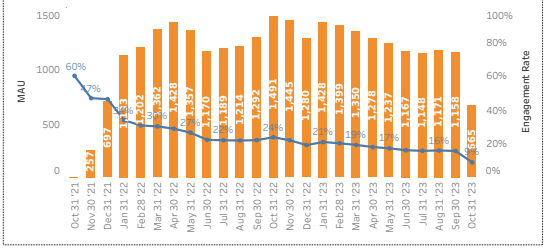
Minutes Meditated in None

Total minutes using meditation content within calendar year

Monthly Active Users

MAU: Number of enrolled members who have engaged with at least 1 piece of content in Headspace in the previous 30 days

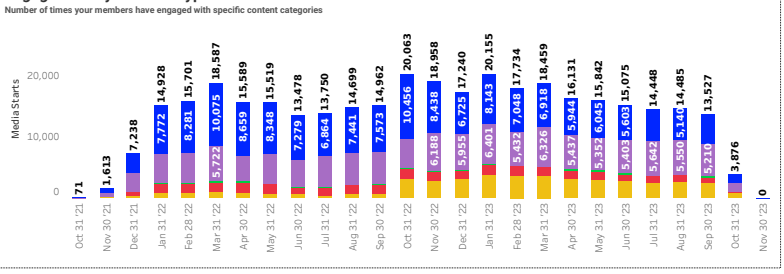
Engagement Rate: Percentage of total enrolled members who have engaged with at least 1 piece of content in Headspace in the previous 30 days



Engagement Rate MAU

Engagement by Content Type

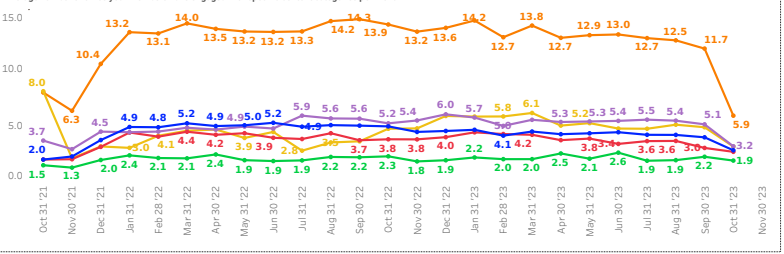
Number of times your members have engaged with specific content categories



Meditation Sleep Move Wakeup Focus

Depth of Engagement per Active User

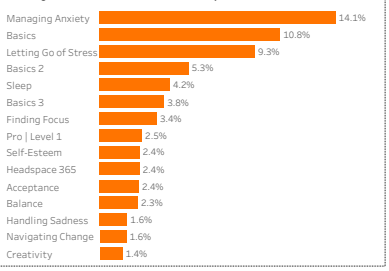
Average number of times your members have engaged with specific content categories per month



Meditation Sleep Move Wakeup Focus ALL

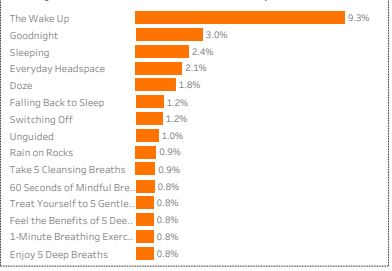
Top 15 Courses

Percentage of sessions from courses over choosen period



Top 15 Non-Courses

Percentage of sessions from non-course content over choosen period



If you have issues or questions on your organization's report, please reach out to your customer success manager or contact teamsupport@headspace.com.

Encampment-based Mobile Wellness Center Project

In April 2022, the Division received approval to implement an Encampment-Based Mobile Wellness Center Project from the Berkeley City Council and the State Mental Health Oversight and Accountability Commission (MHSOAC). This new project will pilot a Mobile Wellness Center at Homeless encampments in Berkeley. The Mobile Wellness Center project will provide an on-site, customizable menu of services that are chosen by individuals who reside at the encampments. The project will be led by peers with lived experience of homelessness, and include partners from encampment communities to encourage participation, help define service needs, and support service provision at the site. The project will be implemented through Options Recovery Services who was chosen through a competitive Request For Proposal (RFP) process.

The project will seek to learn whether on-site wellness center services have a positive impact on mental health outcomes including an increase in the uptake of mental health services. The project will also assess the impact of how having individuals from the community help to provide services, shapes service delivery, and the participant satisfaction with services. The program will include an evaluation which will be reported on in future MHSA Plans and Annual Updates. It is envisioned that the program will be implemented in early FY25.

WORKFORCE, EDUCATION & TRAINING (WET)

The Workforce, Education & Training (WET) funding component is primarily for strategies to identify and remedy mental health occupational shortages, promote cultural competency and the employment of mental health peers and family members in the workplace

The City of Berkeley's WET Plan was approved in July 2010. A subsequent update was approved in May 2013. Specific programs in the approved WET Plan included:

- Peer Leadership Coordination;
- Staff Development and MHSA Training;
- High School Career Pathways Program;
- Graduate Level Training Stipend Program;
- Peer Leader Stipend Program.

WET programs were funded for an initial period through FY18 and FY19, and per the local MHSA AB114 Reversion Expenditure Plan (which is posted on the City of Berkeley MHSA Webpage) the Graduate Level Training Stipend Program was extended through FY20. Since the end of the WET Plan and the Reversion Expenditure Plan, in order to fund new programs and services out of the WET component, the state requires that funds are transferred to WET from the CSS funding component, through an approved MHSA Plan or Annual Update.

Outlined below is a description of the Loan Repayment Program that the Division is proposing to continue in this Annual Update, and the continued annual transfer of funds from CSS to WET to fund the Workforce Development Coordinator position.

Greater Bay Area Workforce, Education and Training Regional Partnership - Loan Repayment Program

The Department of Health Care Access and Information (HCAI) (formerly the Office of Statewide Health Planning and Development) allocated $40 million in Workforce, Education and Training funds through FY25 for Regional Partnerships across the state for various mental health workforce strategies. A total of 2.6 million of funds was allocated to the Greater Bay Area (GBA) Workforce, Education & Training Regional Partnership. In order to participate in the GBA Regional Partnership, and receive a portion of funds to implement workforce development strategies, mental health jurisdictions were required to contribute a portion of local funds towards this initiative. The Division allocated funds for this program through previously approved MHSA Plans and Annual Updates.

Through this initiative, which is administered through California Mental Health Services Authority (CalMHSA), the City is participating in a Loan Repayment Program. This program enables eligible staff to apply to have a portion of their Student Loan paid, in exchange for working at BMH for a given period of time.

In FY23, the first round of applications for this program were executed. The results of this program will be included in future Annual Updates and Three Year Plans.

Workforce Development Coordinator

Through the previously approved Three-Year Plan the Division proposed to transfer CSS System Development Funds to the WET Component to fund the Workforce Development Coordinator position through the following process:

Per MHSA Statute, (Welfare and Institutions Code, Section 5892 (b)): "In any year after 2007 -08, programs for services pursuant to Part 3 (commencing with Section 5800), and Part 4 (commencing with Section 5850) of this division may include funds for technological needs and capital facilities, human resource needs, and a prudent reserve to ensure services do not have to be significantly reduced in years in which revenues are below average of previous years. The total allocation for purposes authorized by this subdivision shall not exceed 20 percent of the average amount of funds allocated to that county for the previous five years pursuant to this section."

This position that was hired in early FY24, supports staff recruitment and retention for the Division; oversees Intern recruitment; and coordinates training and support for graduate level interns.

CAPITAL FACILITIES AND TECHNOLOGICAL NEEDS (CFTN)

The Capital Facilities and Technological Needs (CFTN) funding component is for capital projects on owned buildings and on mental health technology projects.

The City of Berkeley CFTN Plan was approved in April 2011, with updates to the plan in May 2015, June 2016, and January 2017. Through previously approved MHSA Plans and/or Annual Updates, BMH allocated a total of $3,773,811 towards the renovation of the Adult Mental Health

Clinic. The Adult Clinic serves Berkeley's most at-risk and fragile population through crisis intervention, case management, individual/or group supports, psychiatric medication support, Full Services Partnership Intensive Case Management Teams, Clinical services, Mobile Crisis, and Transitional Outreach Services. Construction on the Adult Clinic began in FY19, and in June 2021, the renovation was completed, staff moved back into the building, and the clinic was re-opened for services.

FY23 AVERAGE COST PER CLIENT*

*(Includes FY23 expenditures attributed to the MHSA Funding component)

COMMUNITY SERVICES & SUPPORTS			
Program Name	**Approx. # of Clients**	**Cost**	**Average Cost Per Client**
Children's FSP	12	$270,371**	$22,531
Adult FSP	63	$738,190***	$11,717
Homeless FSP	47	$708,147	$15,066
System Development (includes: Wellness Recovery Services; Family Support Services; Benefits Advocacy; Employment/Educational Services; Housing Services and Supports; Crisis Services; TOT; FIT; TAY Case Management Services; Hearing Voices; Berkeley Wellness Center; Case Management for Older Adults)	1,914	$2,211,958	$1,156
PREVENTION & EARLY INTERVENTION			
Early Child Health and Wellness Program (formerly Be A Star)	255	$33,871	$133
Supportive Schools Program	814	$93,676	$115
Living Well Project	73	$32,046	$439
LGBTQI Trauma Project	261	$100,000	$383
TAY Trauma Project	83	$32,046	$386
SoulSpace Project	35	$100,000	$2,857
Trauma Project for Latinx	339	$100,000	$295
High School Youth Prevention Program	244	$447,887	$1,836
Dynamic Mindfulness (DMIND)	616	$95,000	$154
African American Success Project	53	$141,475	$2,669

**Children's FSP also incurred $115,873 in MediCal expenditures

***Adult FSP also incurred $534,552 in MediCal expenditures

BUDGET NARRATIVE

The enclosed budget provides estimated revenue and expenditures for this Annual Update. The Division obtains financial projections from the state on the amount of MHSA revenue to be allocated in a given year. Financial projections for this FY25 Annual Update reflect an increase in MHSA funds, to what was previously estimated in the approved FY24-26 Three Year Plan.

The projected additional revenue in FY25, and savings from previous years (due to staff vacancies, slower start-ups with new programs, etc.), will assist in providing funding to support MHSA programs and services over the next couple of years should the MHSA fund begin to decrease.

The Division will continue to closely monitor the City of Berkeley MHSA allotments and expenditures to assess whether program changes are needed in the future. Any proposed program changes will be vetted for community input and reflected in the FY26 Annual Update.

APPENDIX A

PROGRAM BUDGETS

FY 2024/25 Mental Health Services Act Annual Update
Funding Summary

County: City of Berkeley

Date: 6/24/24

	MHSA Funding					
	A	B	C	D	E	F
	Community Services and Supports	Prevention and Early Intervention	Innovation	Workforce Education and Training	Capital Facilities and Technological Needs	Prudent Reserve
A. Estimated FY24/25 Funding						
1. Estimated Unspent Funds from Prior Fiscal Years	13,247,388	4,154,447	2,413,336	42,609	0	
2. Estimated New FY2024/25 Funding	6,414,353	1,603,588	421,997			
3. Transfer in FY 2024/25	(208,654)			208,654		
4. Transfer Local Prudent Reserve in FY 2024/25						
5. Estimated Available Funding for FY 2024/25	19,854,171	5,806,142	2,847,993	251,263	0	
B. Estimated FY24/25 Expenditures	8,608,952	2,165,302	600,000	208,654	0	
G. Estimated FY24/25 Unspent Fund Balance	11,245,219	3,640,840	2,247,993	42,609	0	

H. Estimated Local Prudent Reserve Balance	
1. Estimated Unspent Local Prudent Reserve on June 30, 2024	1,233,738
2. Contributions to the Local Prudent Reserve in FY2024/25	0
3. Distributions from the Local Prudent Reserve in FY2024/25	0
4. Estimated Local Prudent Reserve balance on June 30, 2025	1,233,738

a/ Pursuant to Welfare and Institutions Code Section 5892(b), Counties may use a portion of their CSS funds for WET, CFTN, and the Local Prudent Reserve. The total amount of CSS funding used for this purpose shall not exceed 20% of the total average amount of funds allocated to that County for the previous five years.

FY 2024/25 Mental Health Services Act Annual Update
Community Services and Supports (CSS) Funding

County: City of Berkeley Date: 6/24/24

	Fiscal Year 2024/25					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated CSS Funding	Estimated Medi-Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
FSP Programs						
1. TAY, Adult & Older Adult FSP	2,173,000	2,173,000				
2. Children's FSP	717,159	717,159				
3. Homeless FSP	1,453,532	1,453,532				
4.	0					
5.	0					
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
Non-FSP Programs						
1. Multicultural Outreach & Engagement	111,923	111,923				
2. CSS System Development	2,786,471	2,786,471				
3.						
4.						
5.						
6.						
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
CSS Administration	1,158,212	1,158,212				
CSS MHSA Housing Program Assigned Funds						
Total CSS Program Estimated Expenditures	8,400,298	8,400,298	0	0	0	0
FSP Programs as Percent of Total	51.7%					

FY 2024/25 Mental Health Services Act Annual Update
Prevention and Early Intervention (PEI) Funding

County: City of Berkeley Date: 6/24/24

	Fiscal Year 2024/25					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated PEI Funding	Estimated Medi-Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
PEI Programs - Prevention						
1. High School Prevention Program	450,280	450,280				
2. Social Inclusion	10,000	10,000				
3. African American Success Project	37,500	37,500				
4. Dynamic Mindfullness	71,250	71,250				
5. Mental Health Peer Education Program (MEET)	34,792	34,792				
6. Mental Health Promotion Campaign	100,000	100,000				
7.						
8.						
9.	0	0				
10.	0	0				
PEI Programs - Early Intervention						
11. Community Education & Supports	364,092	364,092				
12. High School Prevention Program	450,280	450,280				
13. African American Success Project	112,500	112,500				
14. Dynamic Mindfullness	23,750	23,750				
15. Mental Health Peer Education Program (MEET)	11,597	11,597				
16. Supportive Schools	110,000	110,000				
17.						
18.						
19.						
PEI Programs - Stigma & Discrimination						
20.						
PEI Programs - Outreach for Incr. Recog. Of Mental Illness						
21.						
PEI Administration	389,262	389,262				
PEI Assigned Funds						
Total PEI Program Estimated Expenditures	2,165,302	2,165,302	0	0	0	0

FY 2024/25 Mental Health Services Act Annual Update
Innovations (INN) Funding

County: City of Berkeley Date: 6/24/24

	Fiscal Year 2024/25					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated INN Funding	Estimated Medi-Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
INN Programs						
1. MHSA INN Encampment	600,000	600,000				
2.						
3.						
4.	0					
5.	0					
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
20.	0					
INN Administration						
Total INN Program Estimated Expenditures	600,000	600,000	0	0	0	0

FY 2024/25 Mental Health Services Act Annual Update
Workforce, Education and Training (WET) Funding

County: City of Berkeley Date: 6/24/24

	Fiscal Year 2024/25					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated WET Funding	Estimated Medi-Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
WET Programs						
1. Workforce Development Coordinator	208,654	208,654				
2.	0					
3.	0					
4.	0					
5.	0					
6.	0					
7.	0					
8.	0					
9.	0					
10.	0					
11.	0					
12.	0					
13.	0					
14.	0					
15.	0					
16.	0					
17.	0					
18.	0					
19.	0					
20.	0					
WET Administration	0					
Total WET Program Estimated Expenditures	208,654	208,654	0	0	0	0

FY 2024/25 Mental Health Services Act Annual Update
Capital Facilities/Technological Needs (CFTN) Funding

County: City of Berkeley Date: 6/24/24

	Fiscal Year 2024/25					
	A	B	C	D	E	F
	Estimated Total Mental Health Expenditures	Estimated CFTN Funding	Estimated Medi-Cal FFP	Estimated 1991 Realignment	Estimated Behavioral Health Subaccount	Estimated Other Funding
CFTN Programs - Capital Facilities Projects						
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
CFTN Programs - Technological Needs Projects						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
CFTN Administration						
Total CFTN Program Estimated Expenditures	0	0				

APPENDIX B

RESULTS BASED ACCOUNTABILITY (RBA)
FY23 BERKELEY MENTAL HEALTH DIVISION
MEASURES AND OUTCOMES

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

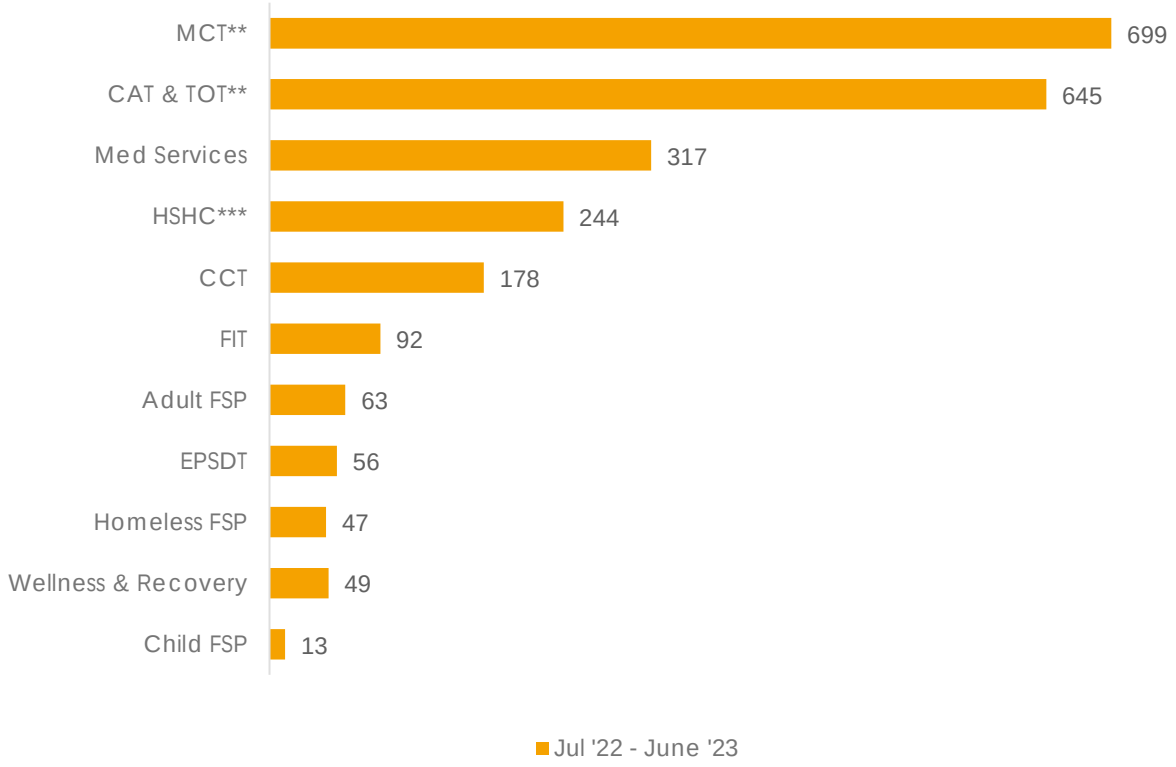
Berkeley Mental Health - Division-Level

Process Outcomes ("How much did we do?")

Description Berkeley Mental Health provides mental health services to eligible adults, children, youth, and their families. Services focus on low-income residents and unhoused people with severe mental illnesses. Staff provide counseling and case management services with the goal of helping people to better manage their mental health symptoms, obtain and maintain housing and other community resources, and move forward in their recovery.

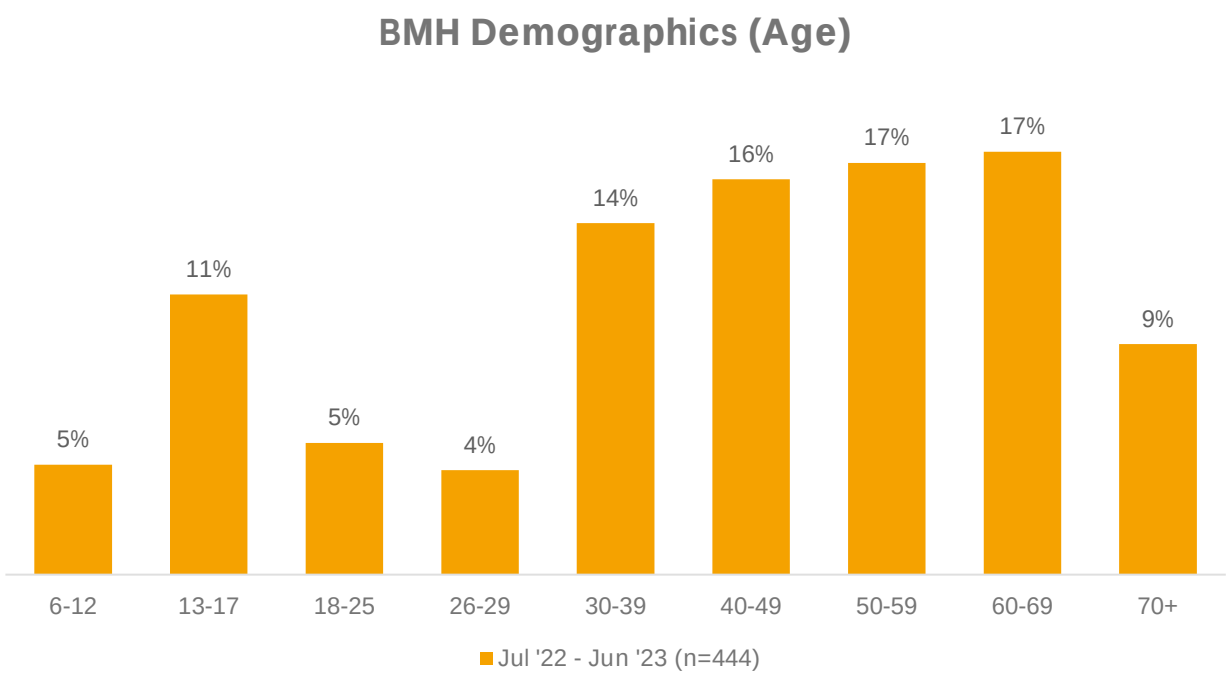
701 **Unduplicated Clients Served (includes FSPs, CCT, FIT, ERMHS, EPSDT, HSHC, Medical Services, and Wellness)**

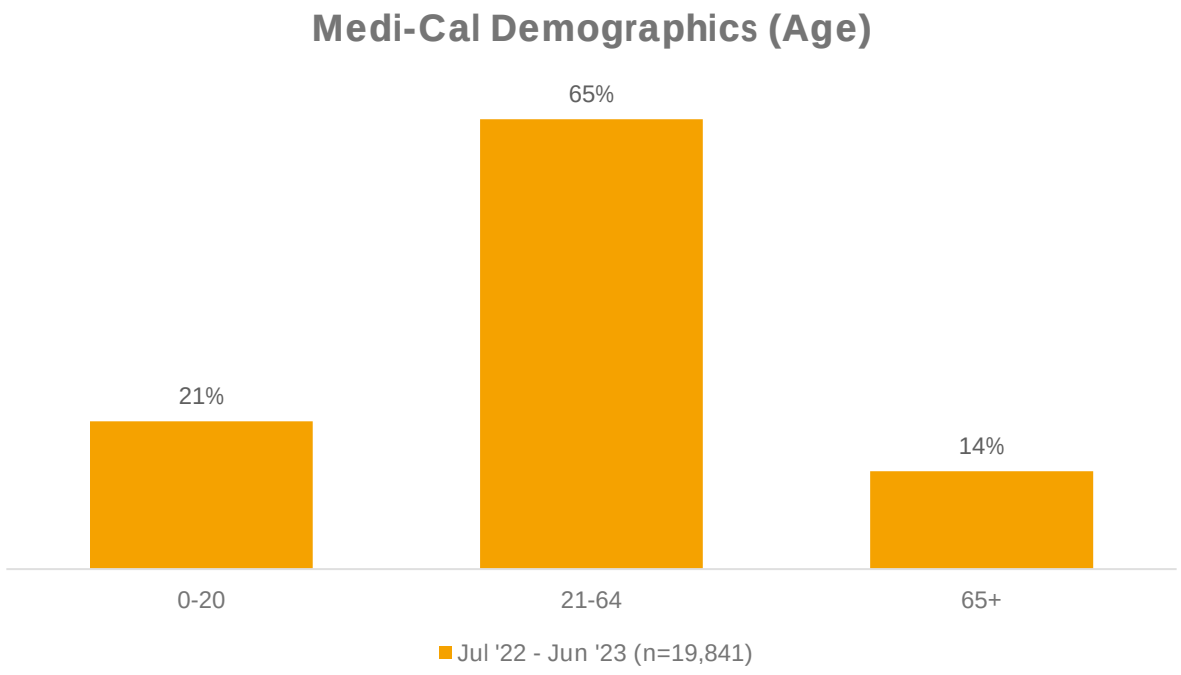
Clients Served, by Program*



*A single client may be served by multiple programs, but these are unduplicated numbers within each program
**All but MCT and CAT & TOT include only clients who have gone through a service enrollment process
***HSHC reports data on the school year, so does not have data for Jul '22 - Dec '22

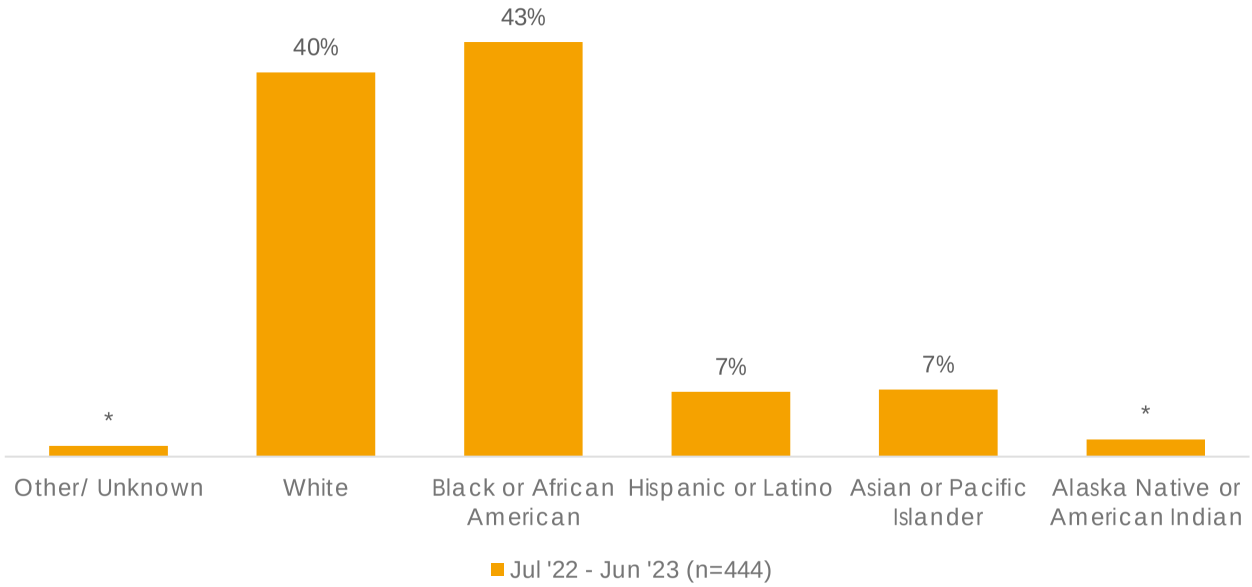
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



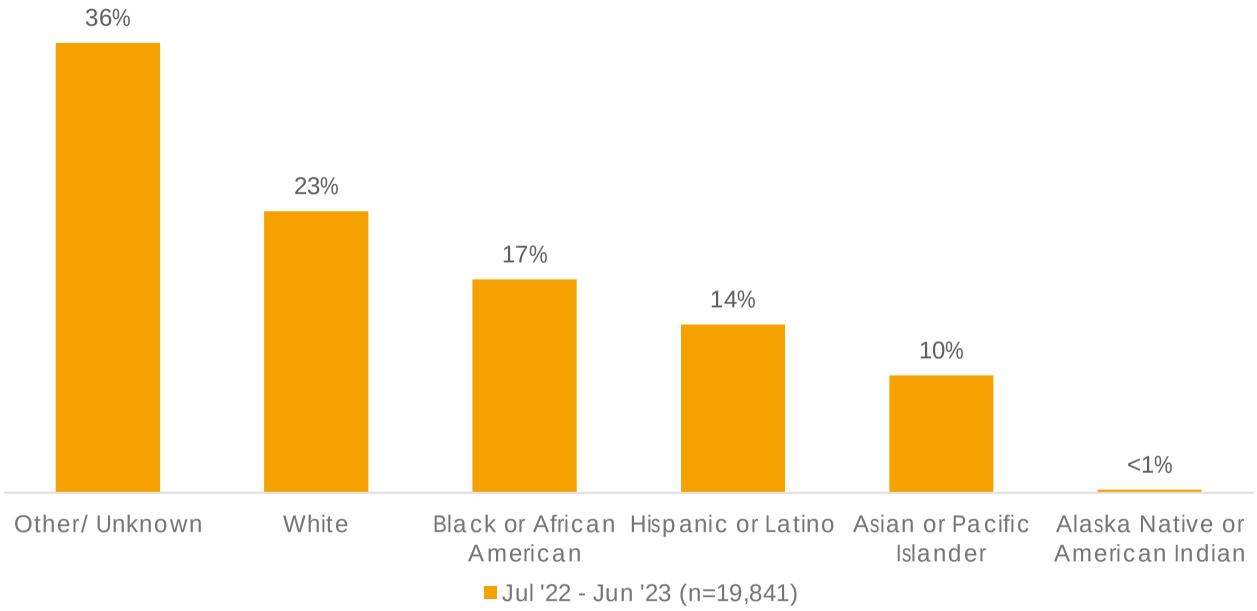


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

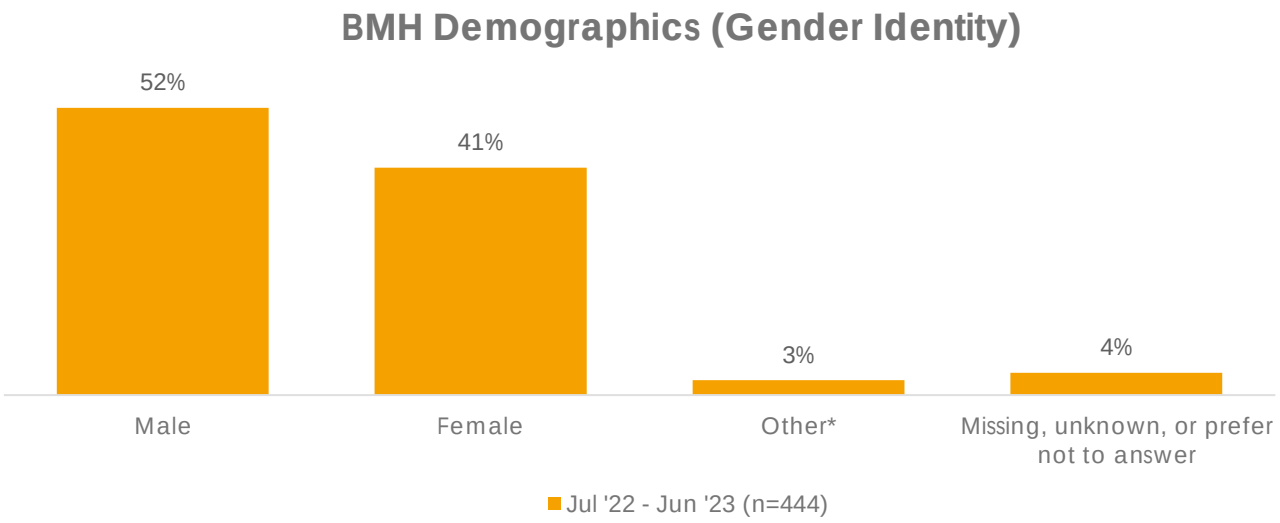
BMH Demographics (Ethnicity)



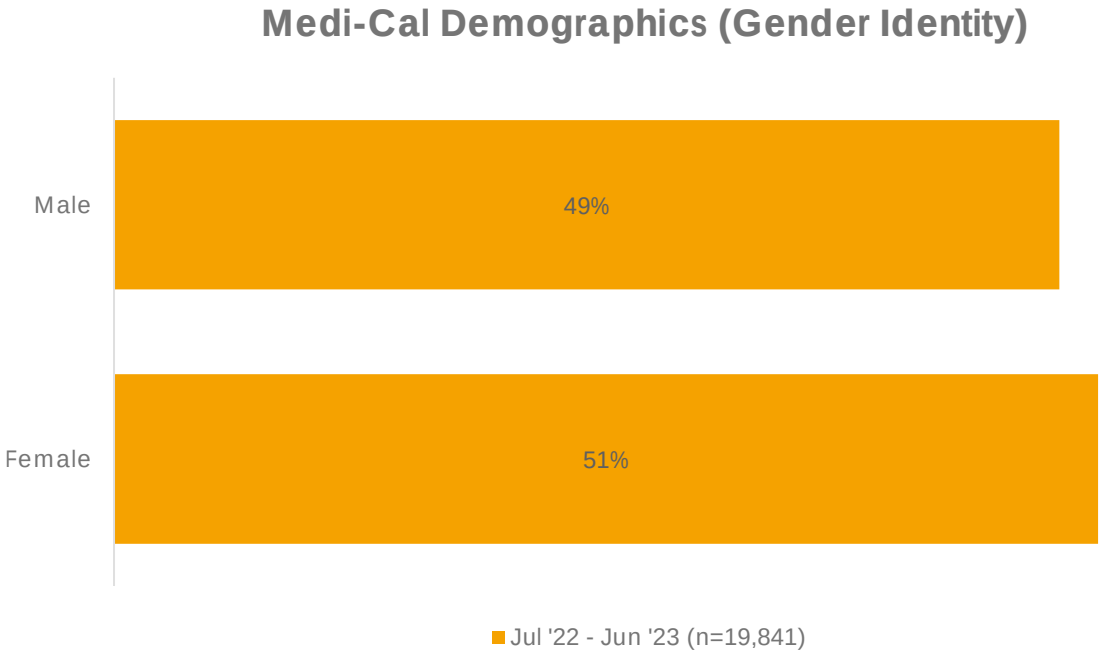
Medi-Cal Demographics (Ethnicity)



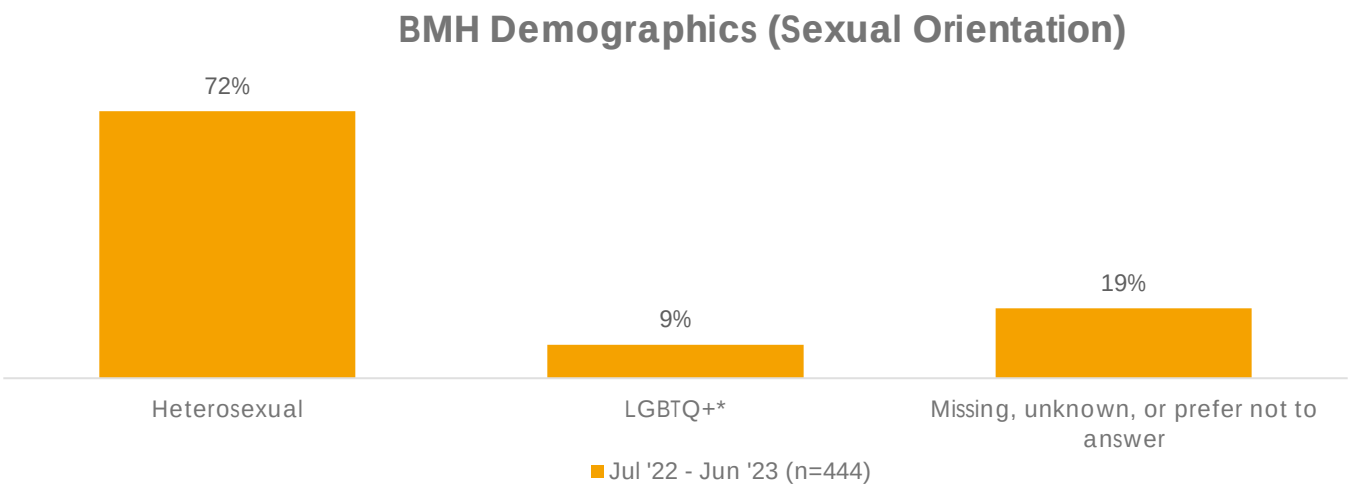
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



*Other includes multiple gender identities, non-conforming, female to male, intersex, queer, and other. Smaller categories (n<11) combined to represent collective size.



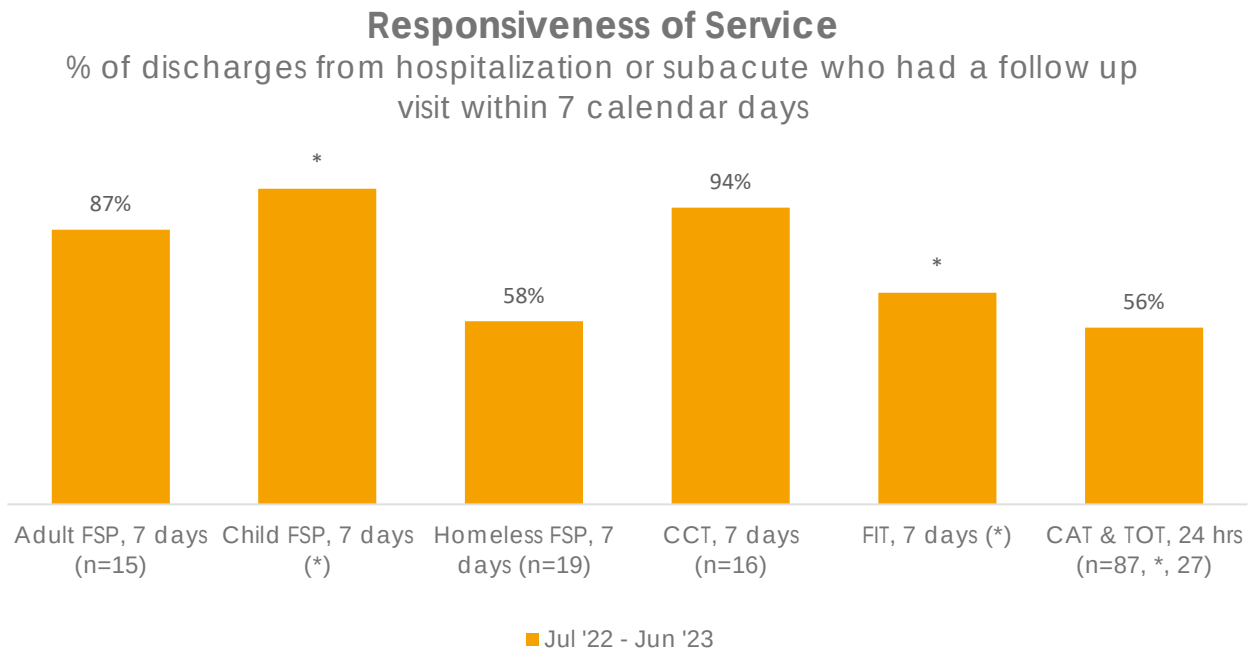
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



*LGBTQ+ includes lesbian, gay, bisexual, queer, multiple sexual orientations, questioning, and other. Smaller categories (n<11) combined to represent collective size.

Sexual orientation data is not available for Medi-Cal beneficiaries in Berkeley

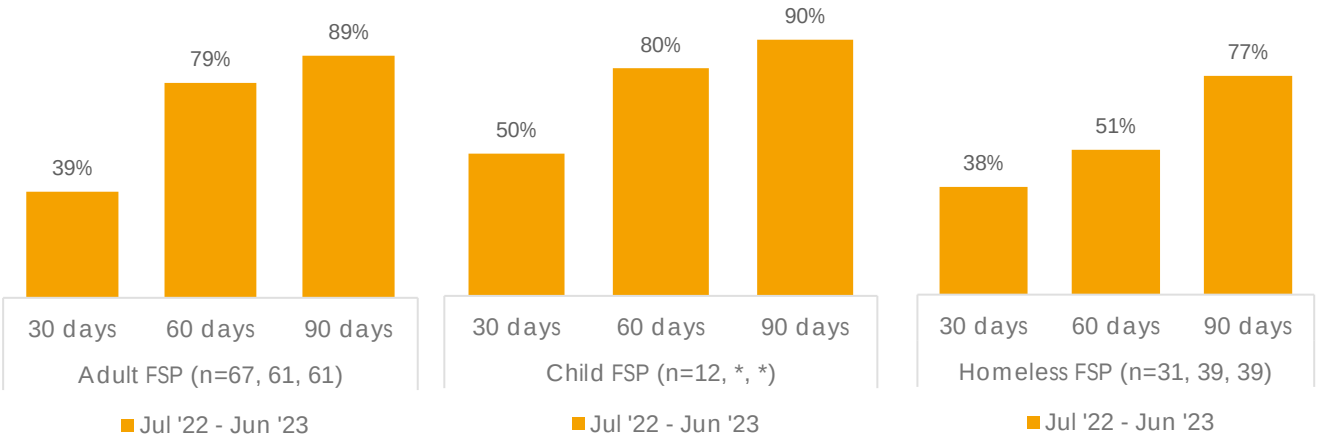
Quality Outcomes ("How well did we do it?")

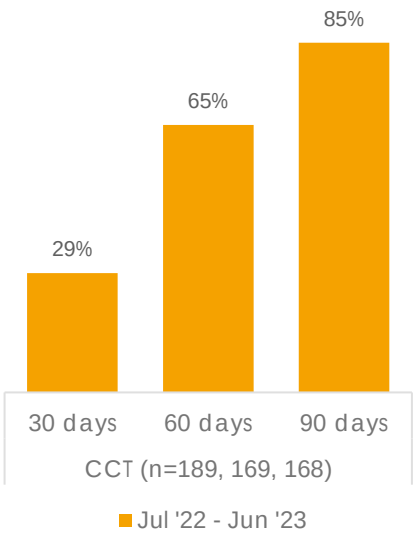


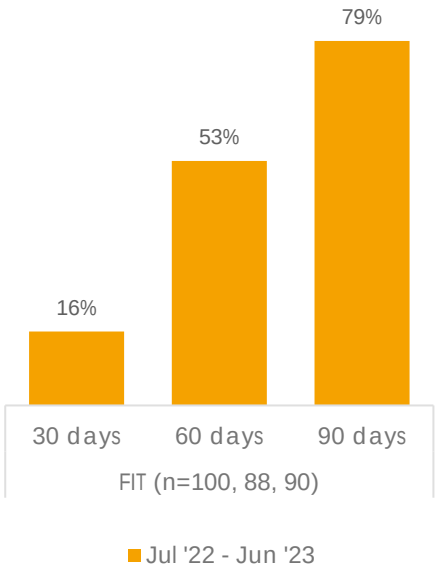
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Consistency of Service

% of clients with no service gap over 30/60/90

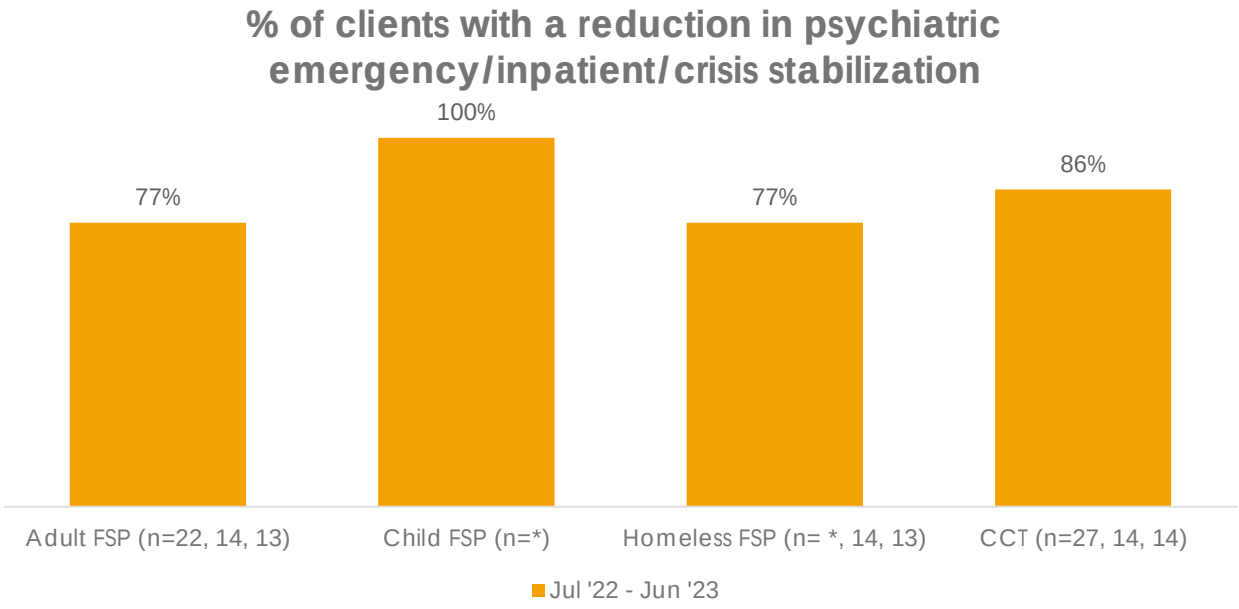


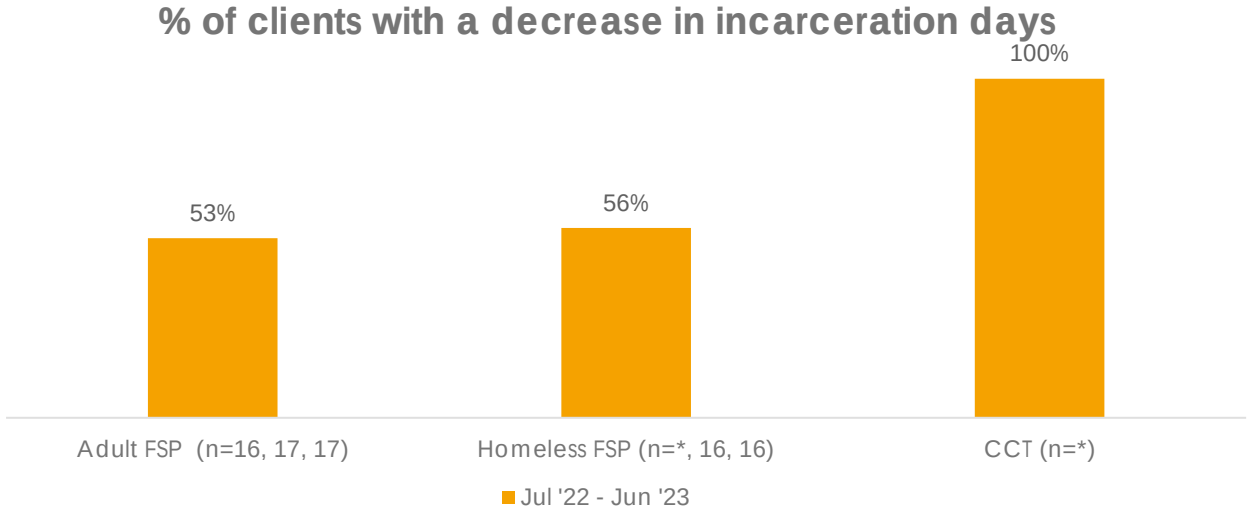


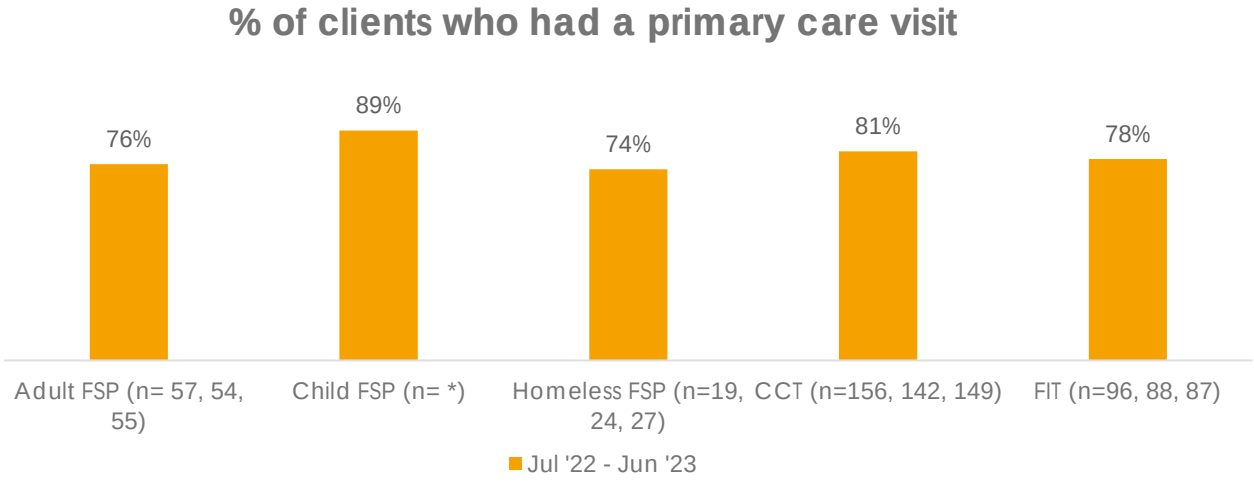


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Impact Outcomes ("Is anyone better off?")







NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total number of clients served during the reporting period. Available for: all clients served for Adult FSP, Children's FSP, Homeless FSP, CCT, FIT, ERMHS, EPSDT, High School Health Center, Medical Services, and Wellness & Recovery Services. Does not include clients from MCT, CAT/TOT (may be duplicated)	Yellowfin, ETO, Wellness Recovery Group Attendance
Responsiveness of service (% of discharges from hospitalization or subacute who had a follow up visit within specified time period)	Follow-up rates for individuals open to providers at the time of MH hospital discharge. Expected follow-up time period set by programs. Available for: Adult FSP, Children's FSP, Homeless FSP, CCT, FIT, CAT & TOT. *note: clients used to calculate follow up rates include those who didn't receive outreach and	Yellowfin, CAT Contact Log
Consistency of service (% of clients with no service gap over 30/60/90 days)	% of clients with less than 30/60/90 days maximum without service during their episode(s) in the fiscal year. Only includes clients open to a provider for at least a total of 1/2/3 months during the reporting fiscal year. Available for: Adult FSP, Children's FSP, Homeless FSP, CCT, FIT.	Yellowfin
% of clients who had a reduction in days in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year. Available for: Adult FSP, Children's FSP, Homeless FSP, CCT, FIT	Yellowfin
% of clients with a decrease in incarcerations	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing	Yellowfin
% clients who had a primary care	Of clients who completed 6 consecutive months	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Adult Full Service Partnership (AFSP)

Process Outcomes ("How much did we do?")

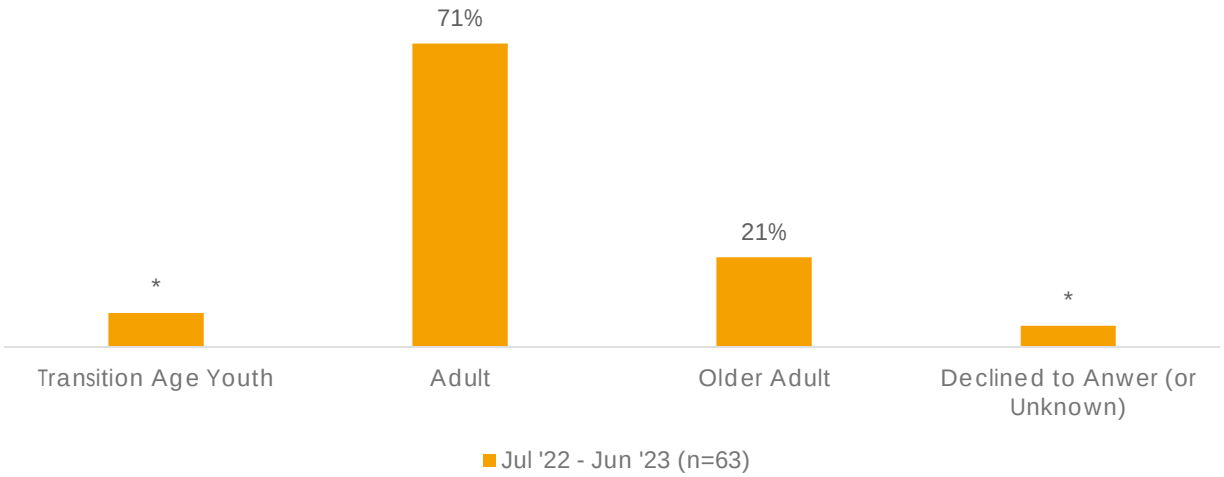
63
Clients Served

11
New Clients

Program Description: The Full-Service Partnership (FSP) team provides services to clients who are considered the highest need within our adult mental health service system. The FSP team is based on an Assertive Community Treatment (ACT) Model which involves low staff-to-client ratios at approximately 10:1 and a focus on providing care as a team rather than individual case load assignments. Services are primarily provided in the community rather than in an office setting.

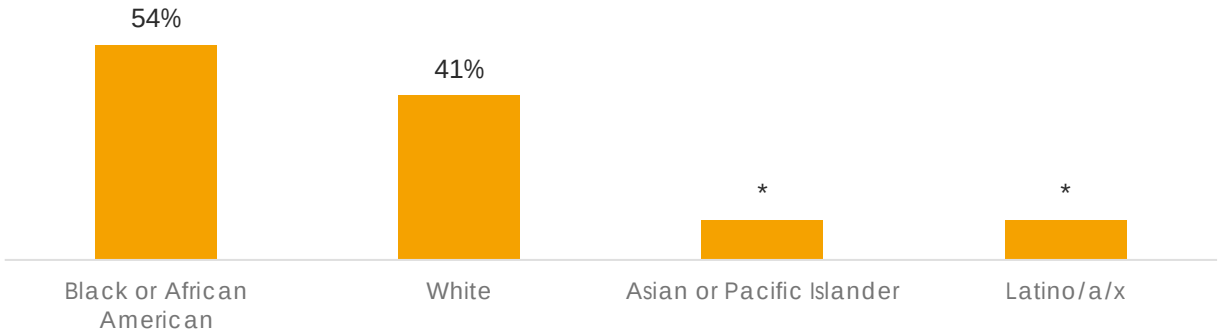
Program Updates: In Fiscal Year 2021-2022, the Adult Full Service Partnership was not fully staffed, this has been remedied in FY 2022-23.

Demographics (Age)

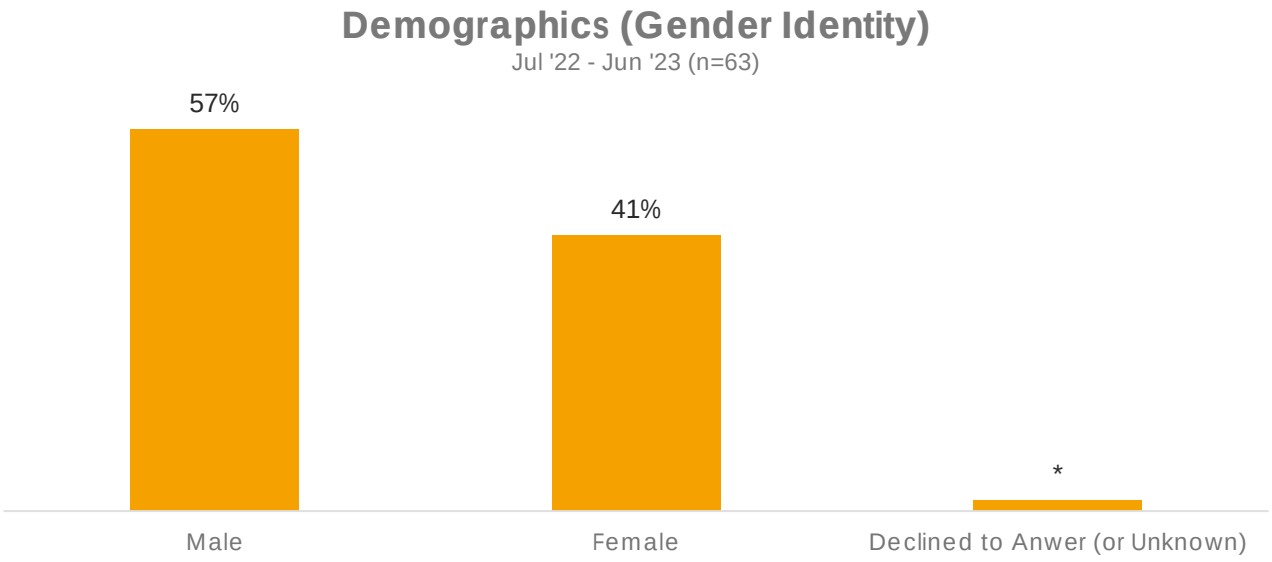


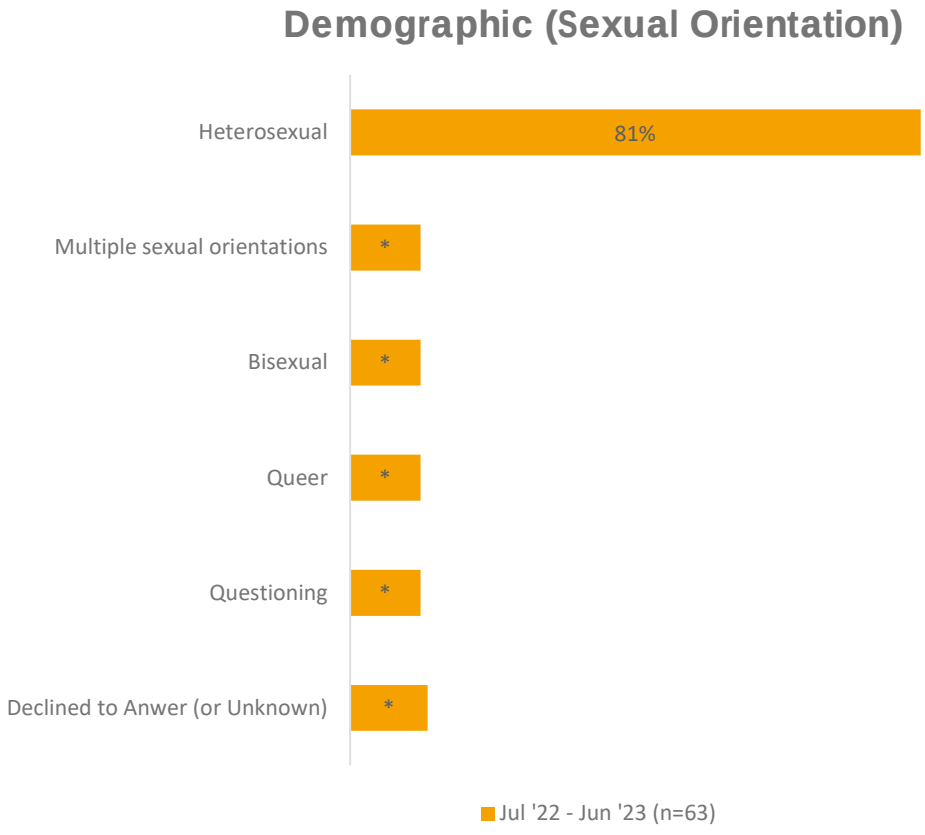
Demographics (Ethnicity)

Jul '22 - Jun '23 (n=63)

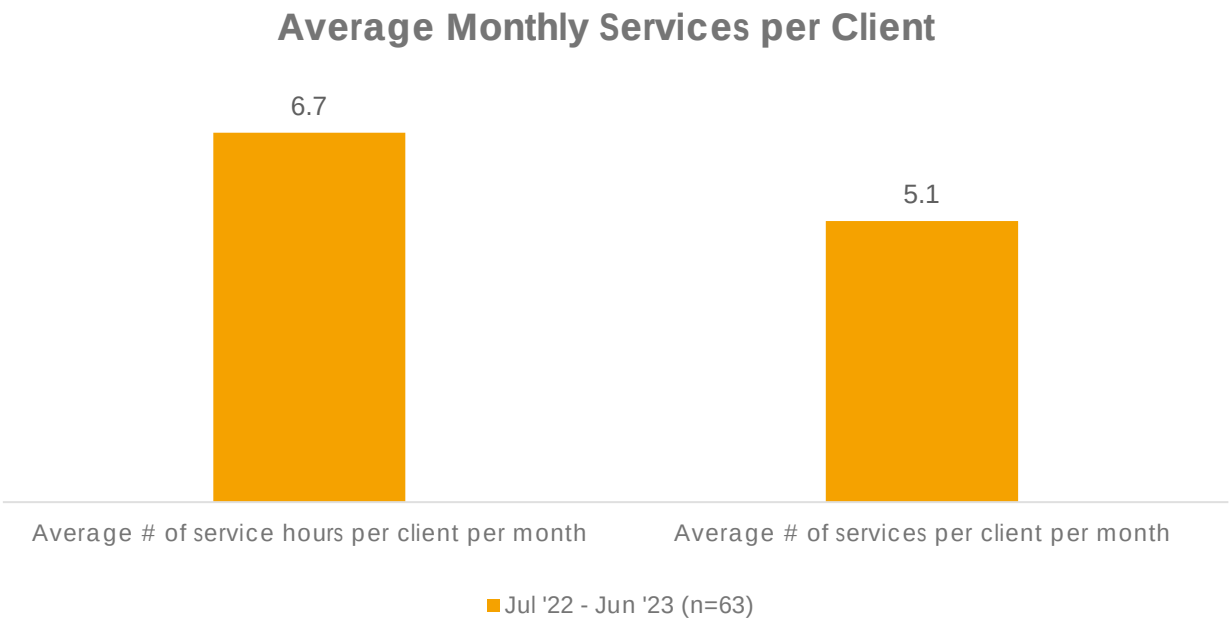


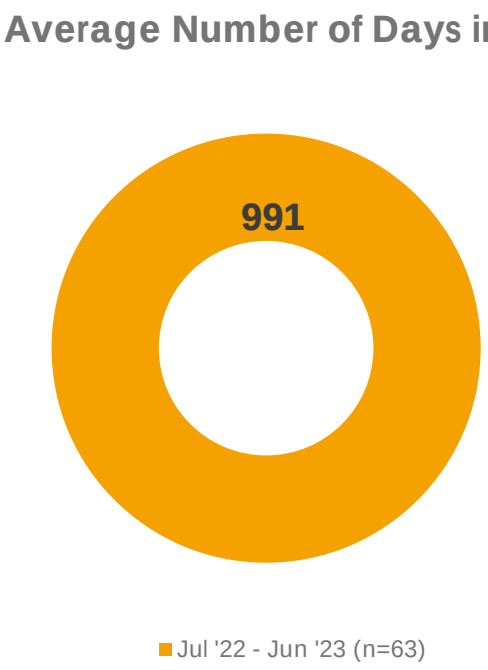
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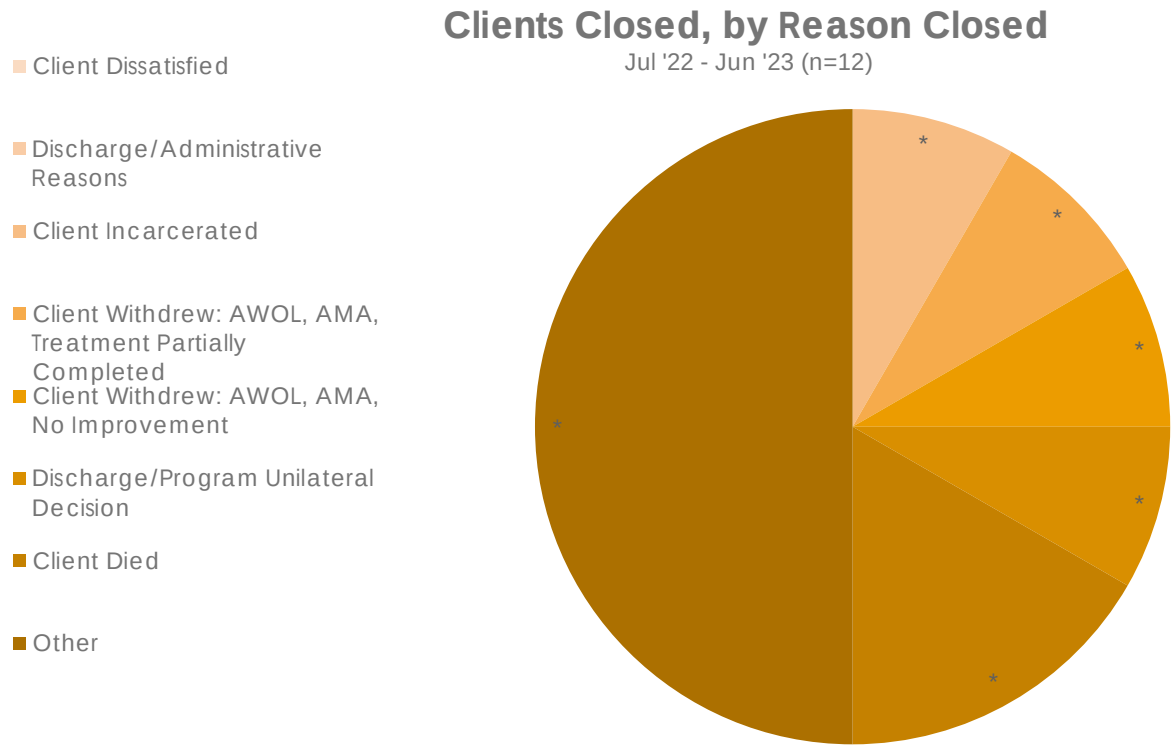
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

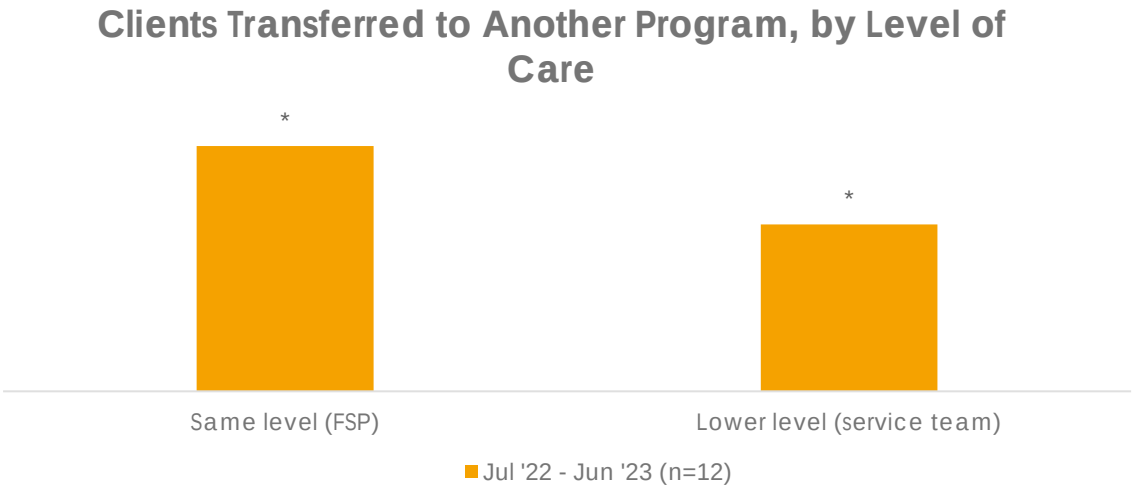


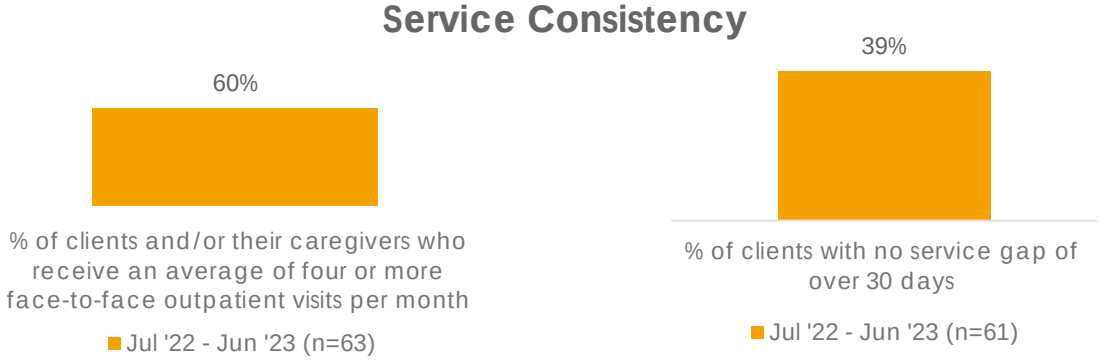


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

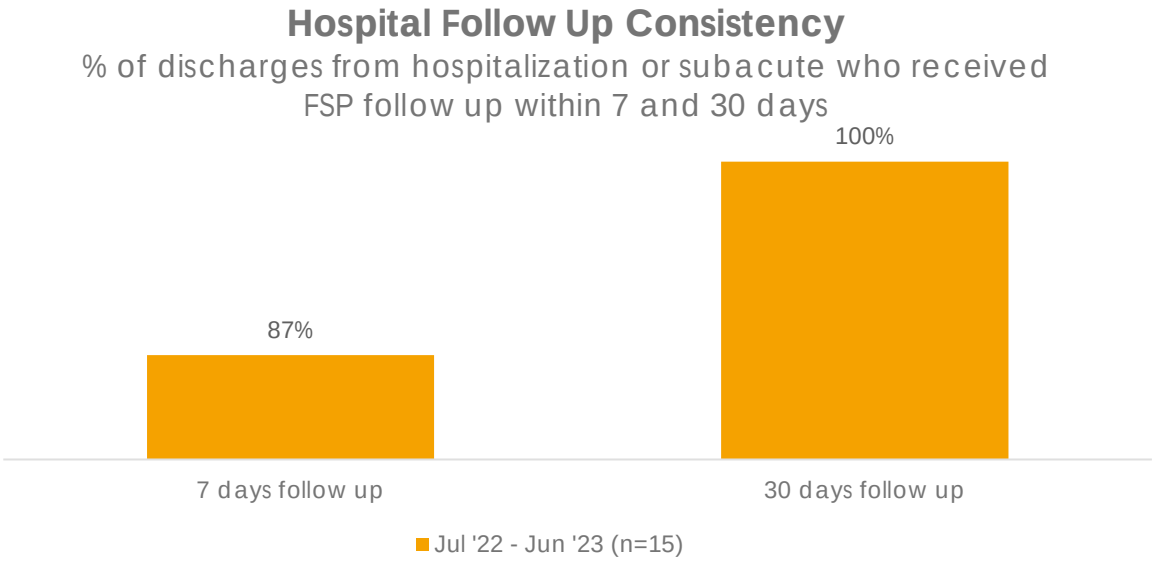
Quality Outcomes ("How well did we do it?")



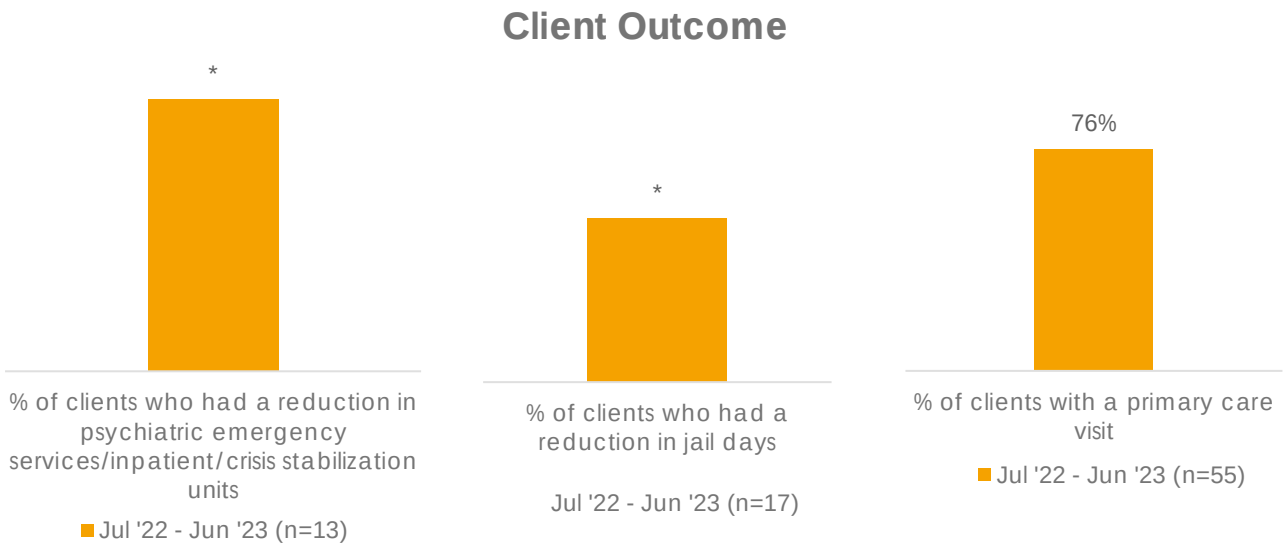


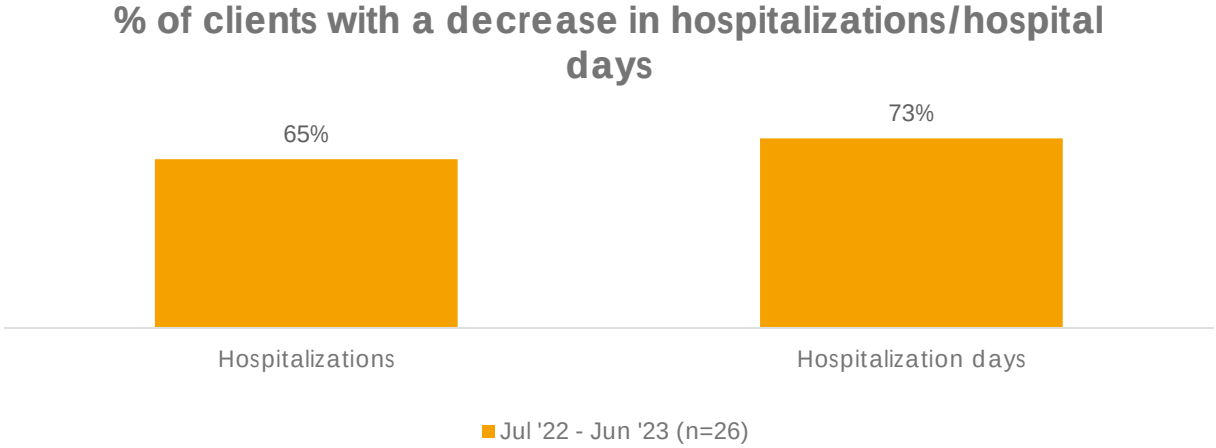


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



Impact Outcomes ("Is anyone better off?")





NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients opened for ongoing services	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medical services (MAA)	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those who were lost to follow up (e.g. not contactable, not responsive)	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
# of clients transferred to another level of care	Of clients discharged in the reporting period, # who were transferred to a full service partnership program, service team, or outpatient services in Alameda County within 90 days of discharge.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients who had a reduction in jail days	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in hospital and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin
% of clients with a decrease in hospitalizations/hospitalization days	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period: July 2022 - June 2023

Comprehensive Community Treatment Team (CCT)

Process Outcomes ("How much did we do?")

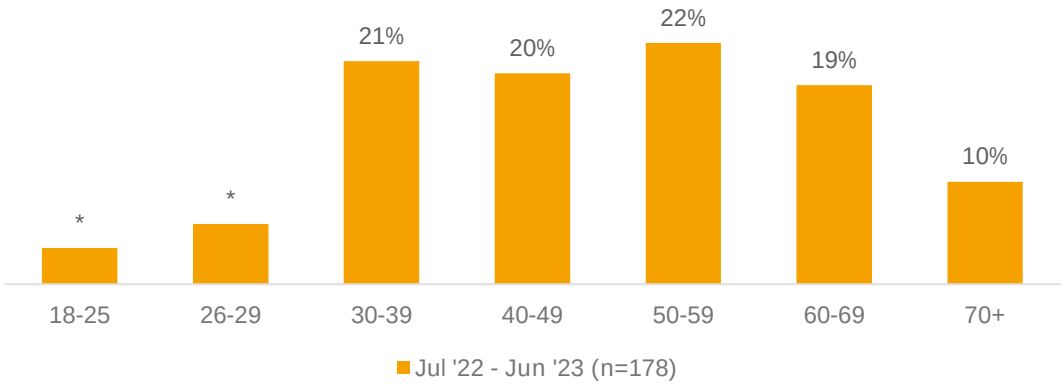
178
Clients Served

23
New Clients

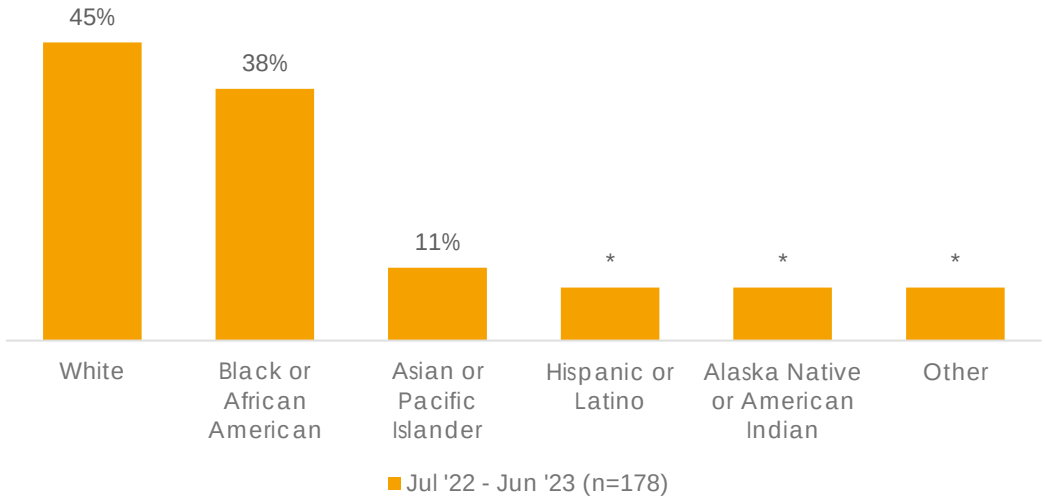
Program Description: The CCT team is responsible for providing services to adults with severe and persistent mental illness who require specialty mental health services. Staff provide case management, therapeutic services, and group services both in the field and in the clinic.

Program Update:
The CCT program experienced a lot of staffing and supervision changes in 2023, and was not fully staffed during this reporting period CCT team.

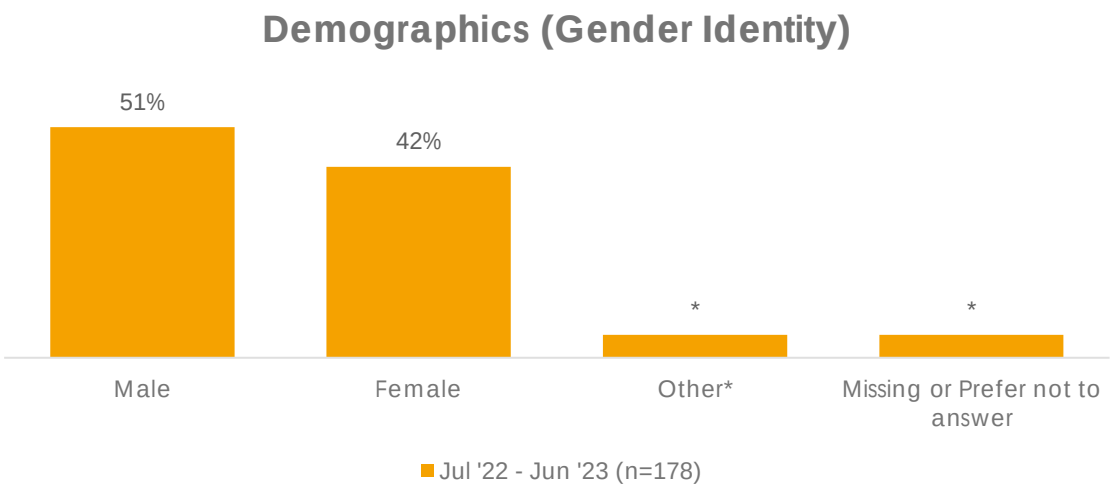
Demographics (Age)



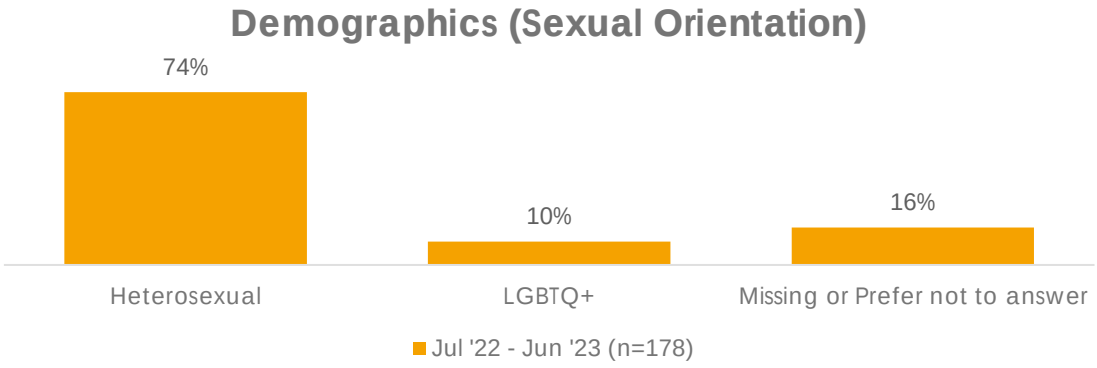
Demographics (Ethnicity)



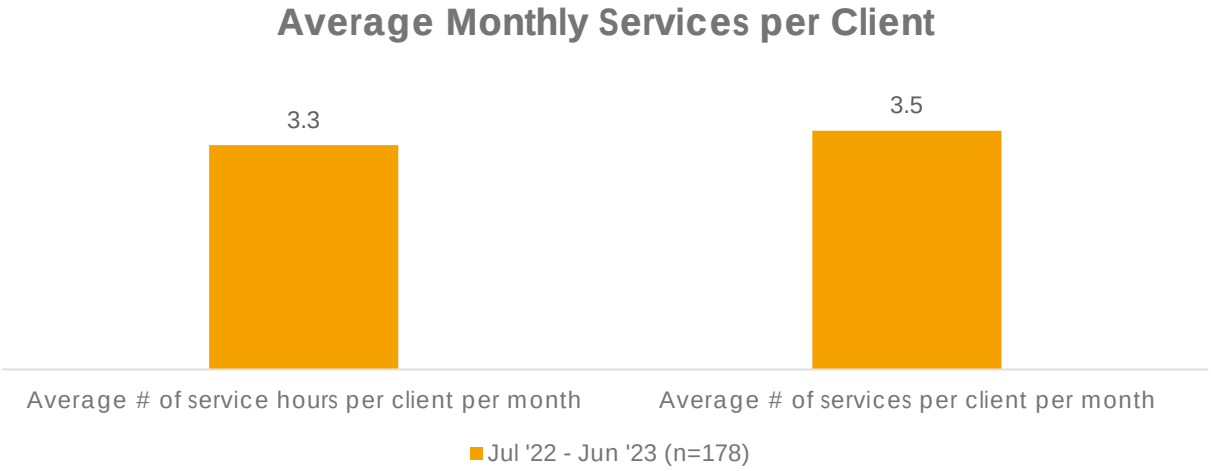
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



*Other includes female to male, multiple gender identities, non-conforming, and other.



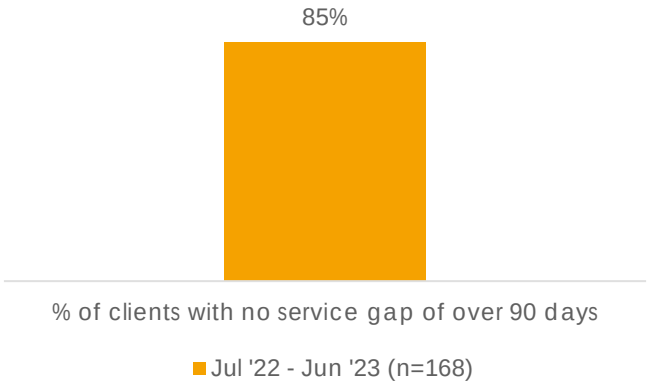
*LGBTQ+ includes lesbian,gay, bisexual,queer, multiple sexual orientations, and other.



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Quality Outcomes ("How well did we do it?")

Service Consistency

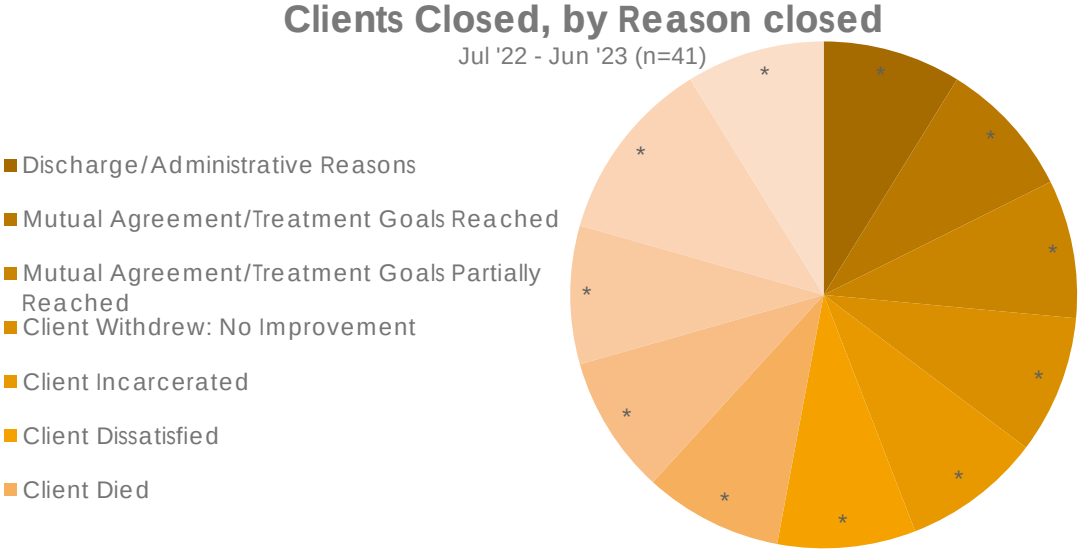


Hospital Follow Up Consistency

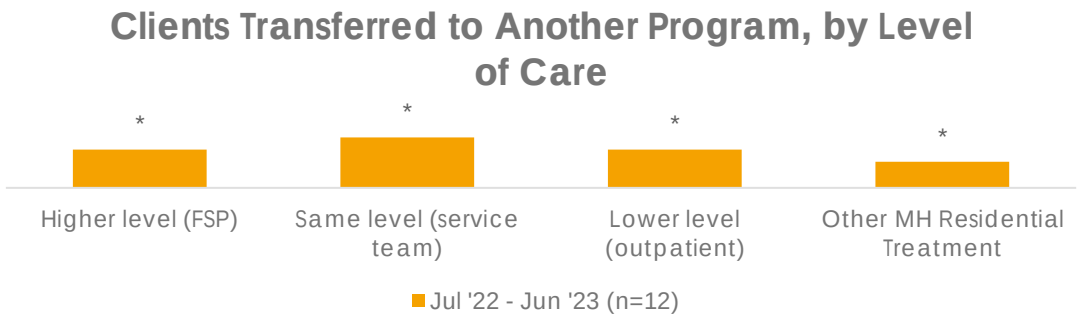
% of discharges from hospitalization or subacute who received follow up within 7 and 30 days



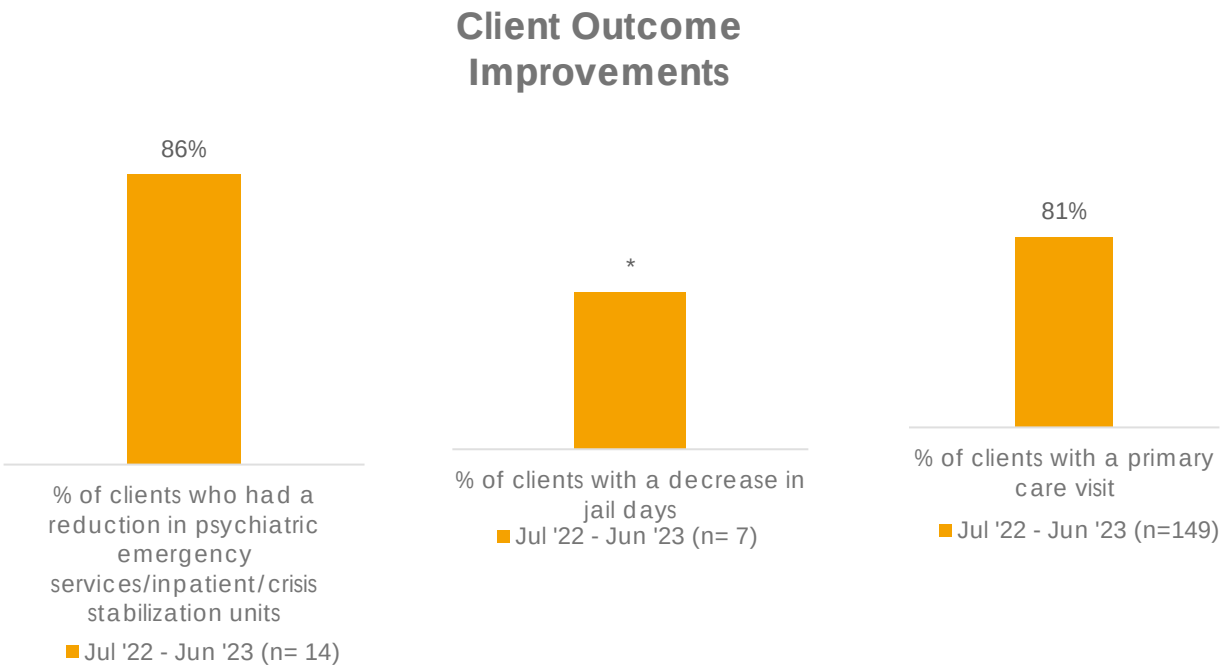
Clients Closed, by Reason closed

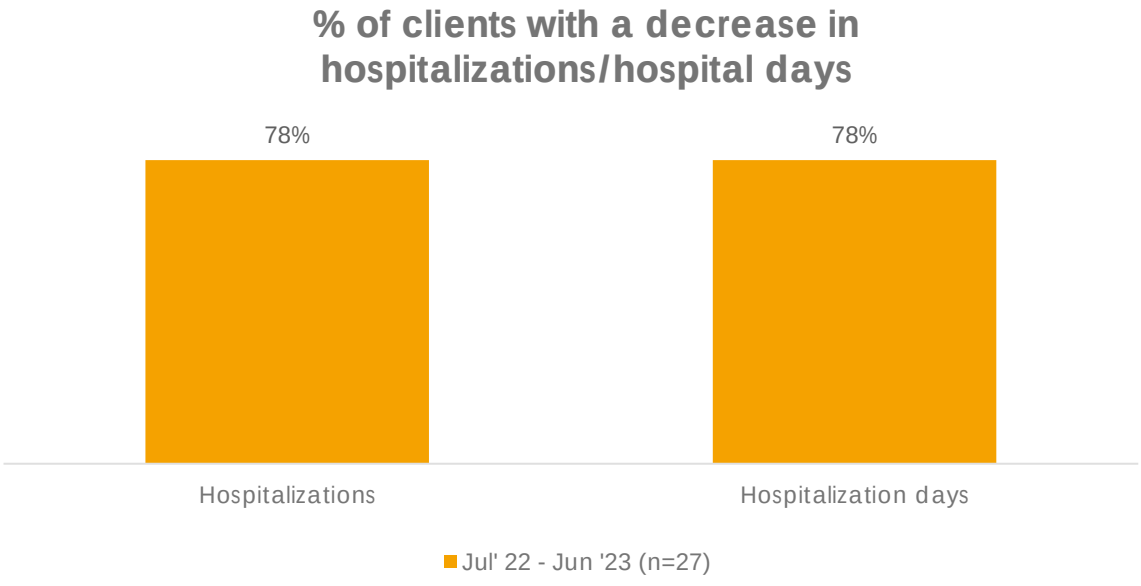


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



Impact Outcomes ("Is anyone better off?")





NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medical services (MAA)	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients with no service gap of over 90 days	% of clients with less than 90 days maximum without service during their episode(s) in the fiscal year. Only includes clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
#/% of clients transferred to another level of care	Of clients discharged in the reporting period, # who were transferred to a full service partnership program, service team, or outpatient services in Alameda County within 90 days of discharge	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the	Yellowfin
% of clients with a decrease in hospitalizations/hospitalization days	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin
% of clients with a decrease in jail days	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in hospital and/or subacute) for six or more months during the current fiscal year or	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period: July 2022 - June 2023

Focus on Independence Team (FIT)

Process Outcomes ("How much did we do?")

92

Clients Served

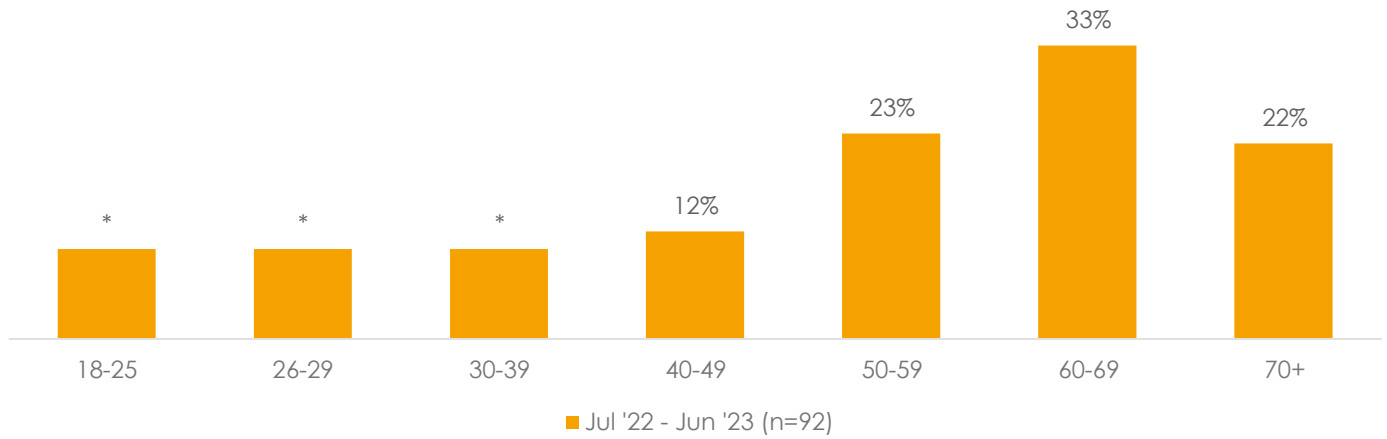
2

New Clients

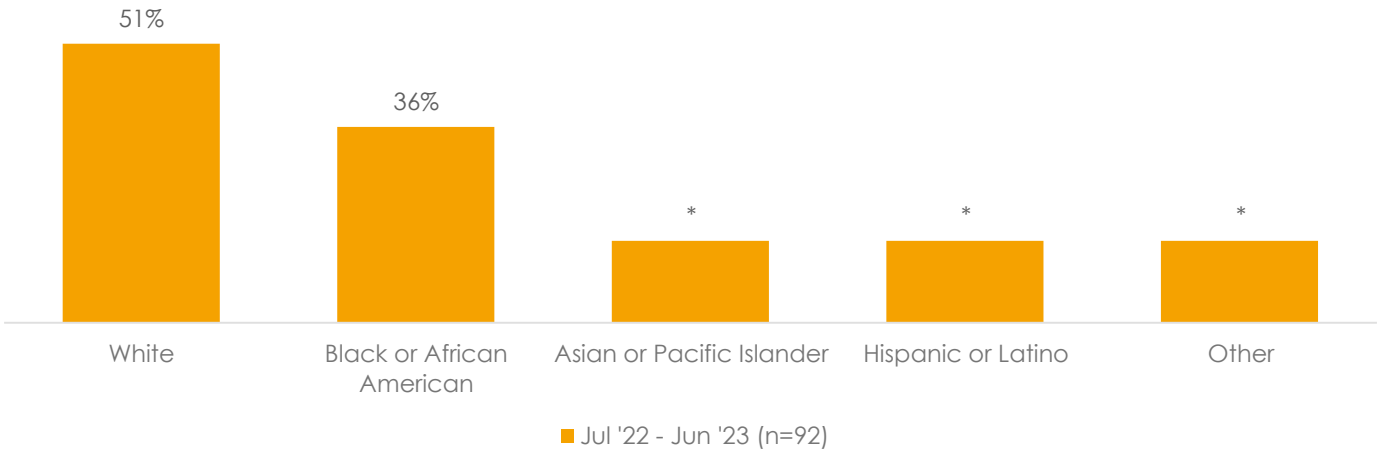
Program Description The Focus on Independence Team is responsible for providing services to clients who have graduated from higher levels of care within the clinic. Services are provided both in the field and in the clinic depending on client needs.

Program Updates The FIT program experienced a Manager transition, with the new Manager joining the staff in February 2023.

Demographics (Age)

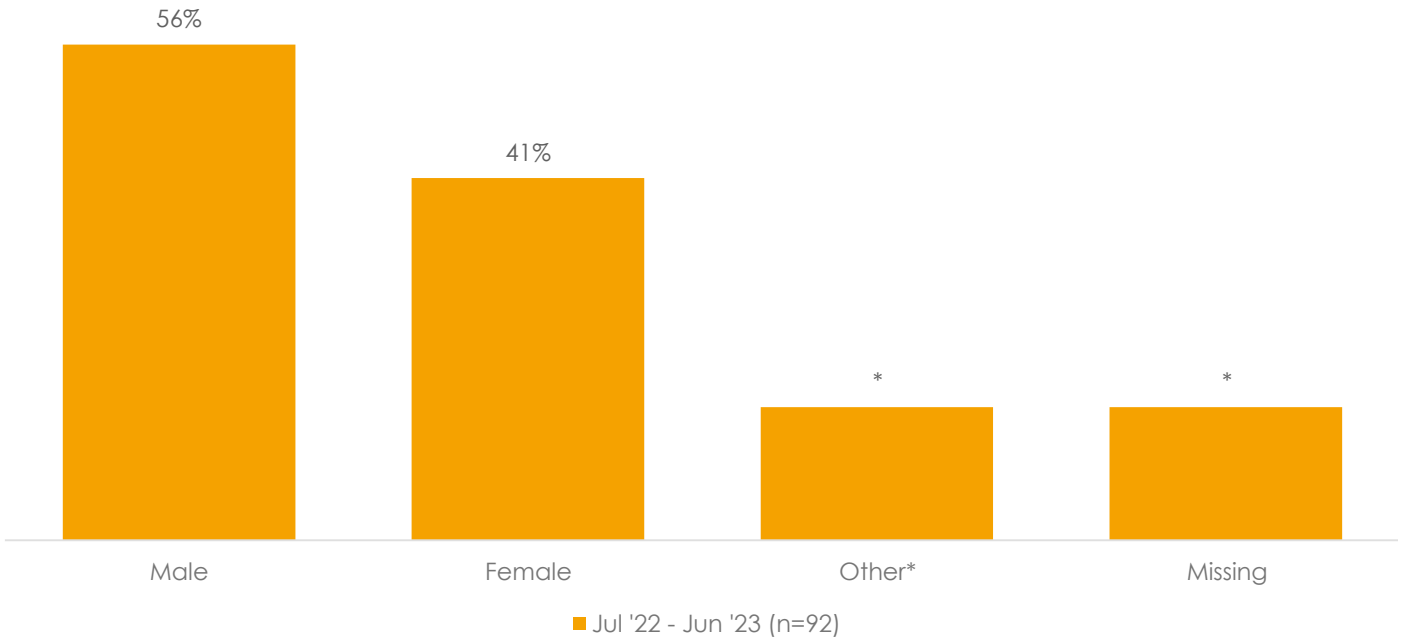


Demographics (Ethnicity)



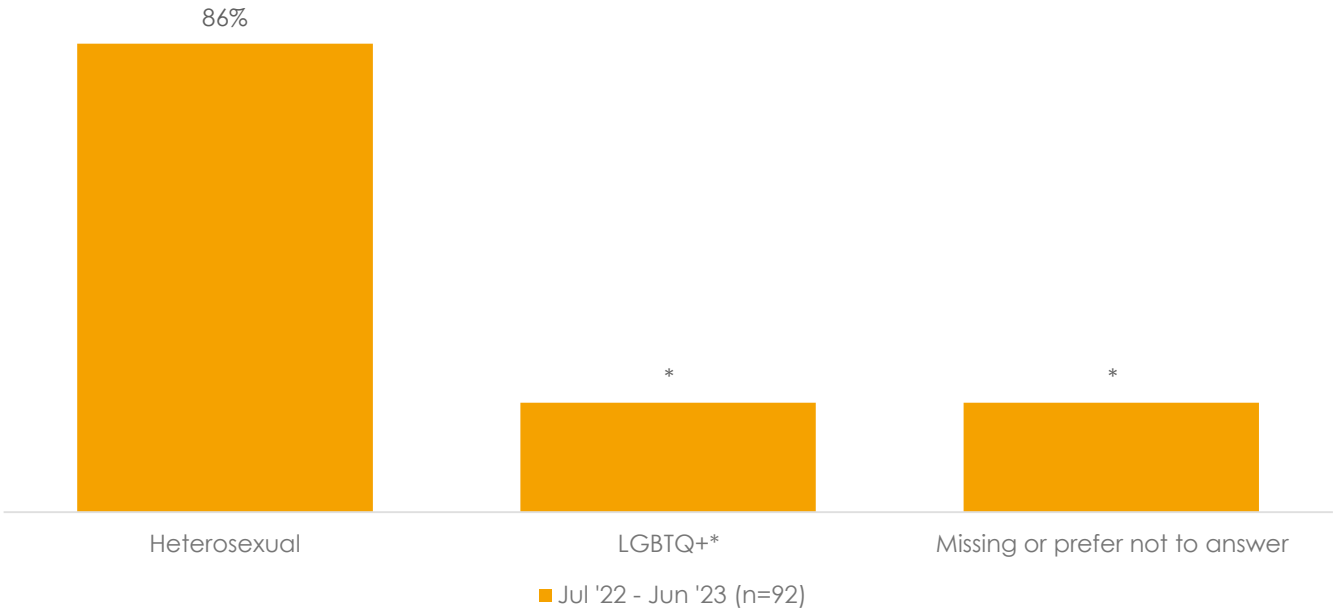
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Demographics (Gender Identity)



*Other includes intersex and other.

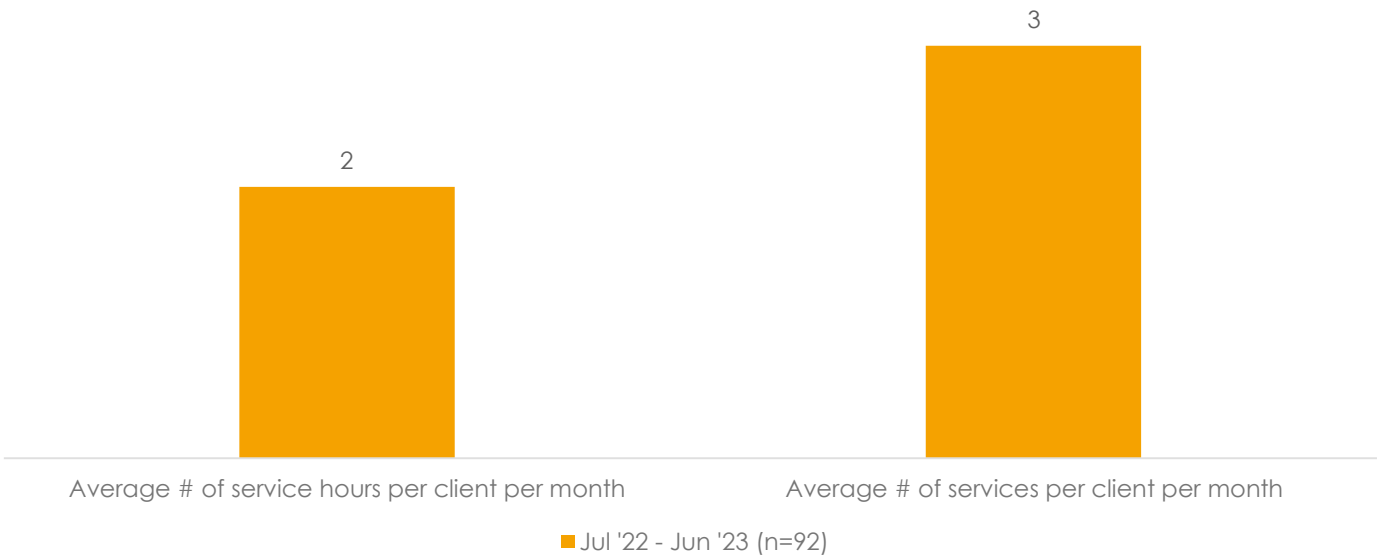
Demographics (Sexual Orientation)



*LGBTQ+ includes gay, questioning, and multiple sexual orientations.

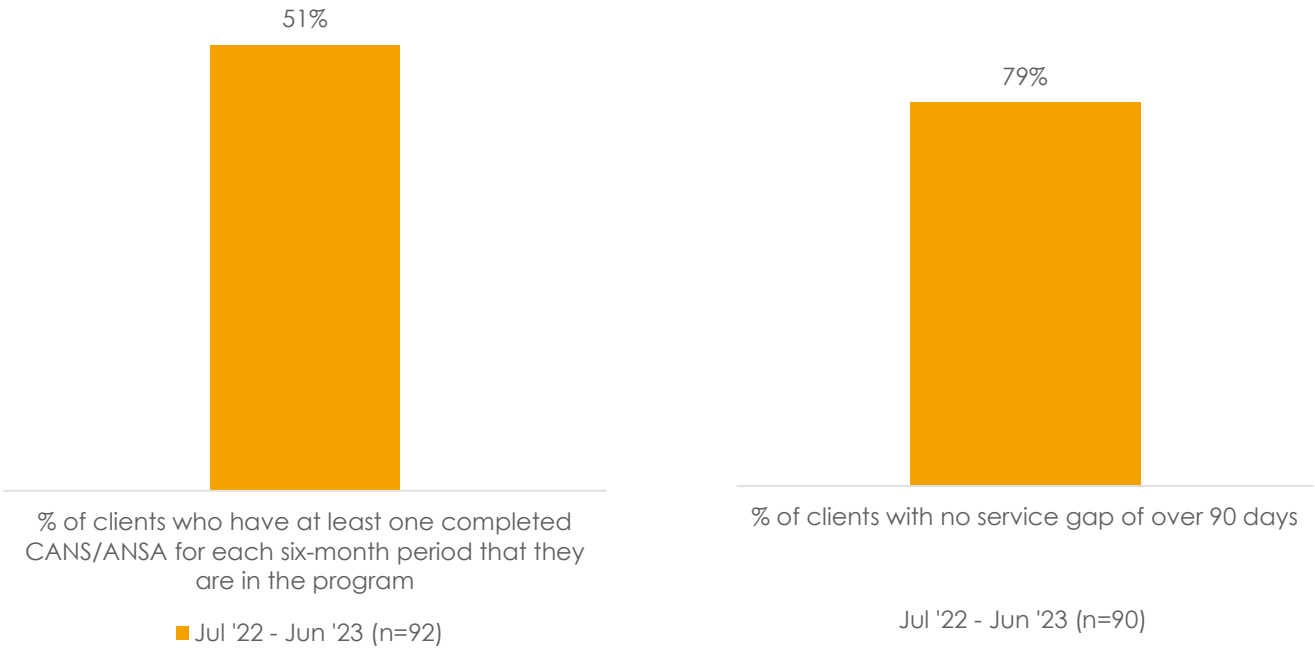
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Average Monthly Services per Client



Quality Outcomes ("How well did we do it?")

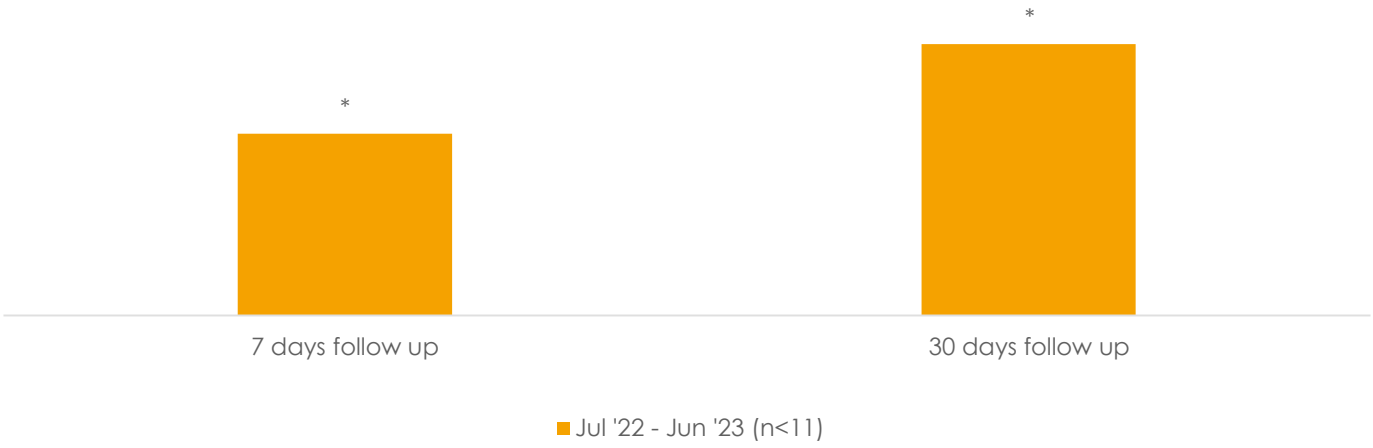
Service Consistency



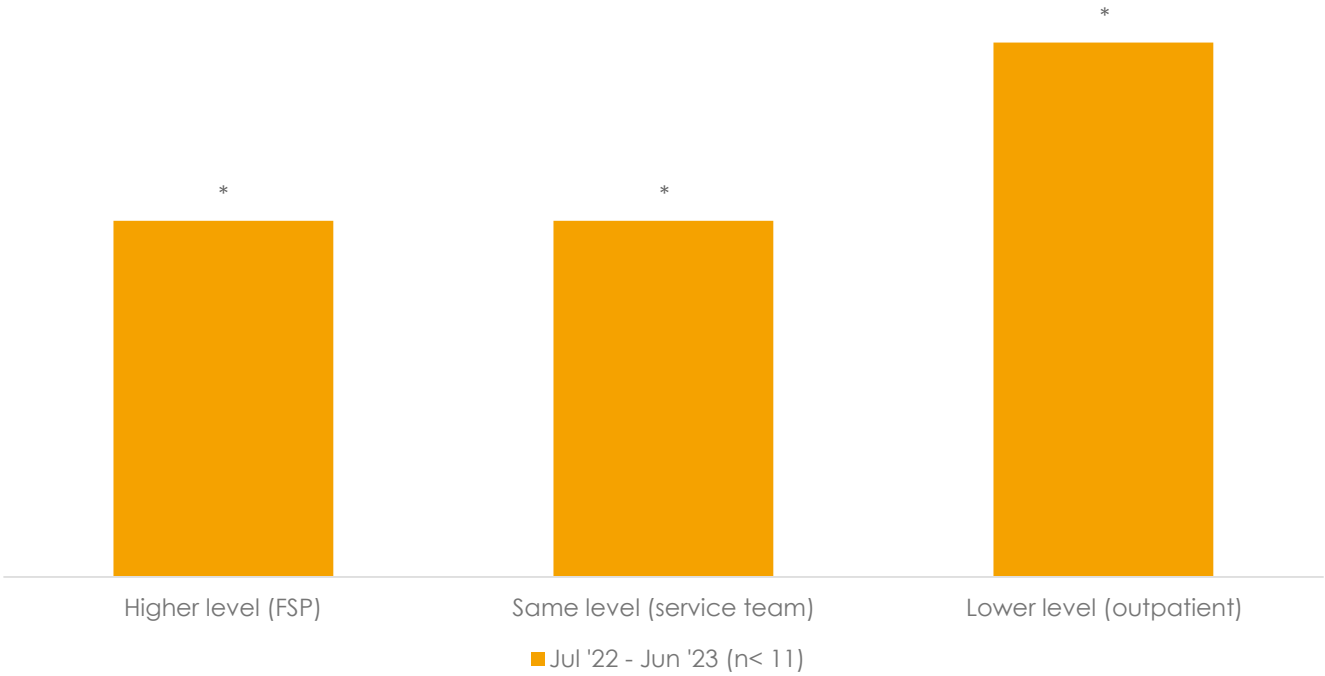
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Hospital Follow Up Consistency

% of discharges from hospitalization or subacute who received follow up within 7 and 30 days



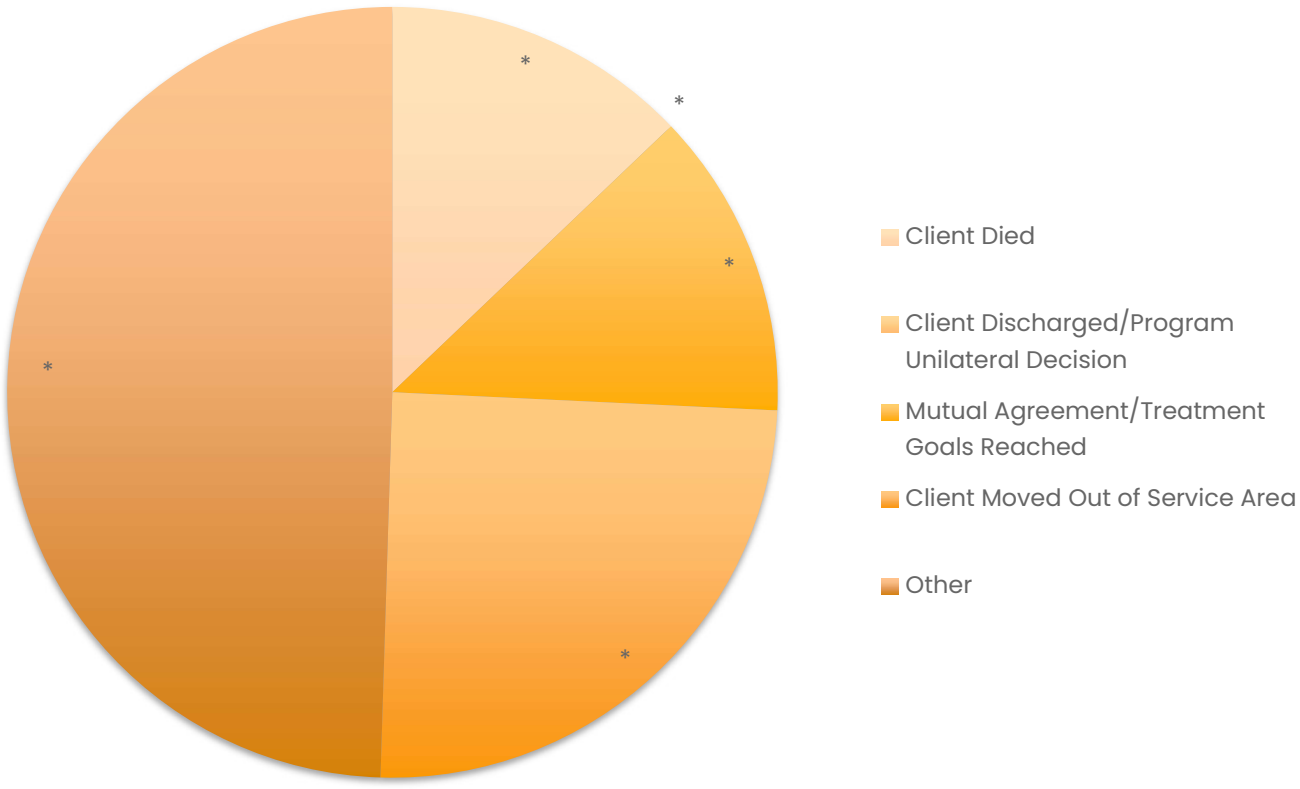
Clients Transferred to Another Program, by Level of Care



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Clients Closed, by Reason Closed

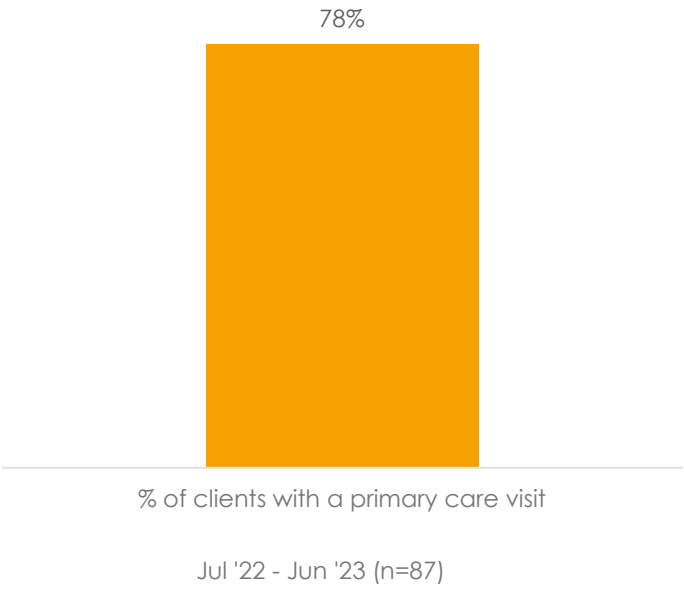
Jul '22 - Jun '23 (n>11)



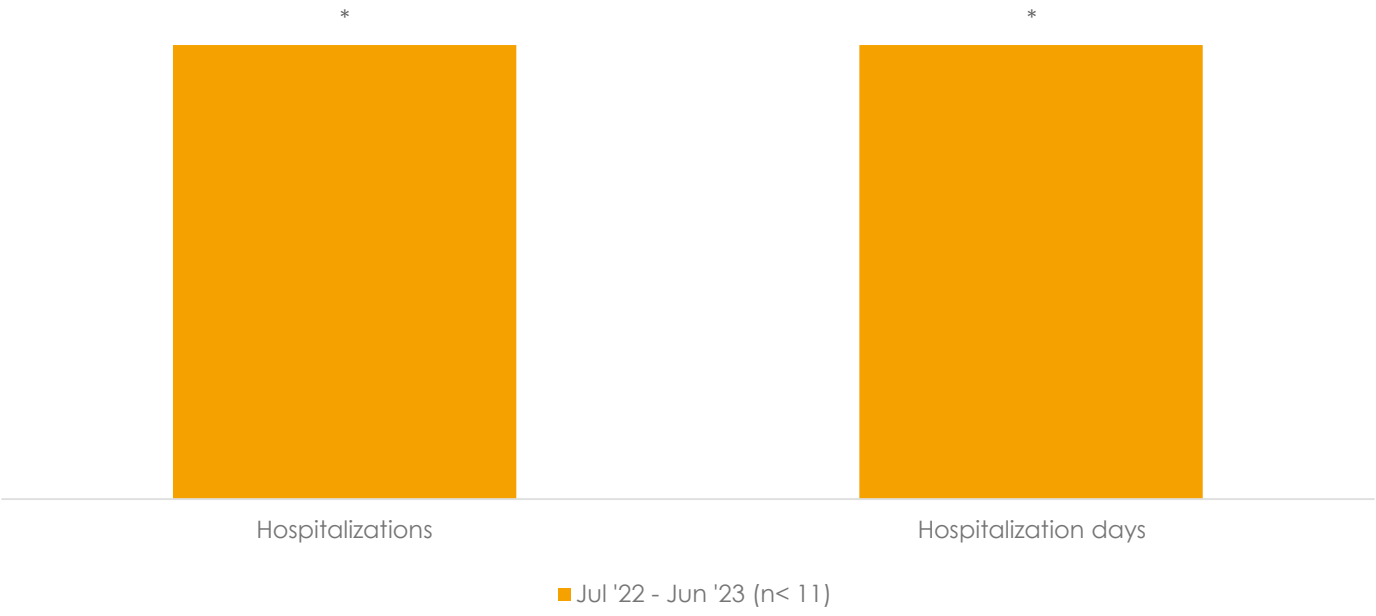
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Impact Outcomes ("Is anyone better off?")

Client Outcome Improvements



% of clients with a decrease in hospitalizations/hospital days



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medical services (MAA)	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients with no service gap of over 90 days	% of clients with less than 90 days maximum without service during their episode(s) in the fiscal year. Only includes clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
#/% of clients transferred to another level of care	Of clients discharged in the reporting period, # who were transferred to a full service partnership program, service team, or outpatient services in Alameda County within 90 days of discharge	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients with a decrease in hospitalizations/hospitalization days	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin

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BMH RBA Report FY 2023

Reporting Period: July 2022 - June 2023

High School Health Center (HSHC)

Process Outcomes ("How much did we do?")

244

Clients Served

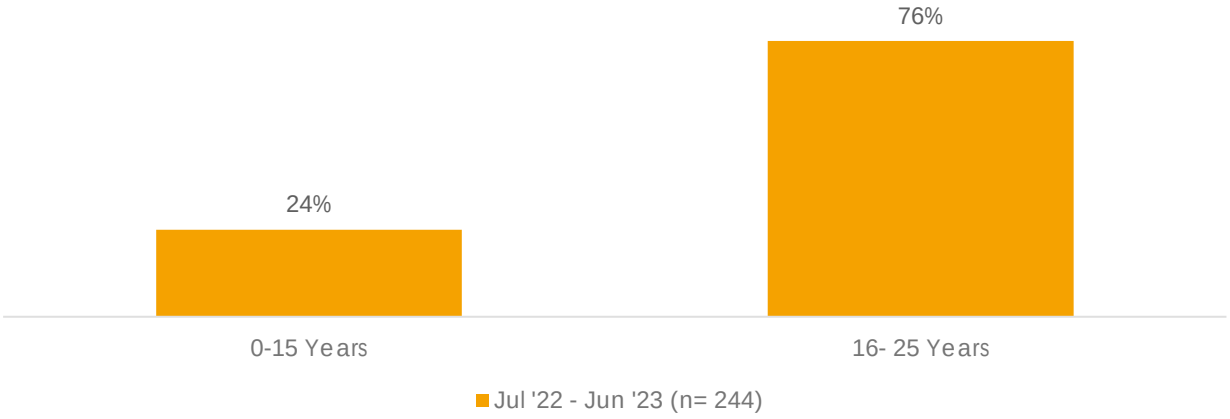
Program Description

The HSHC team provides mental health services on site at Berkeley High School; these services include individual and group therapy, crisis assessments, and drop in support. The program also hosts graduate students for training.

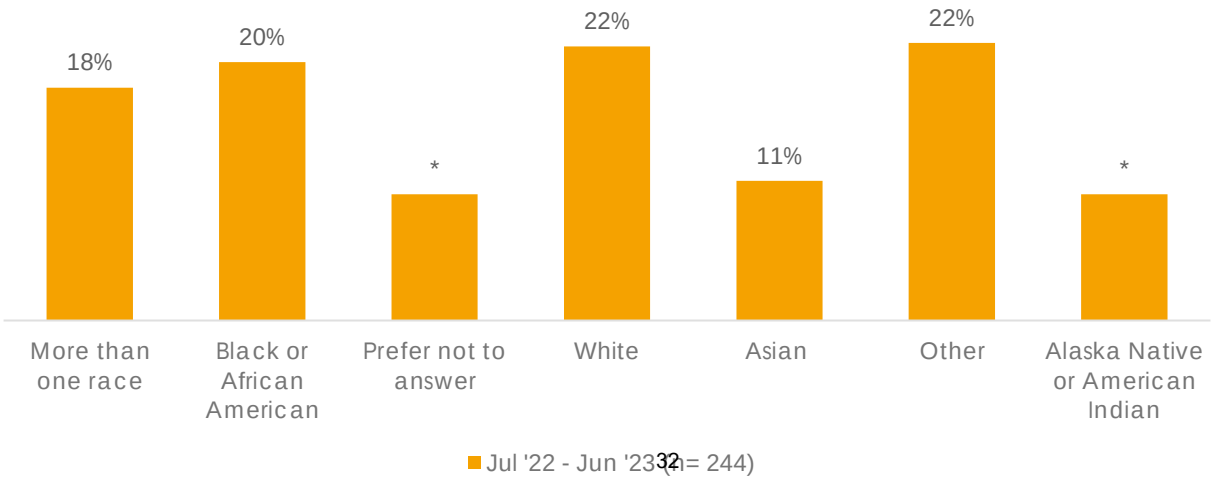
Program Updates

HSHC hired two new full time staff and onboarded 3 master's-level interns in the 2022-2023 school year. This allowed the team to serve more clients and restart groups. HSHC had significant challenges with their EHR, resulting in barriers to quality control.

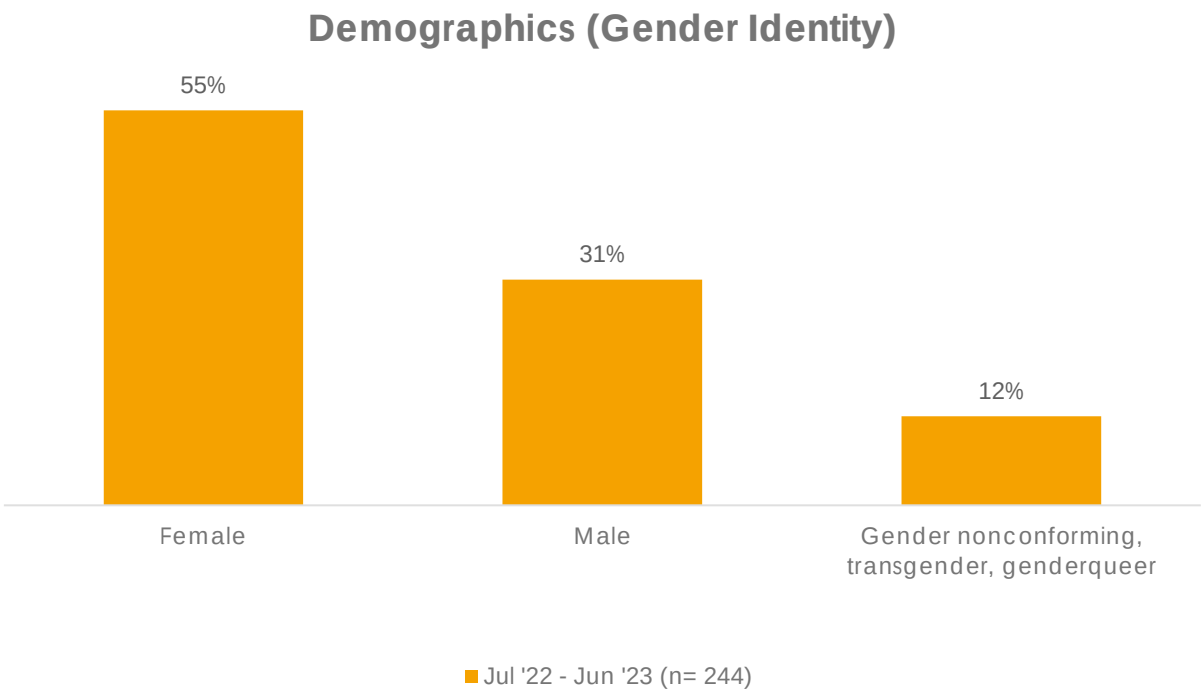
Demographics (Age)

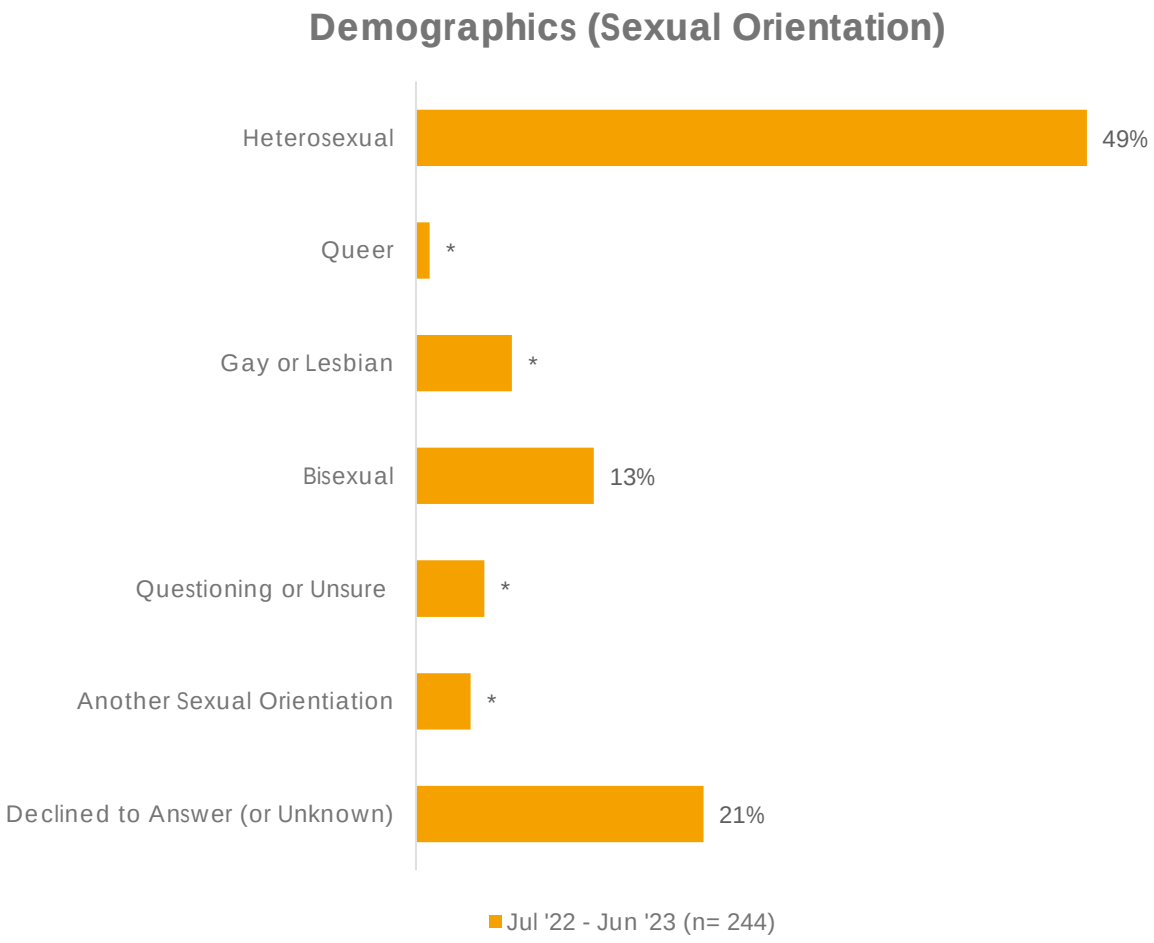


Demographics (Ethnicity)

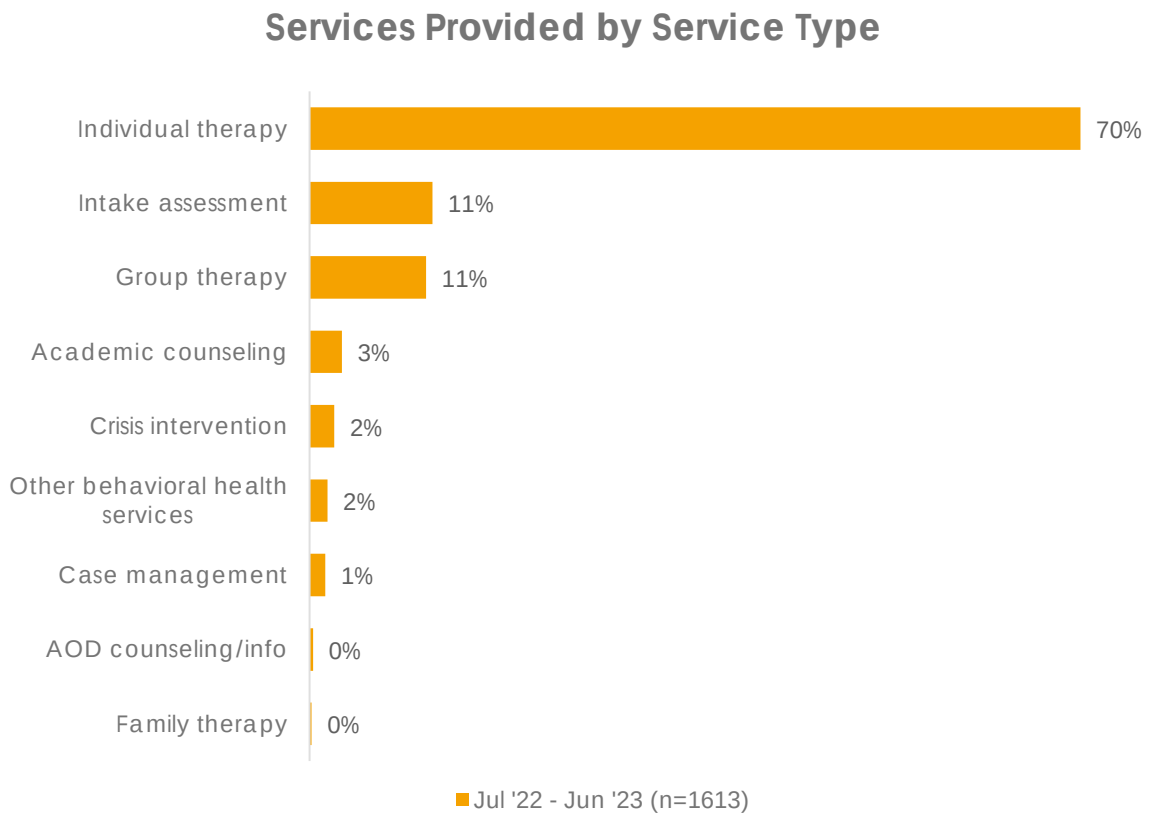


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



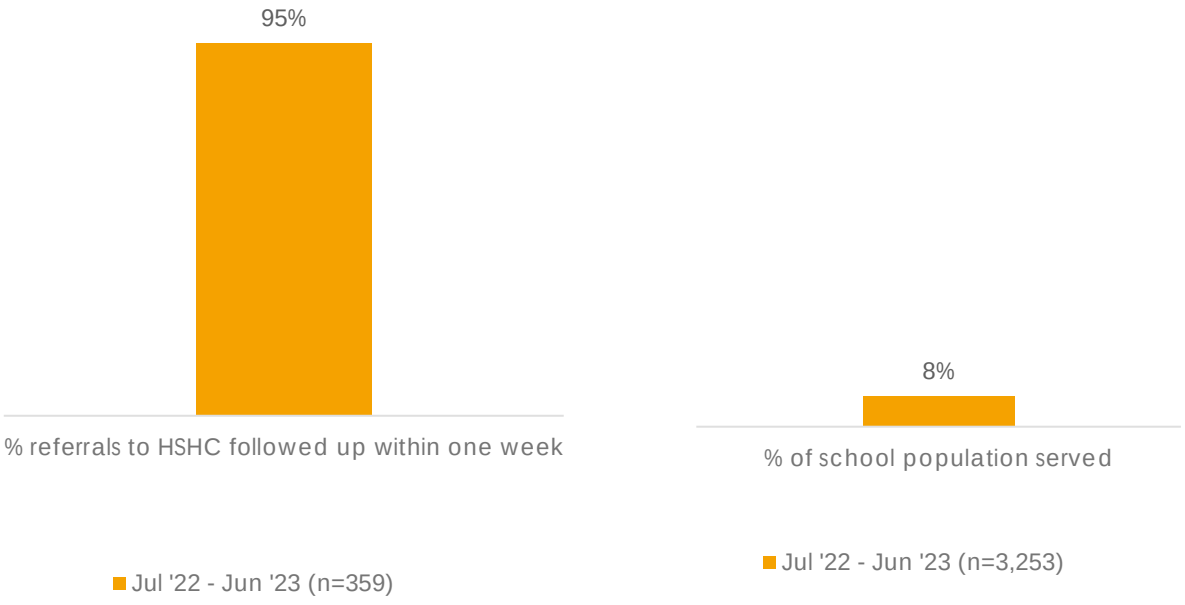


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

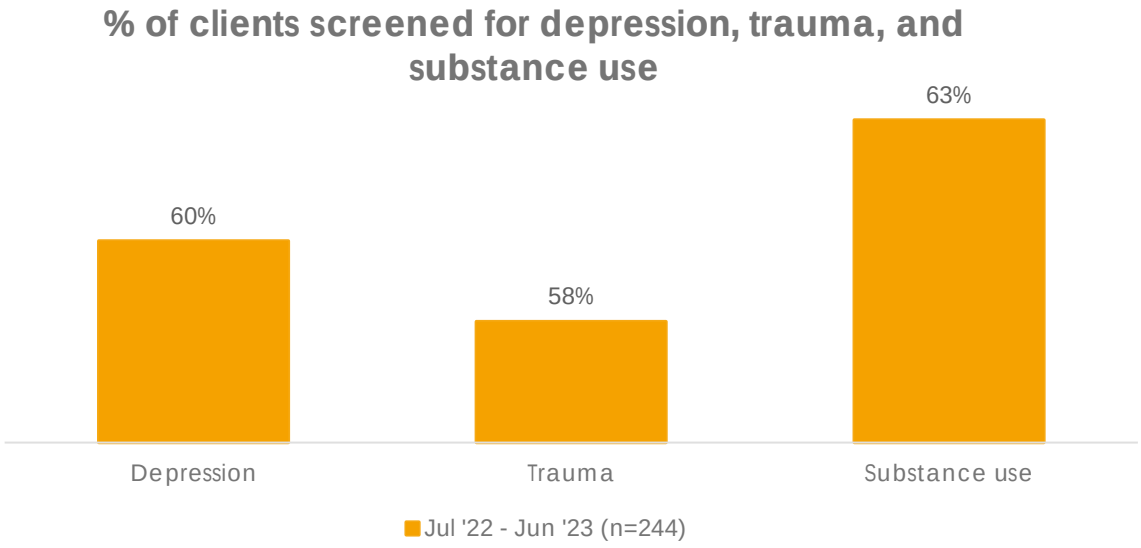


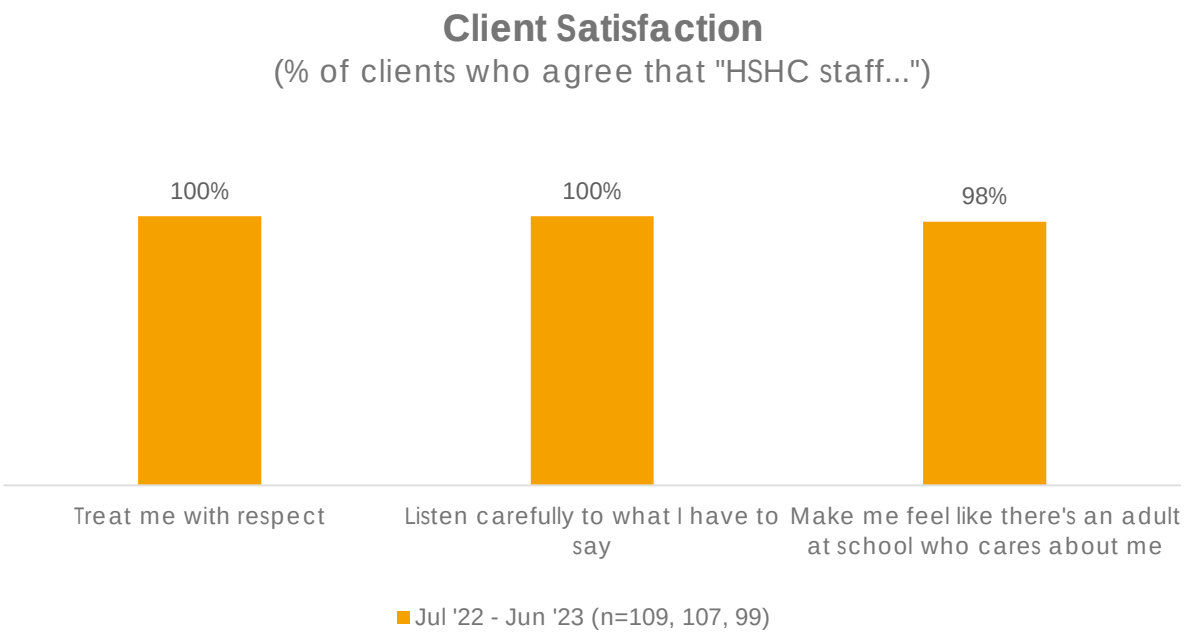
Note that multiple services could be provided in one visit (e.g. crisis assessment and referral) so total services by type is greater than total encounters.

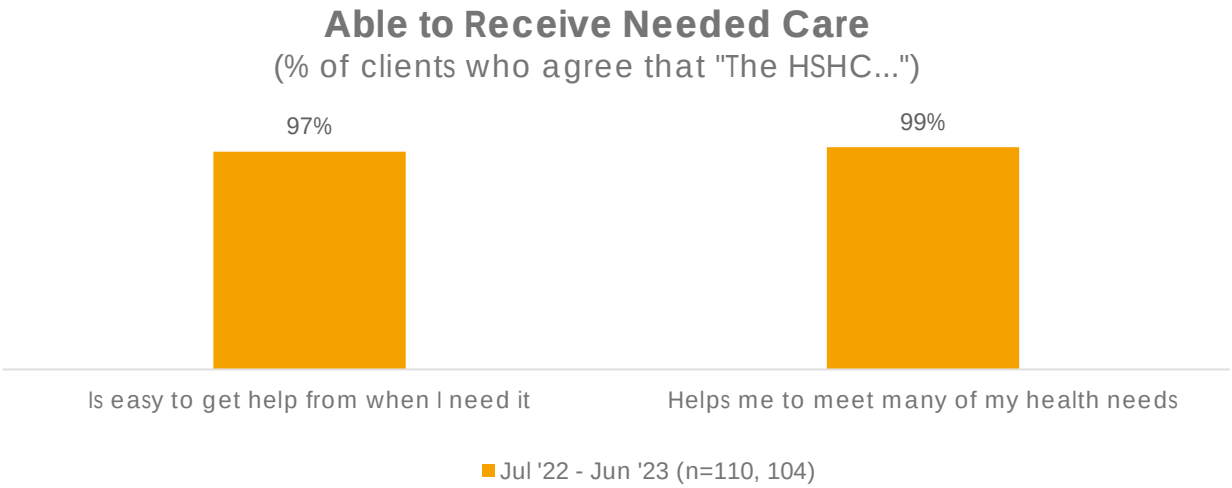
Quality Outcomes ("How well did we do it?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.







NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	NextGen
# of services provided by service type	# of services coded as behavioral_service with codes BHSV1-8. Key code accompanies NextGen data. Each incident could include more than one service provided.	NextGen
% clients screened for depression, trauma, and substance use	Percent of total clients that were recorded as having been screened for depression, trauma, and/or substance abuse at least one time during reporting period.	NextGen
% referrals to HSHC followed up within one week	Percentage of referrals that had 7 days or less between referral date and response date. Calculation reflects % of total referrals, not % of total clients.	Jotform
% of school population served	Unique clients served by HSHC divided by total student population of BHS and BTA.	NextGen; DataQuest
% of clients satisfied with services	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey
% of clients able to receive needed care	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Early and Periodic Screening, Diagnostic and Treatment (EPSDT)

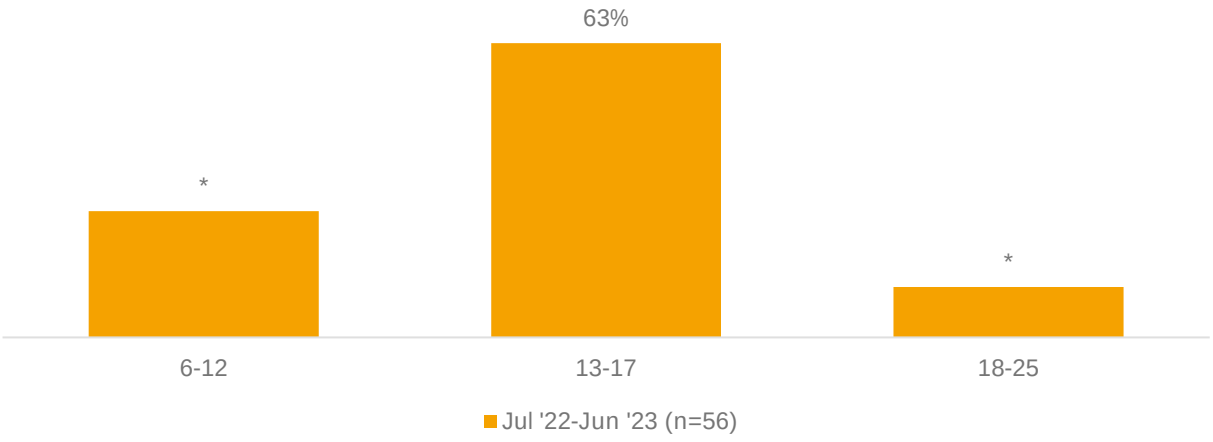
Process Outcomes ("How much did we do?")

56
Clients Served

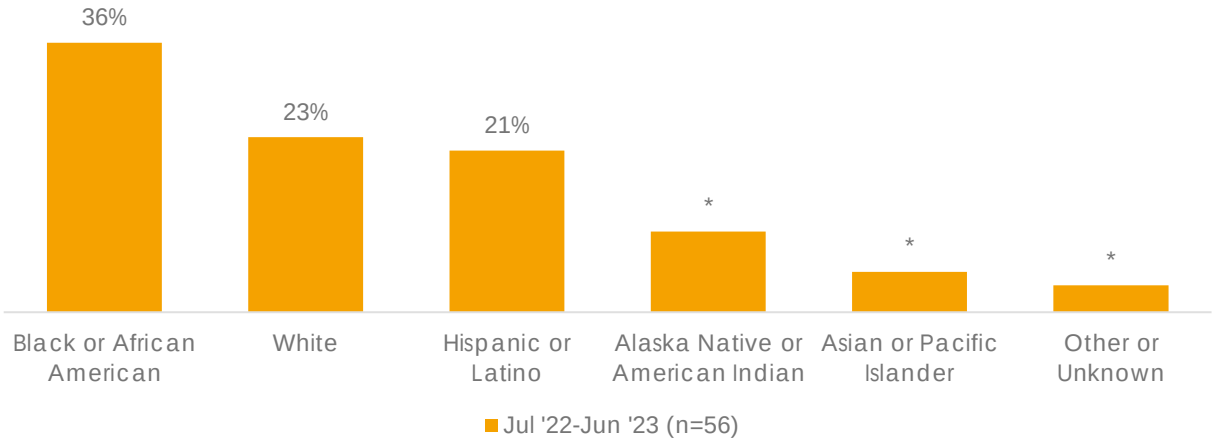
25
New Clients

Program Description: The EPSDT team provides comprehensive and preventive child health services which include assessment, plan development, individual/family/group therapy, rehabilitation, collateral, case management, and medication referrals.

Demographics (Age)

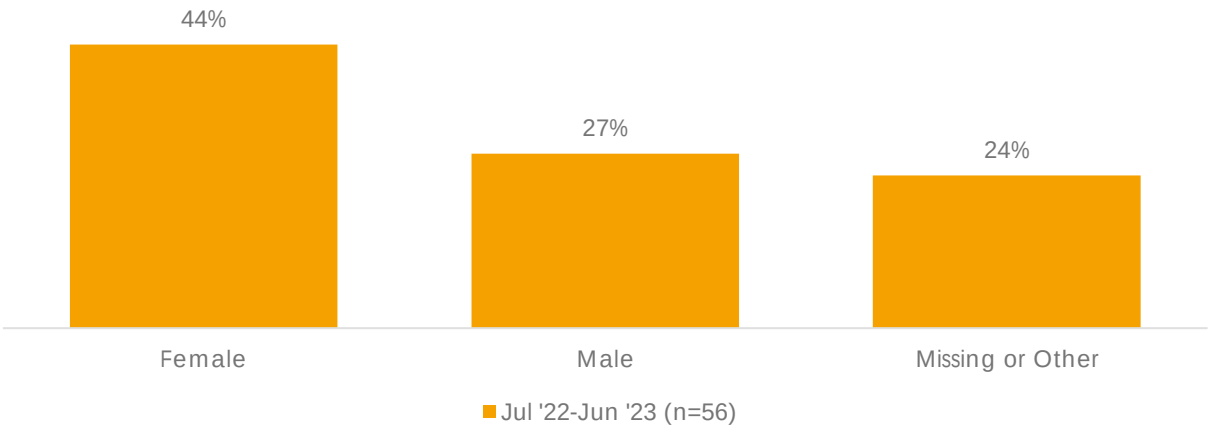


Demographics (Ethnicity)



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Demographics (Gender Identity)



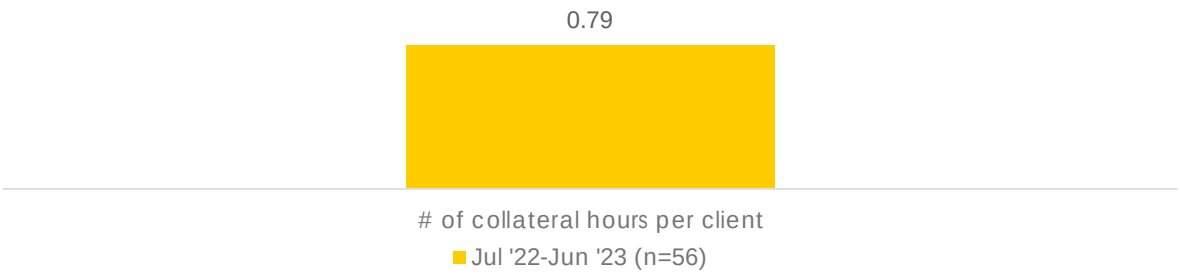
Note: Other includes Multiple gender identities and Non-conforming

Demographics (Sexual Orientation)



Note: *LGBTQ+ includes gay, questioning, and other.

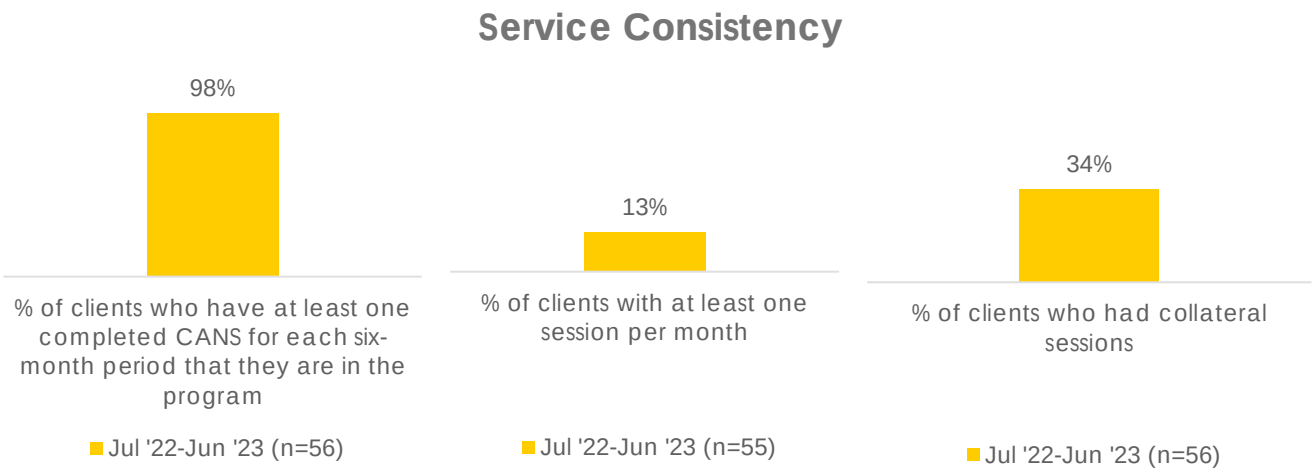
Collateral Services



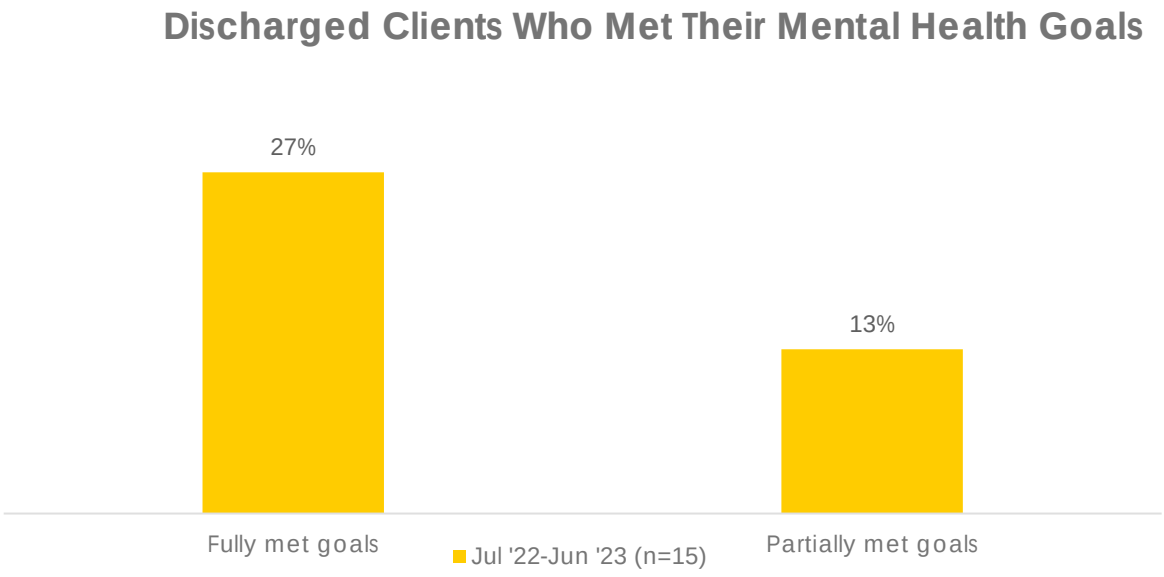
From July 2022 - June 2023, the EPSDT program provided **711.6 hours** of individual therapy

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Quality Outcomes ("How well did we do it?")



Impact Outcomes ("Is anyone better off?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
# of individual therapy hours provided	Total individual therapy hours recorded for clients. Includes all procedures in the "ind therapy" service catergory.	Yellowfin
# of collateral hours per client	Total collateral hours recorded for clients divided by all clients. Includes all procedures in the "Collateral" category.	Yellowfin
% of clients who have at least one completed CANS for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients with at least one session per month	Of clients with a recorded visit, what percentage of them had at least three visits for each full month they were enrolled in the program? Does not include months when clients enrolled or exited the program. Visits include all service categories except medical services (MAA).	Yellowfin
% of clients who had collateral sessions	Total clients who received collateral sessions divided by all clients. Includes all clients with recorded procedures in the "Collateral" category.	Yellowfin
Of clients who were discharged from the program, #/% who met mental health goals	Percent of discharged clients who had a discharge reason of either "Mutual Agreement/Treatment Goals Reached" or "Mutual Agreement/Treatment Goals Partially Reached"	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Child Full Service Partnership (CFSP)

Process Outcomes ("How much did we do?")

13

Clients Served

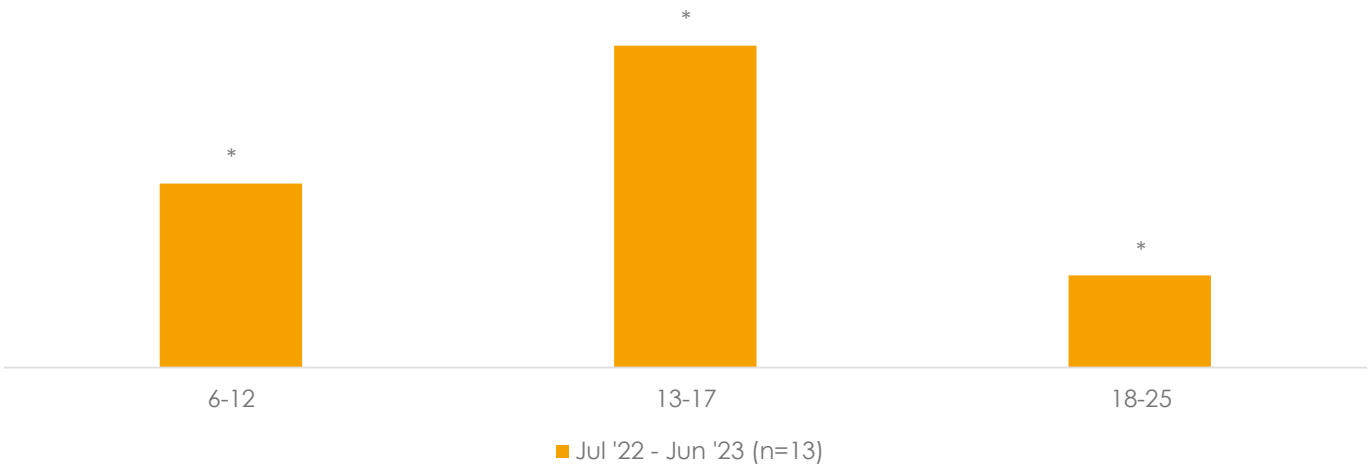
9

New Clients

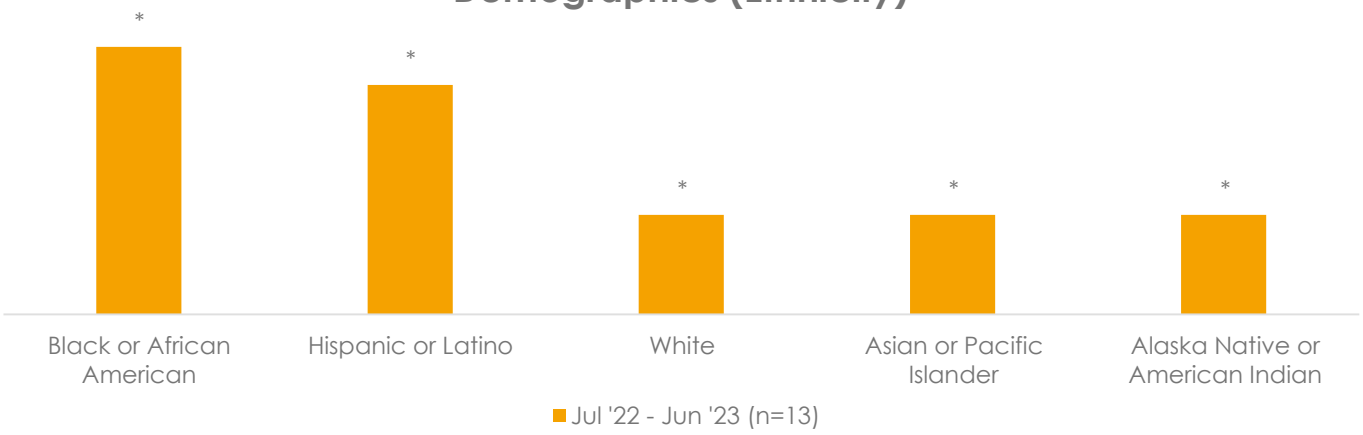
Program Description: This team provides wrap around services to children and families with acute needs, who meet the following criteria: child is at risk of/has been removed from their parent/guardian; child is involved with the Juvenile Justice System or at risk of that; has been recently had a psychiatric hospitalization or is at risk of a hospitalization.

Program Updates: For all time periods in this report, the CFSP team was not fully staffed. This affected both the total number of clients that the program was able to serve, as well as the monthly services provided.

Demographics (Age)

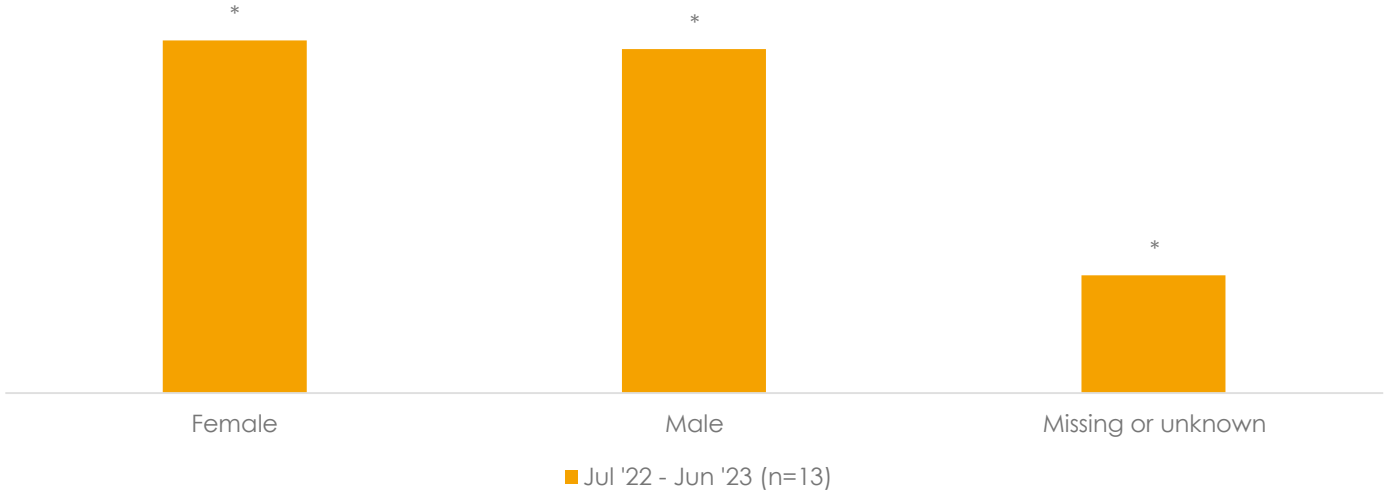


Demographics (Ethnicity)

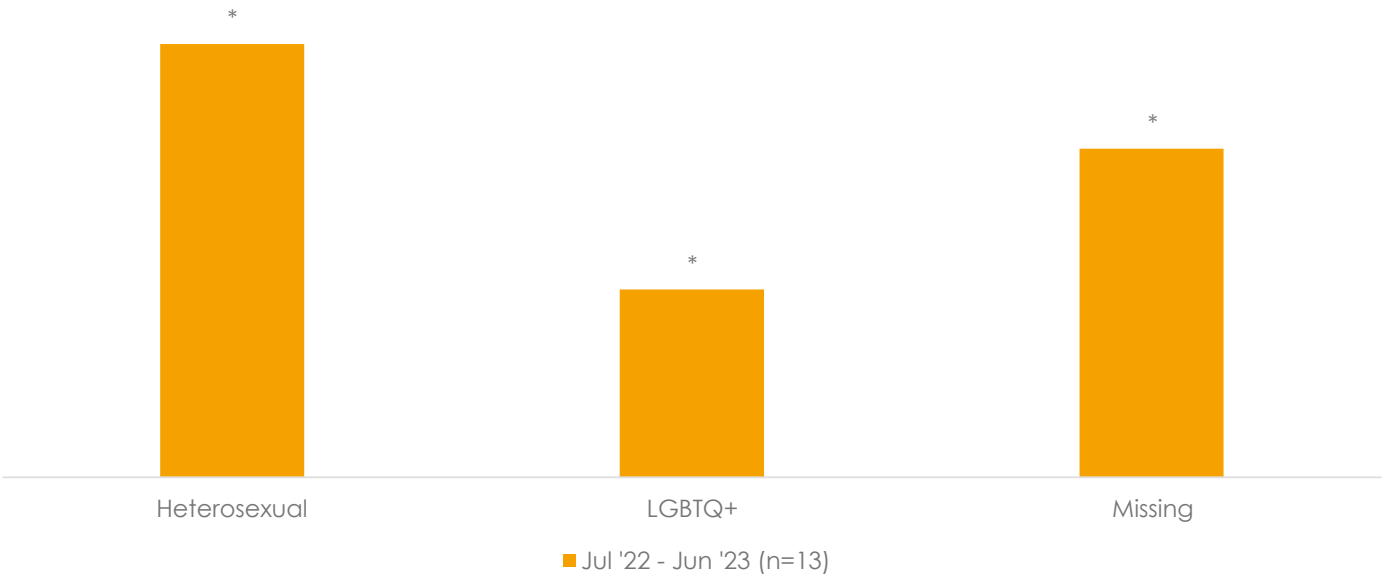


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Demographics (Gender Identity)



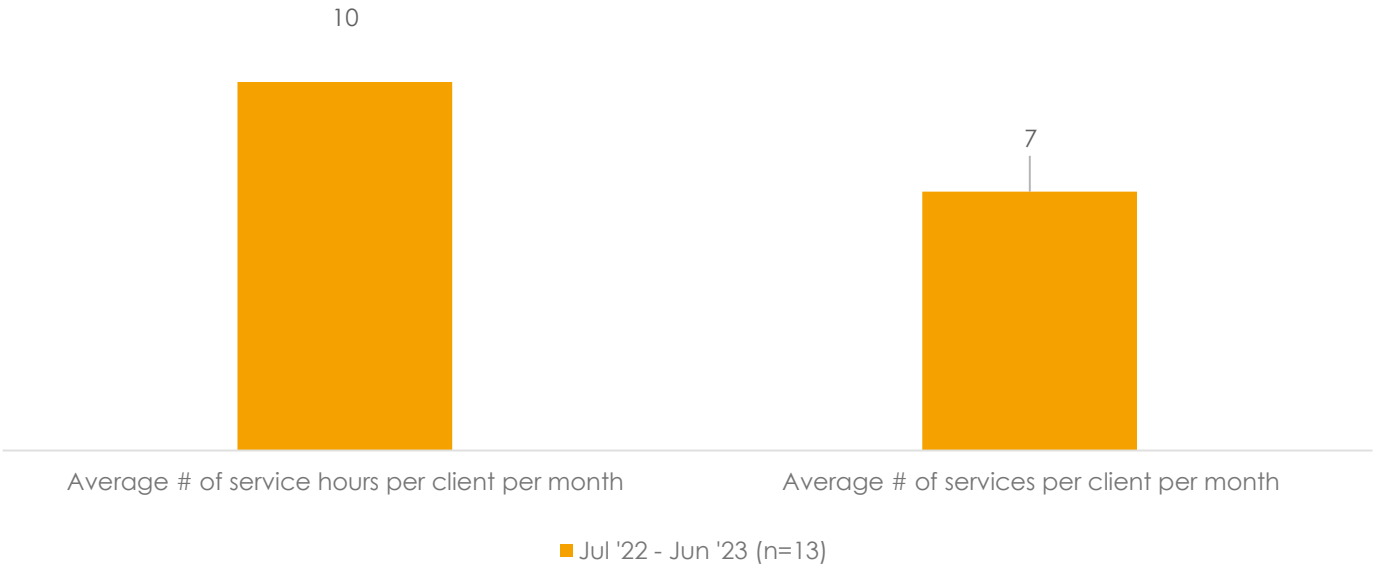
Demographics (Sexual Orientation)



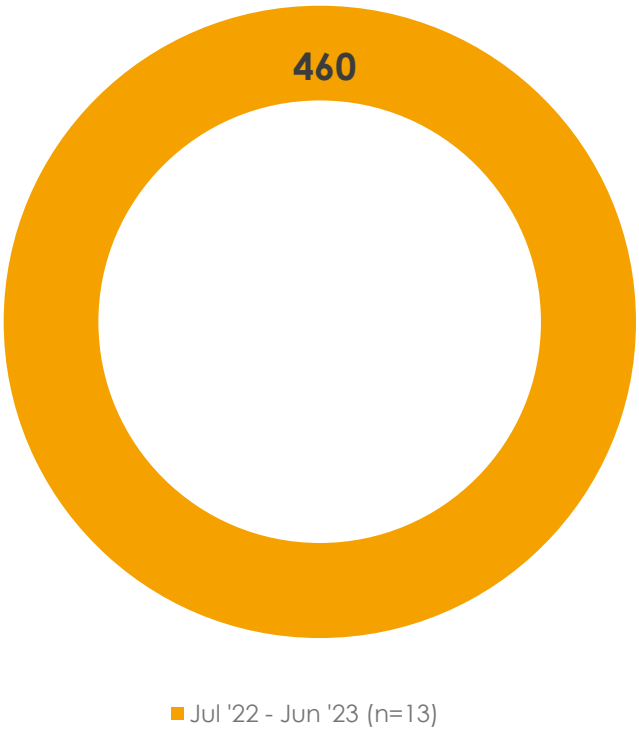
*LGBTQ+ includes gay, questioning, and other.

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Average Monthly Services per Client



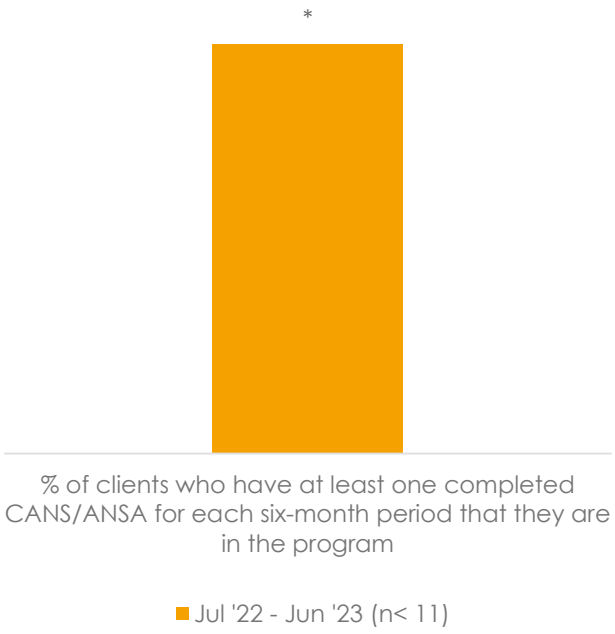
Average # of days in FSP per client

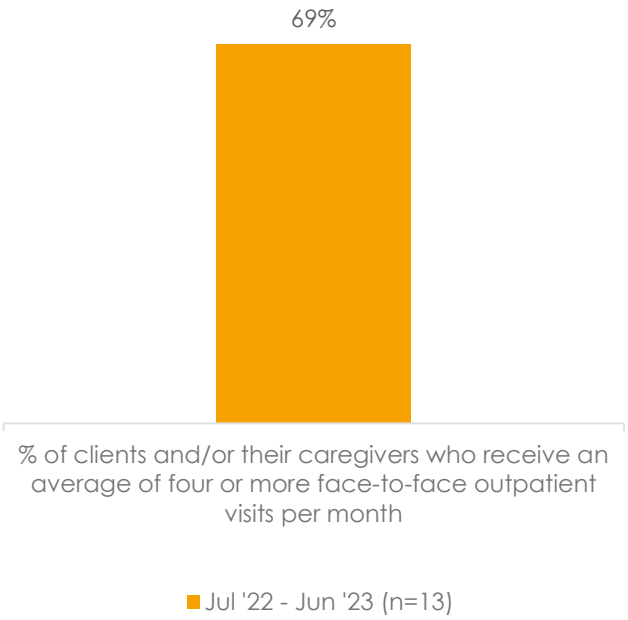


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

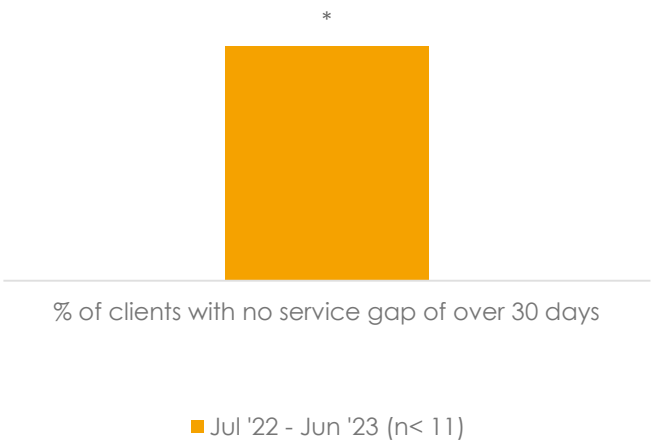
Quality Outcomes ("How well did we do it?")

Service Consistency



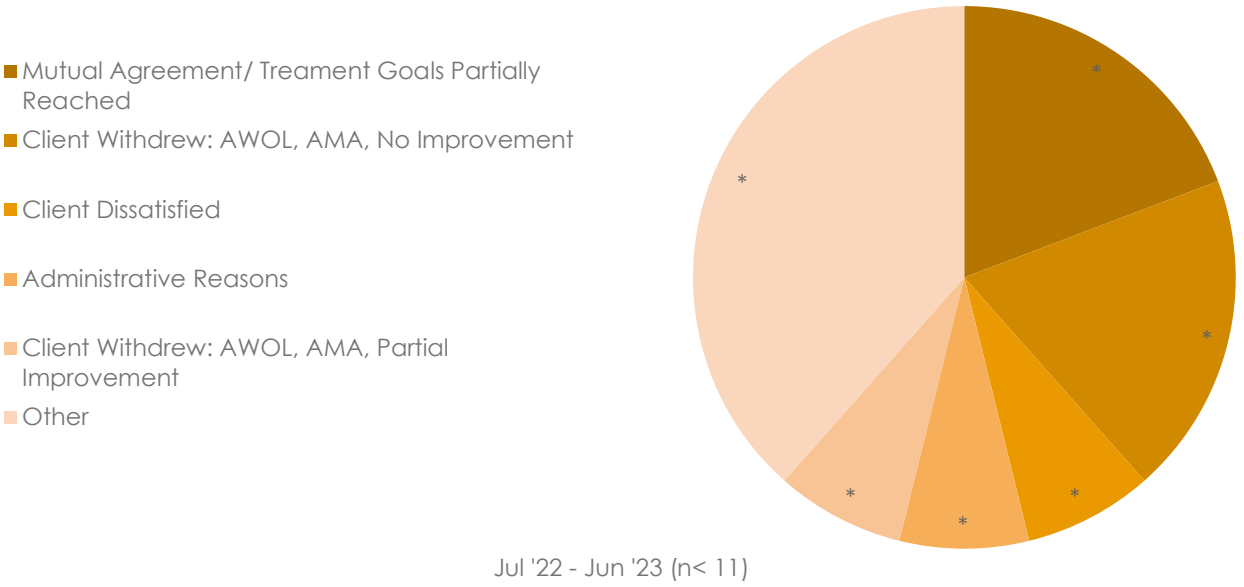




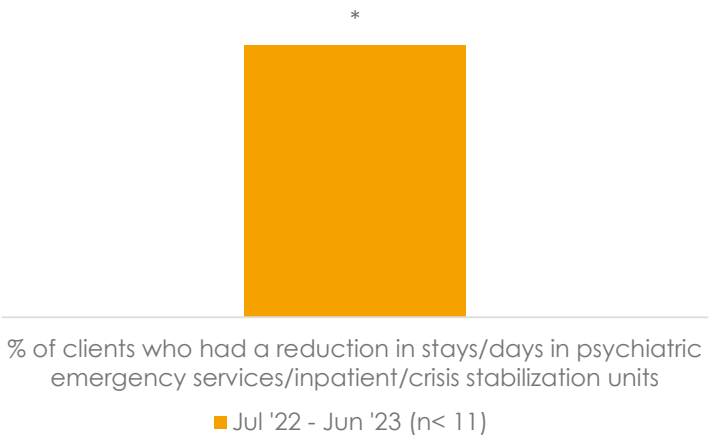


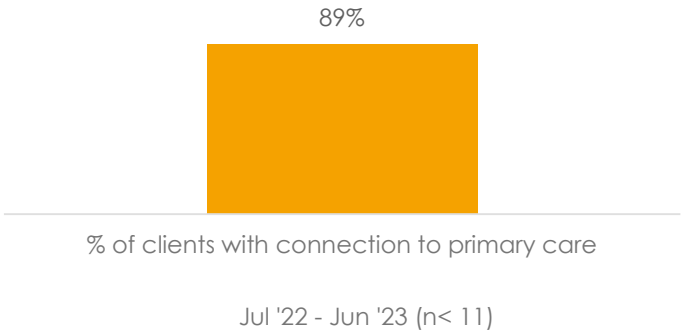
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Impact Outcomes ("Is anyone better off?")

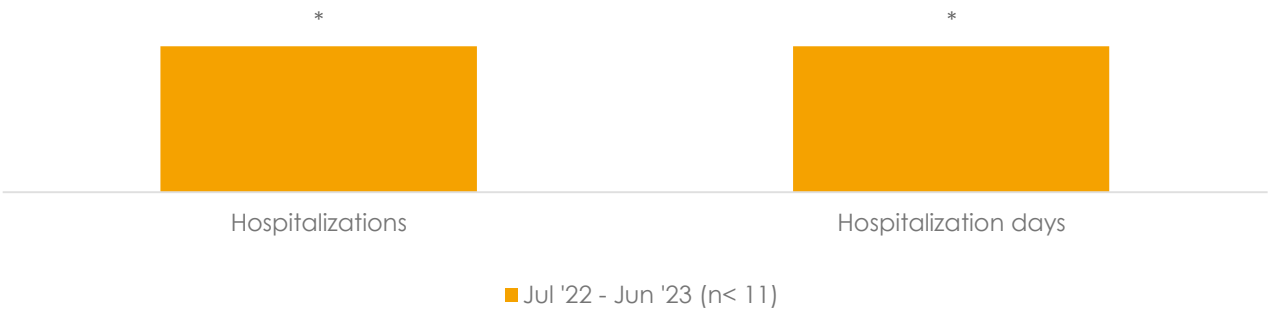


Client Outcome Improvements





% of clients with a decrease in hospitalizations/hospital days



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medcation services (MAA).	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 business days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those who were lost to follow up (e.g. not contactable, not responsive)	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin

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% of clients with a decrease in hospitalization days/admissions	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin

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BMH RBA Report FY 2023

Reporting Period: June 2022 - July 2023

Mobile Crisis Team (MCT)

Process Outcomes ("How much did we do?")

700

Clients Served

978

Incidents Responded To

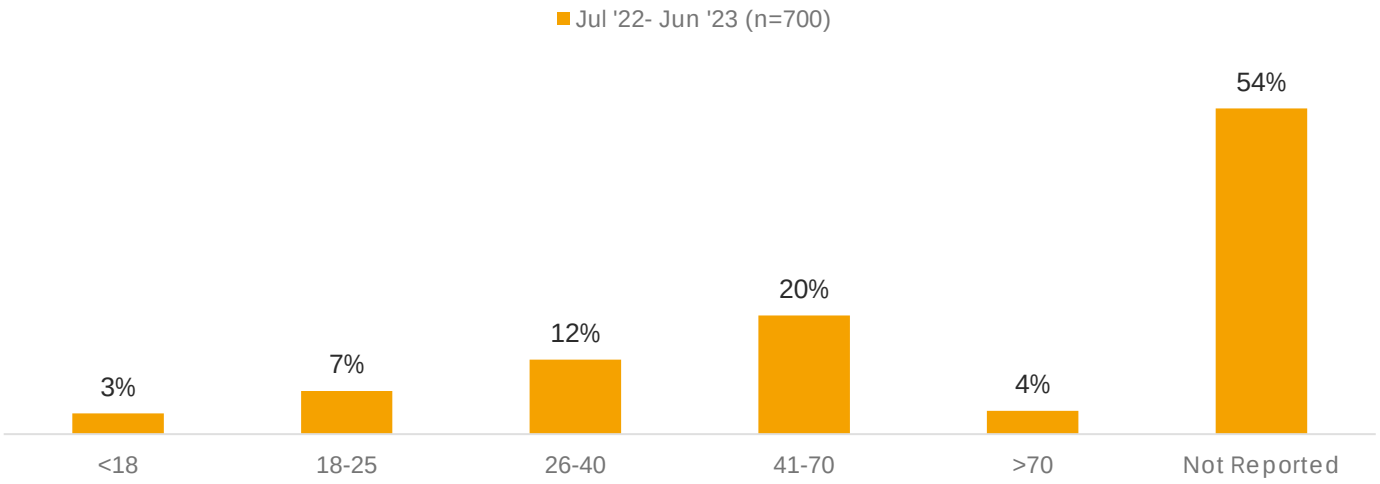
Program Description

The Mobile Crisis Team (MCT) serves residents of Berkeley, from 11:30am-10pm each day of the week when fully staffed (1 Supervisor + 3 Full Time Clinicians). It provides crisis interventions, including but not limited to 5150 evaluations, consultations, and referrals/linkages.

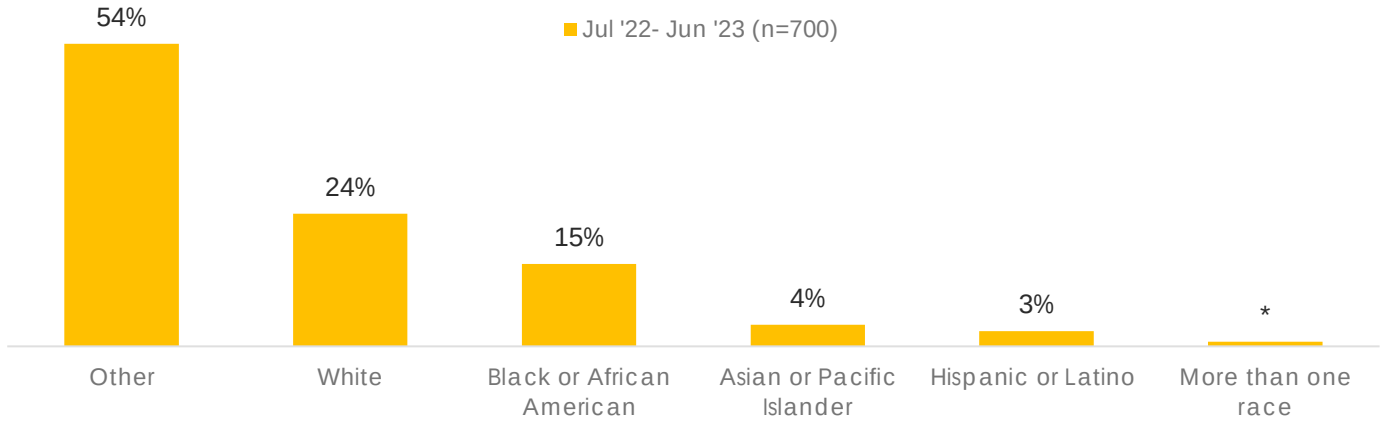
Program Updates

Since 2019, the MCT has had only 2 FT clinicians and no supervisor. As a result, the program has not been able to operate at full capacity.

Demographics (Age)



Demographics (Ethnicity)

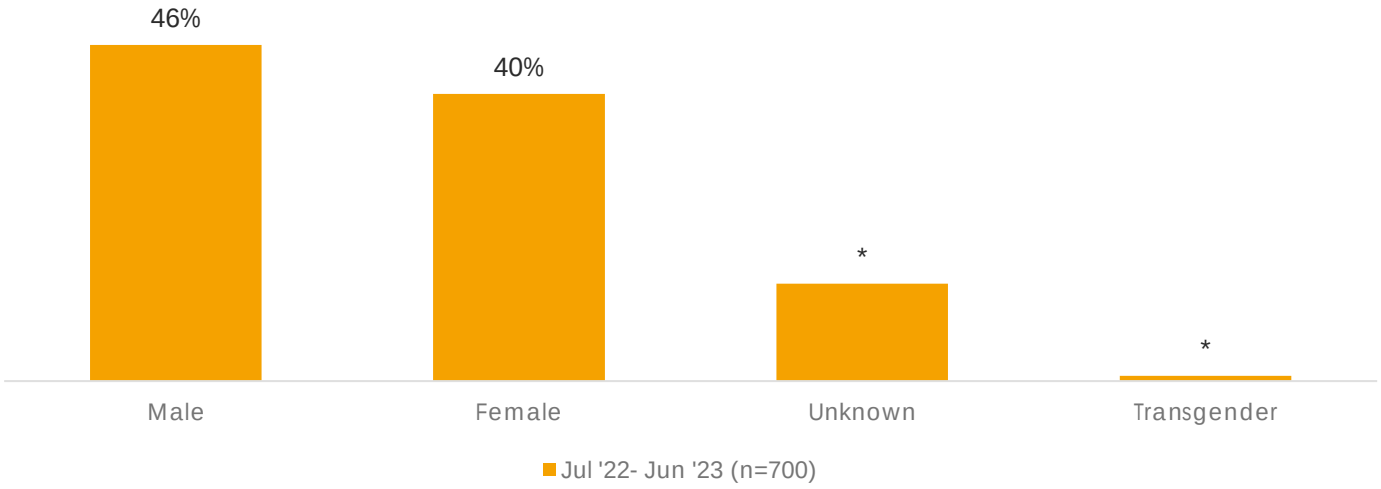


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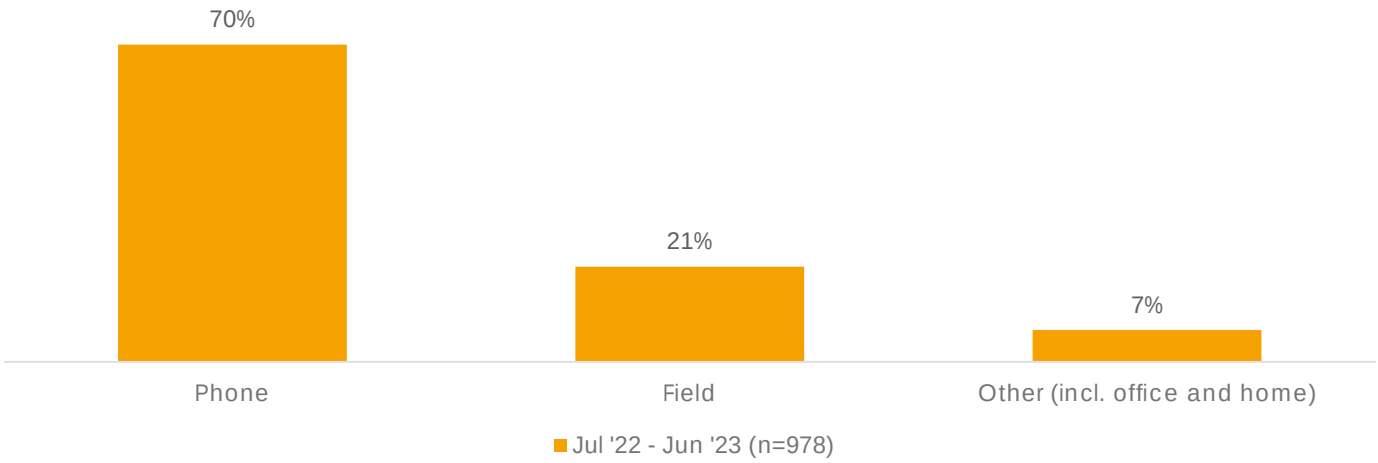
BMH RBA Report FY 2023

Reporting Period: June 2022 - July 2023

Demographics (Gender Identity)



Client Contacts Made by Contact Type



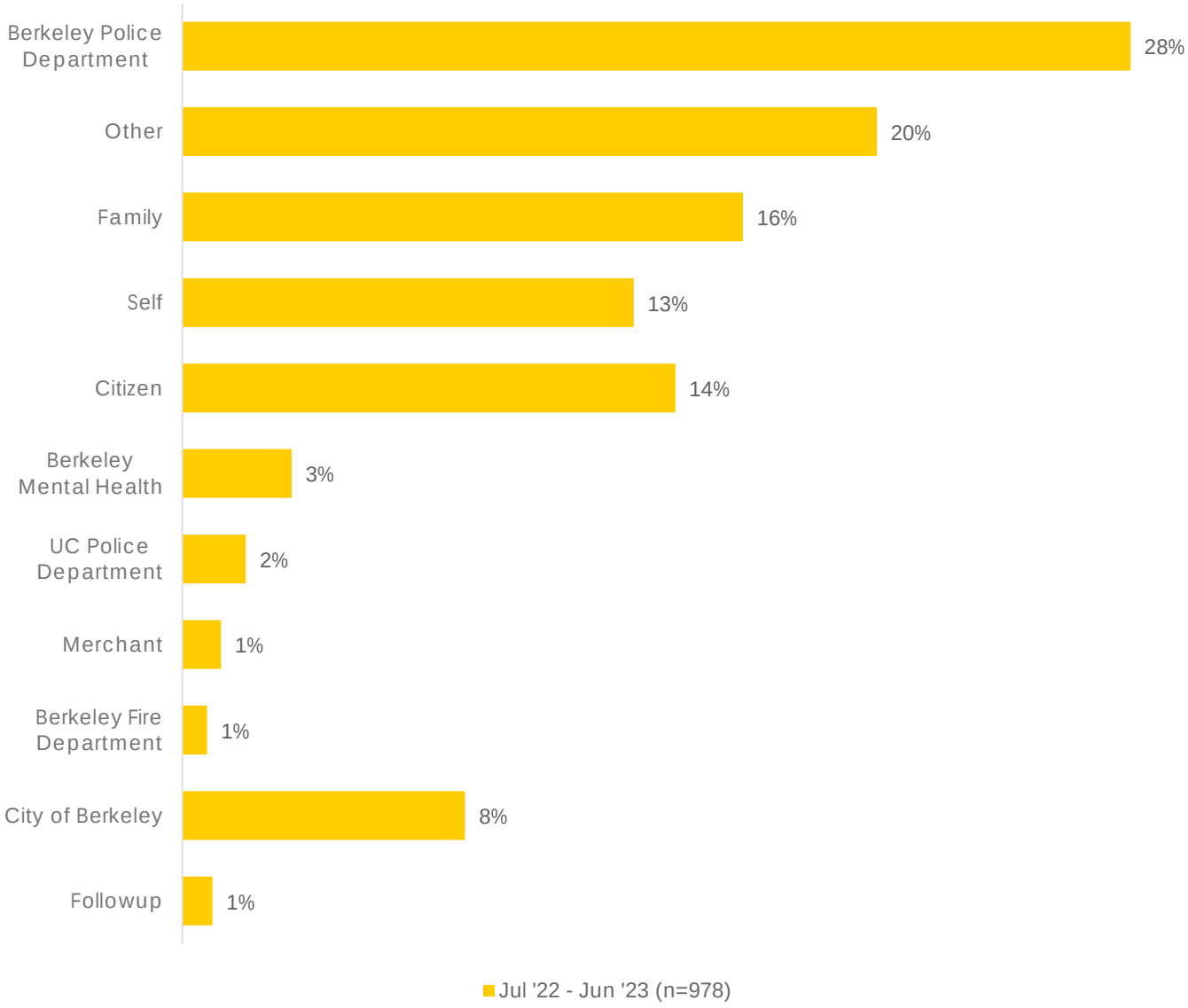
From June 2022 - July 2023, the MCT program performed **189** 5150 Evaluations

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period: June 2022 - July 2023

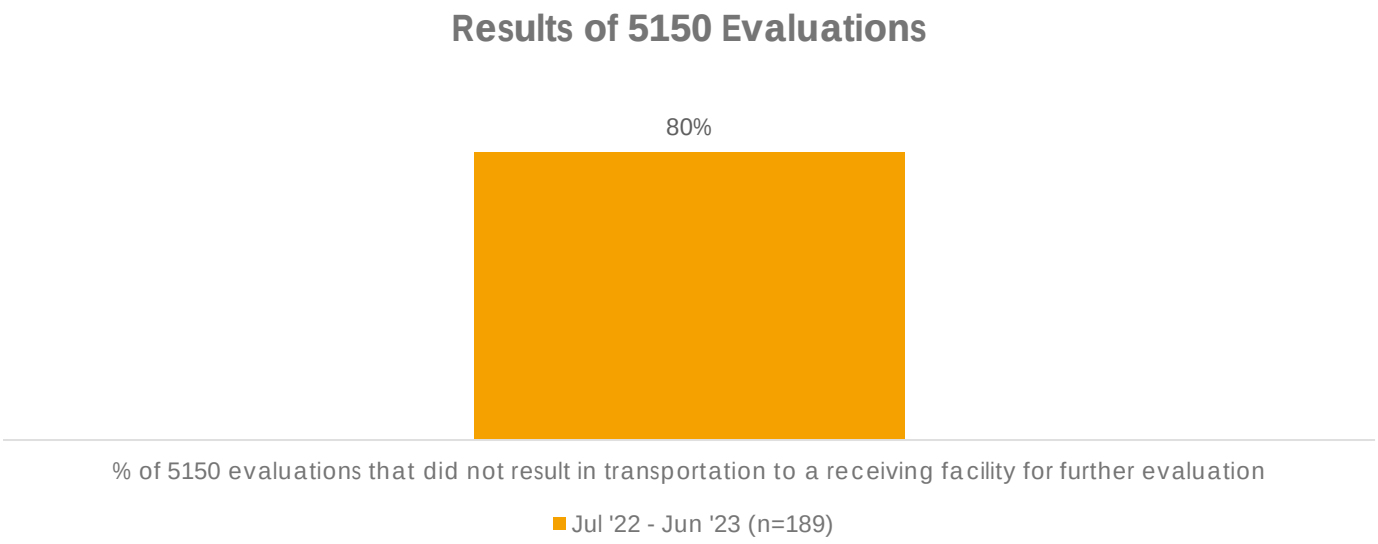
Referrals by Referring Party



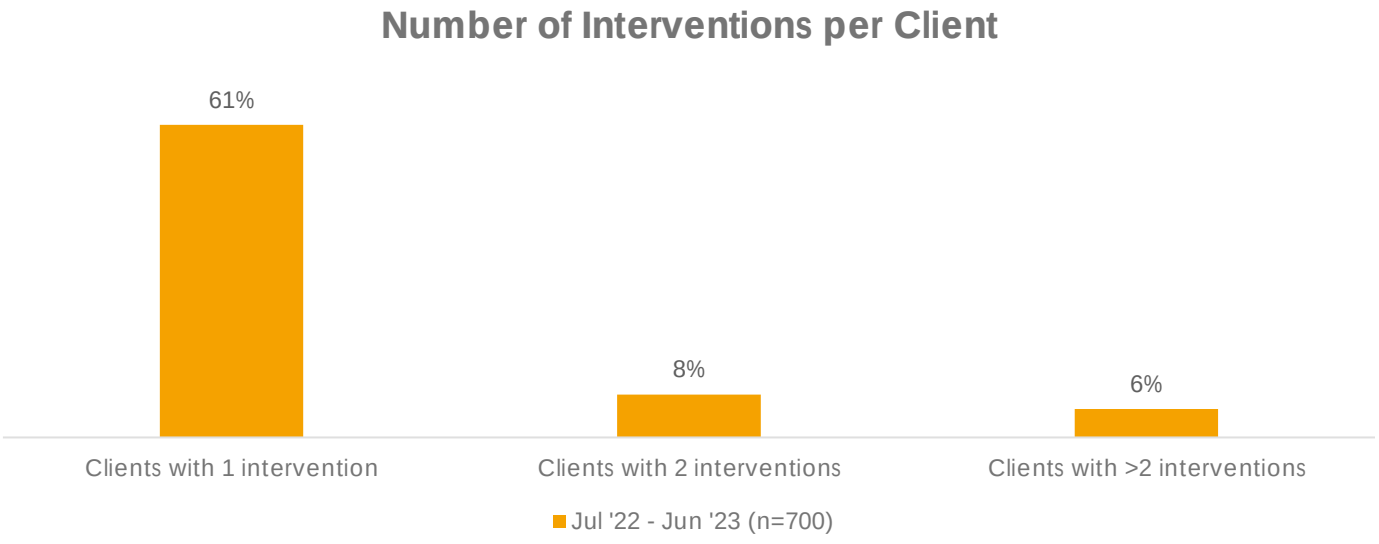
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Quality Outcomes ("How well did we do it?")



Impact Outcomes ("Is anyone better off?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Measure	Definition	Data Source
# clients served	Total unique clients served	MCT Incident Log
# of client contacts made	# of client contacts made, by a. Field contacts b. Phone contacts c. Other	MCT Incident Log
# of referrals by referring party	# of crisis services referrals made to the MCT, by referring party (i.e. Berkeley Police Department, Berkeley Fire Department, Berkeley Mental Health, community, etc.)	MCT Incident Log
# of 5150 evaluations conducted	Total number of incidents with 5150 Evaluations of any sort	MCT Incident Log
Results of 5150 Evaluations	% of 5150 evaluations that did or did not result in transportation to a receiving facility for further evaluation	MCT Incident Log
Number of interventions per client	% of clients who had one, two, or more than two interventions on separate dates requiring service	MCT Incident Log

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Crisis, Assessment, and Triage/Transitional Outreach Team (CAT/TOT)

Process Outcomes ("How much did we do?")

645
Clients Served

1425
Contacts

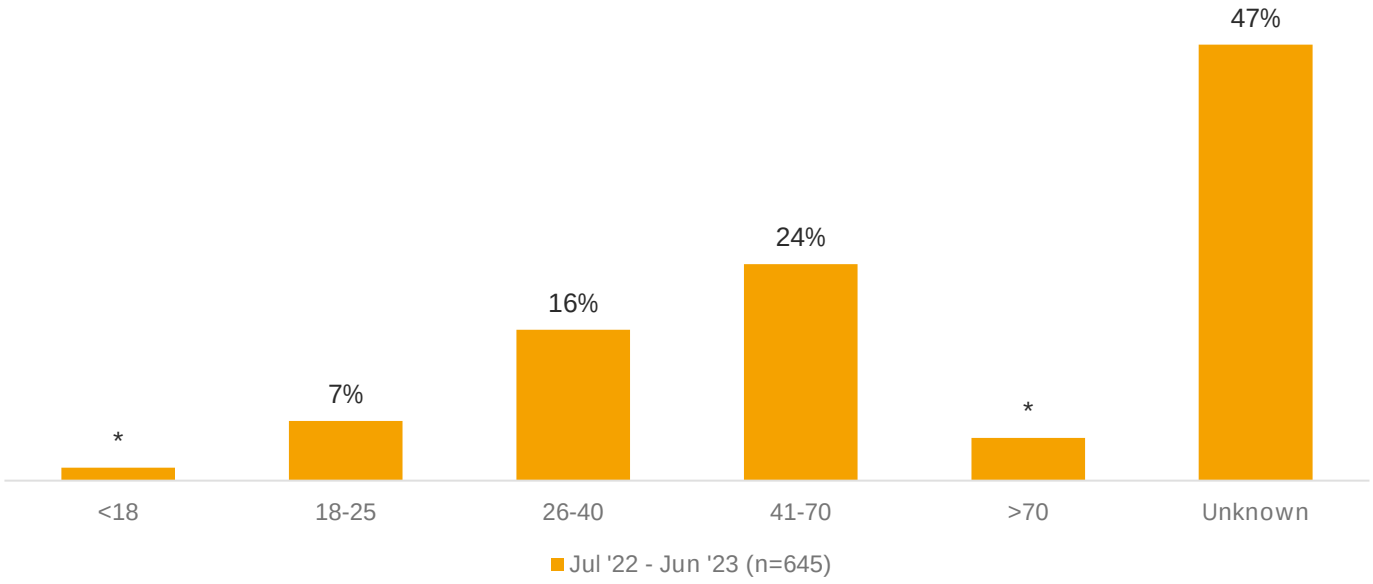
Program Description

CAT/TOT is BMH's intake and follow-up team for Adult Mental Health Services. This team provides screening/assessment for ongoing mental health services, linkage to community-based resources, crisis support, and coordination with other agencies. Services include, but are not limited to: psychiatric services, transportation, food access, medical care, health insurance, benefits, legal assistance, affordable housing listings, utilities and energy assistance resources. Services are provided in person at the clinic, as well as via the team phone line.

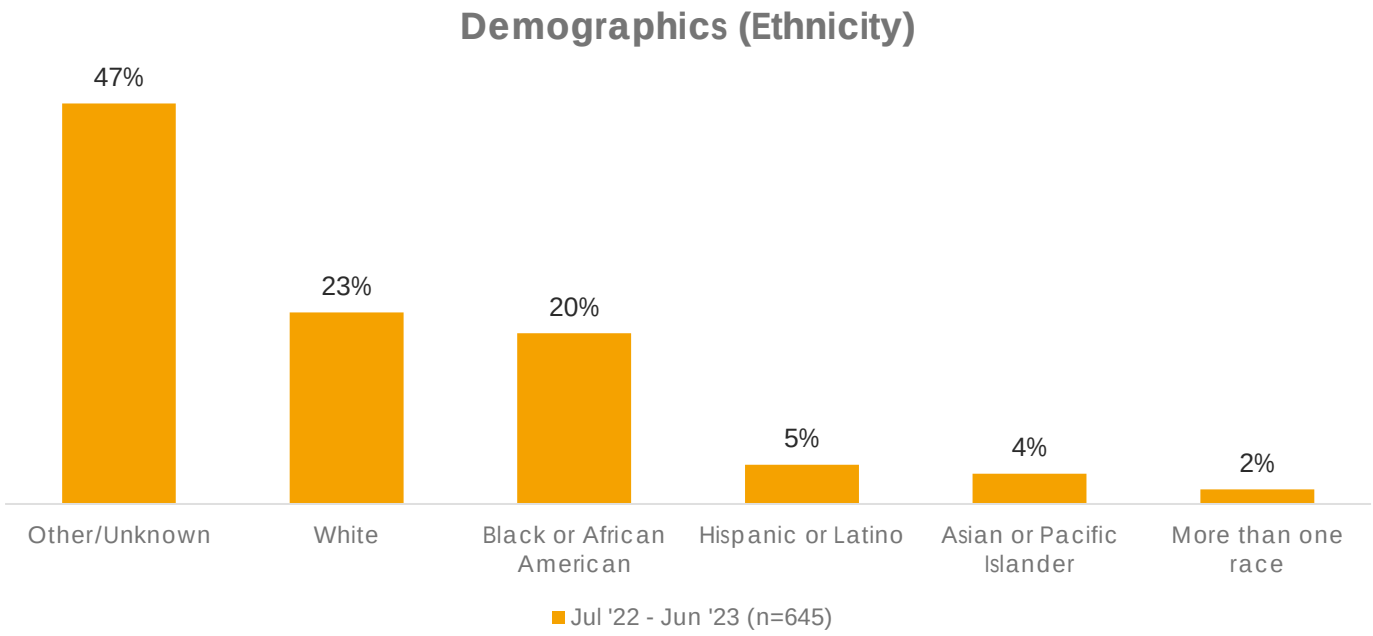
Program Updates

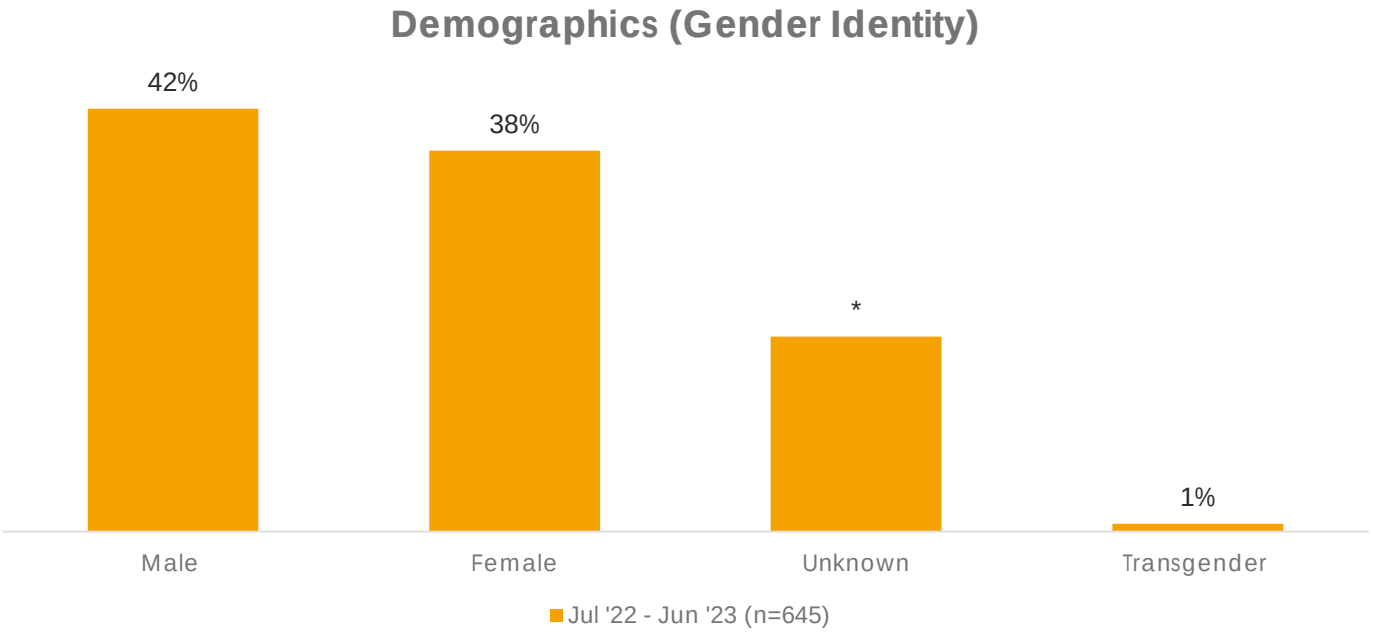
The program expanded their walk-in hours from 3 hours to 5 hours in June 2023. Due to the increase in new clients, there has been limited staff capacity for follow up services.

Demographics (Age)



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



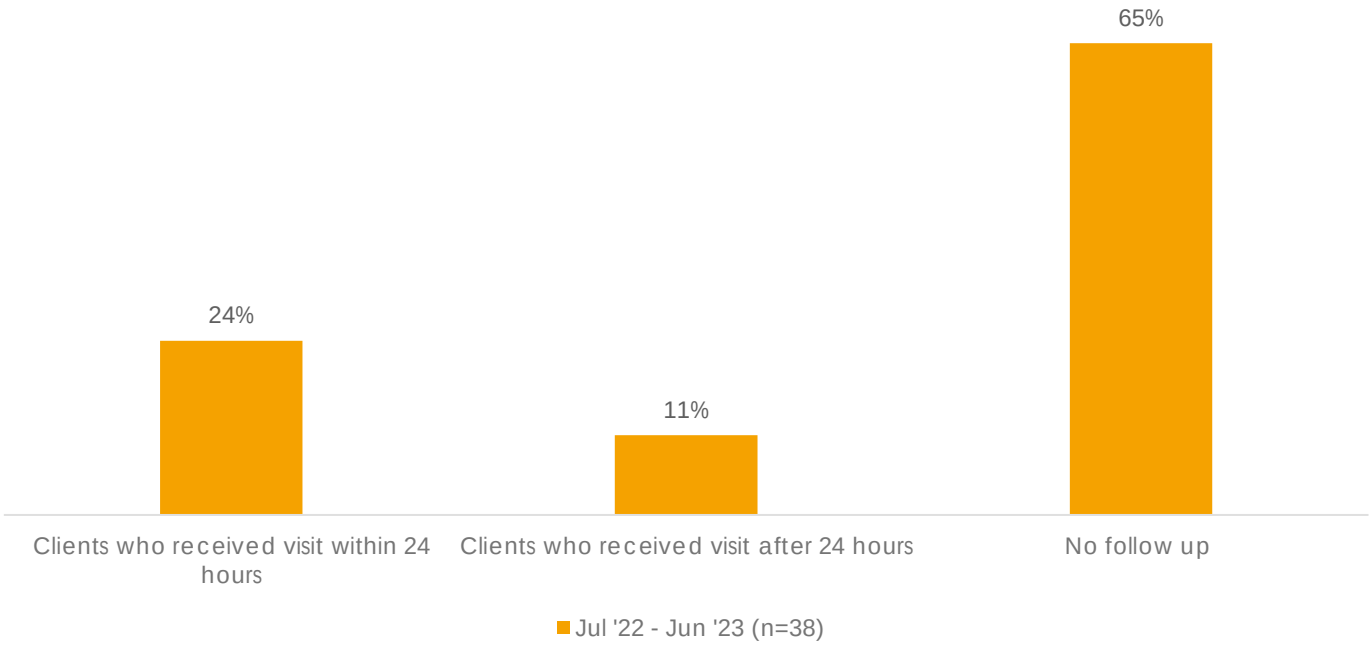


Note: "Other" includes those marked as "Other." Unknown includes those marked as "Unknown" or missing due to clients not disclosing, clinician unable to make the determination, or a crisis situation not allowing for more comprehensive data collection. Sexual orientation data not available.

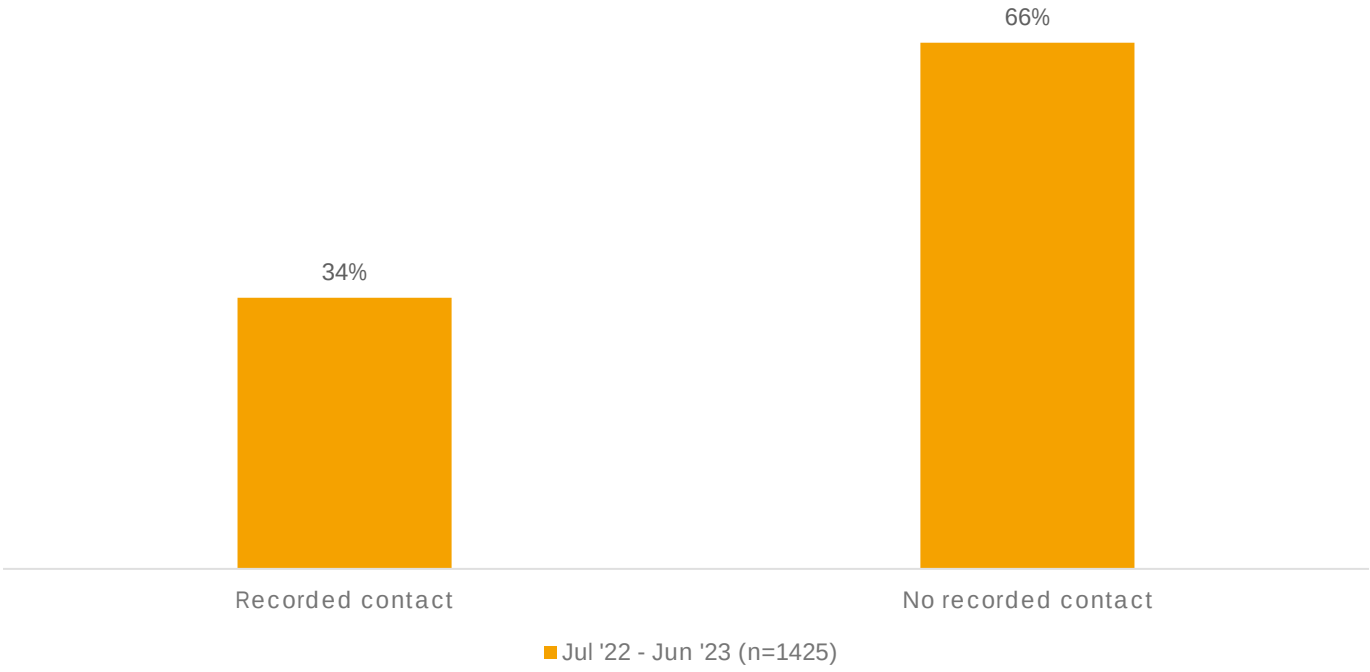
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Quality Outcomes ("How well did we do it?")

Follow-up after hospitalization



MCT contacts who had a CAT attempt to contact



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	MCT & CAT Incident Log
# of documented contacts	Total number of documented incidents	MCT & CAT Incident Log
% of clients who receive a visit (phone contact with client or hospital service provider) in the 24 hours after hospitalization	% of clients who receive a visit (phone contact with client or hospital service provider) in the 24 hours after hospitalization. Reasons for no follow up may include no viable contact information, client was not amenable to follow-up services, or the client is already connected to follow-up services provided by another agency.	MCT & CAT Incident Log
% of MCT contacts who had a CAT attempt to contact	Of Client IDs in MCT contact log, % which also have record in CAT contact log. Reasons for no contact may include no viable contact information or client declined contact.	MCT & CAT Incident Log

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Homeless Full Service Partnership (HFSP)

Process Outcomes ("How much did we do?")

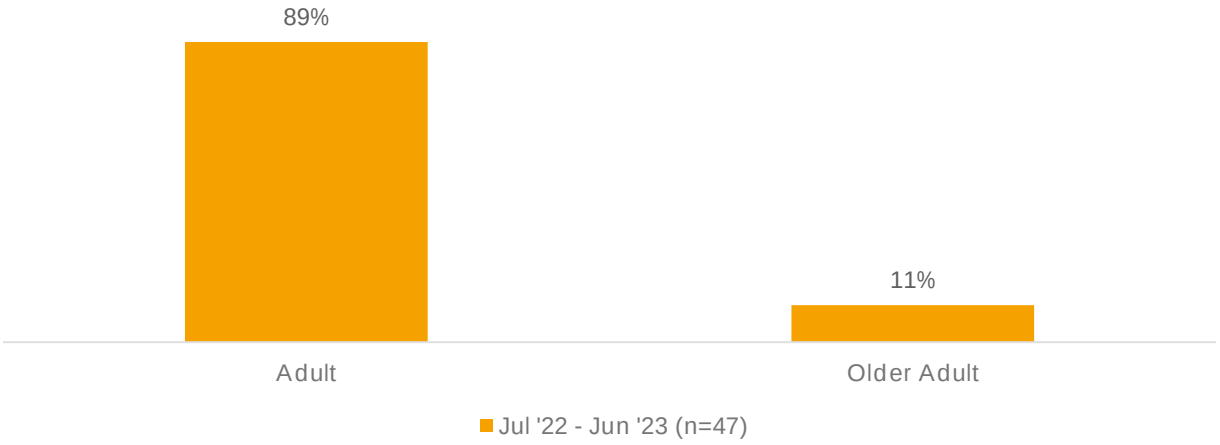
47
Clients Served

11
New Clients

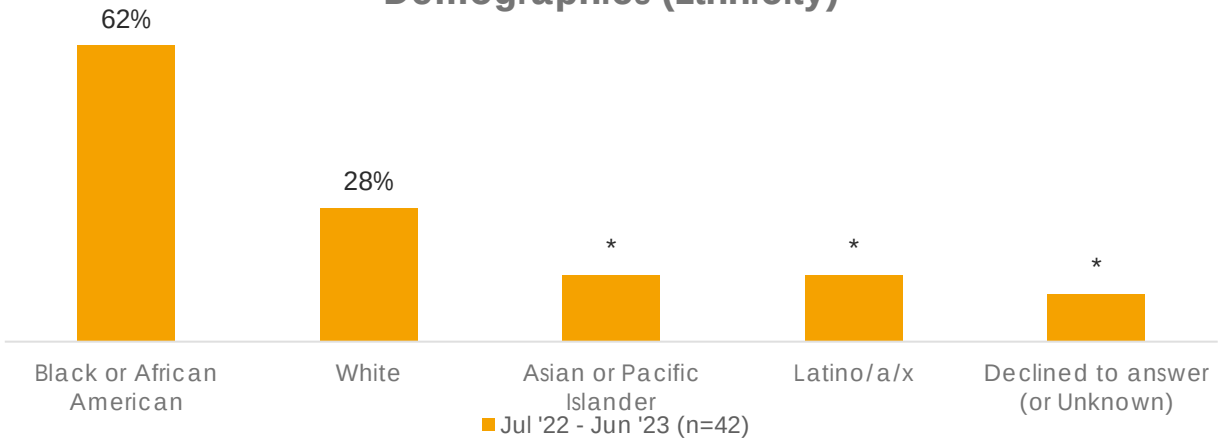
Program Description: HFSP serves unhoused residents of Berkeley in an Assertive Community Treatment (ACT) model at high staff to client ratios, providing intensive case management and mental health services in a multi-disciplinary team approach. This team serves those with the highest level of need, supporting a population that is primarily unhoused and has multiple severe functional impairments.

Program Updates: HFSP began offering services during Fiscal Year 2021-22, and therefore was growing their caseload. They additionally had some staffing transitions in the second half of FY 2022-23 but are now fully staffed.

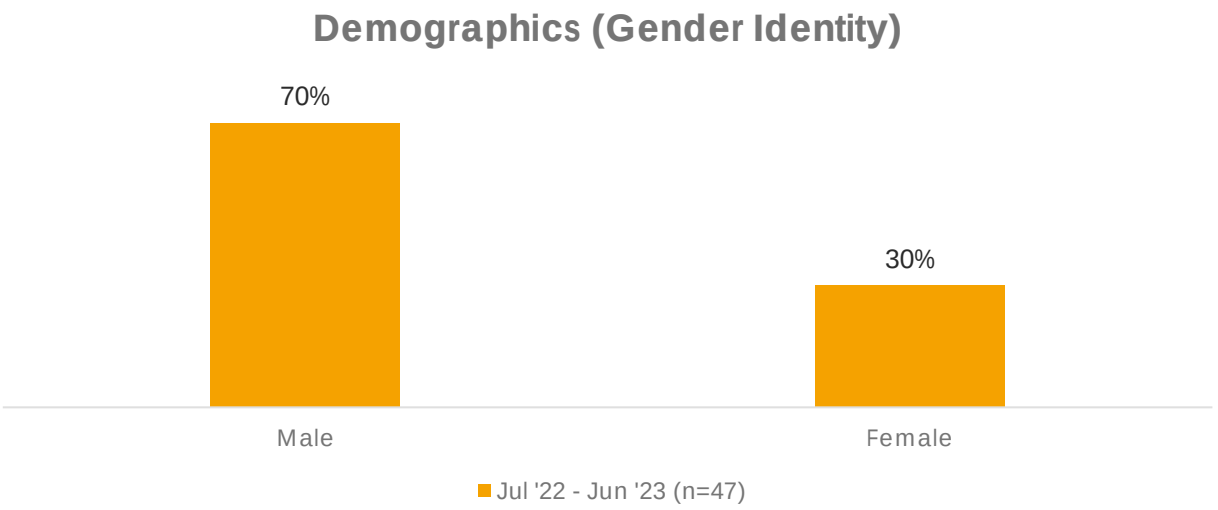
Demographics (Age)

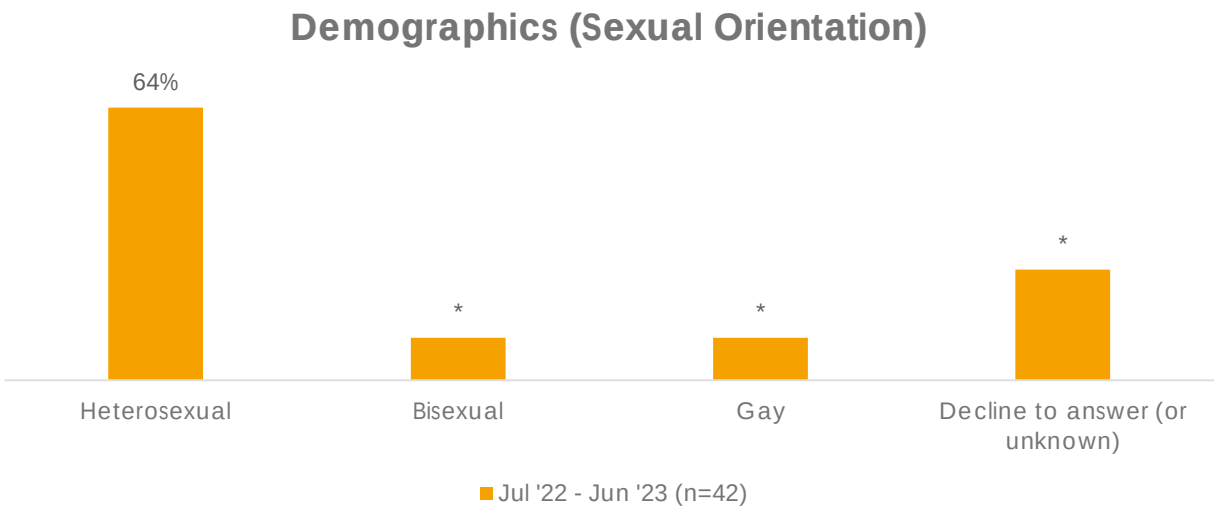


Demographics (Ethnicity)



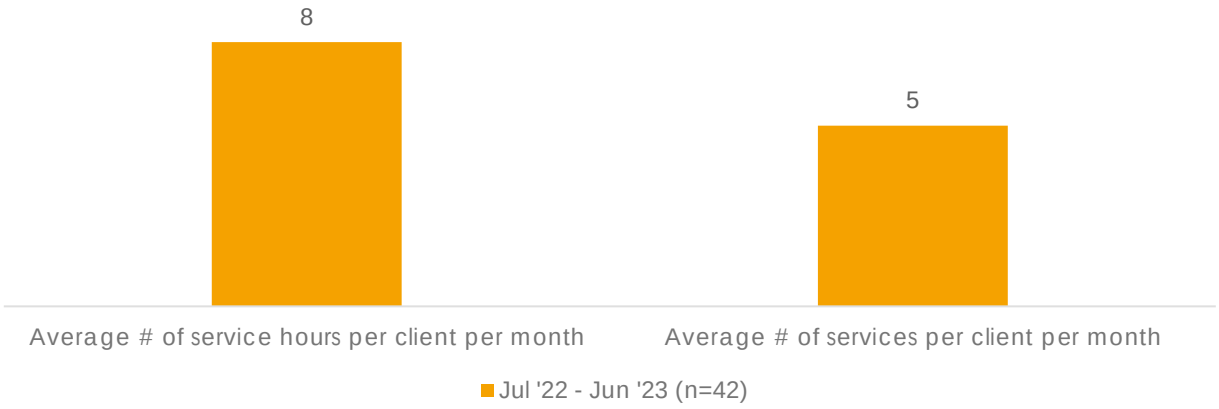
NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



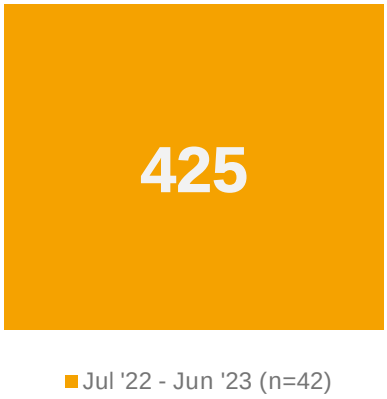


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

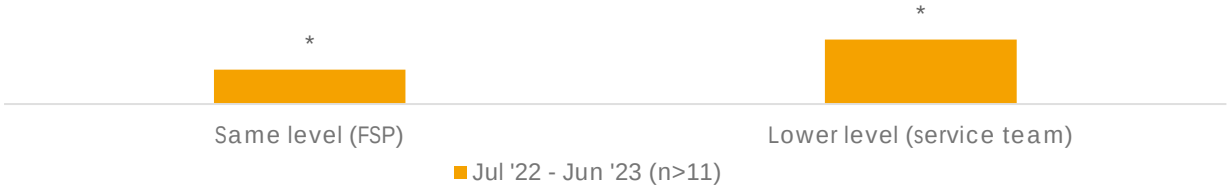
Average Monthly Services per Client



Average Number of Days in FSP



Clients Transferred to Another Program, by Level of Care

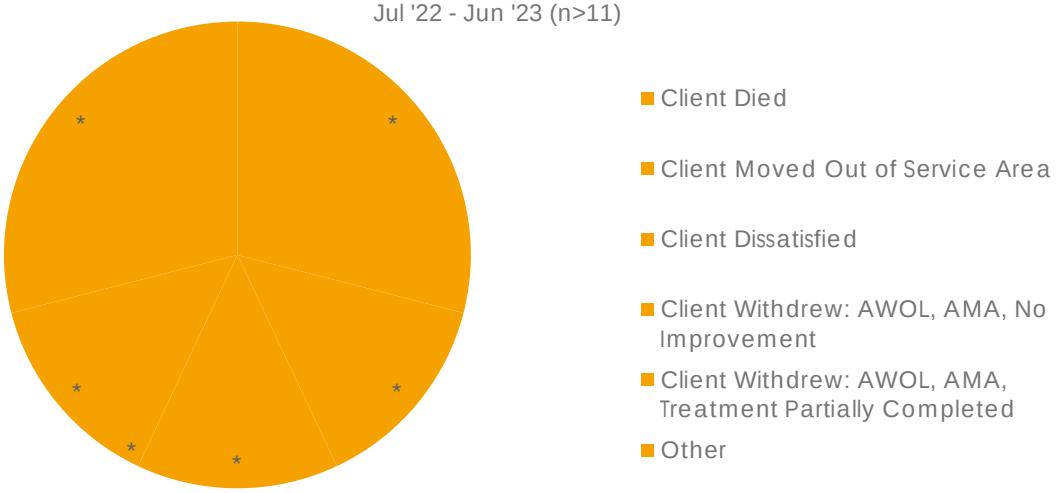


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

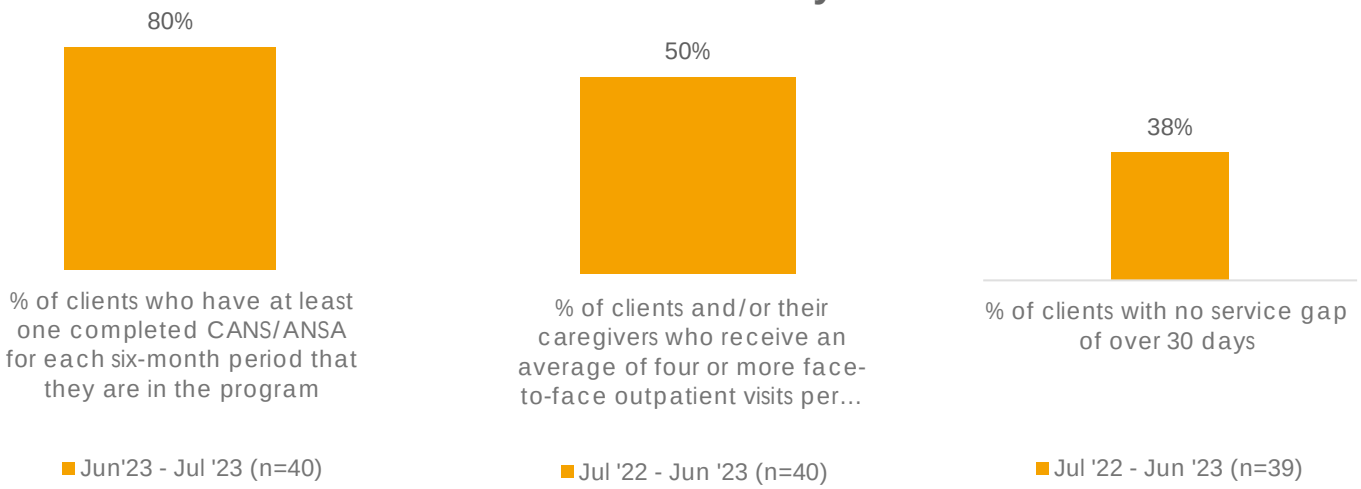
Quality Outcomes ("How well did we do it?")

Clients Closed, by Reason Closed

Jul '22 - Jun '23 (n>11)

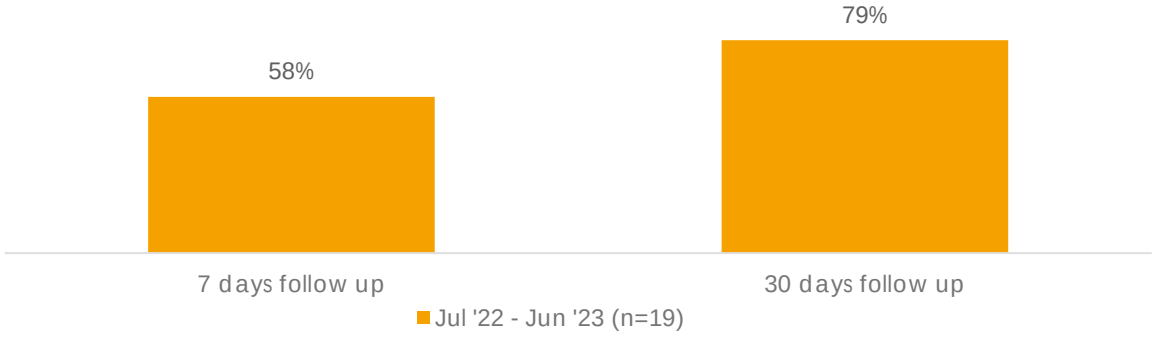


Service Consistency



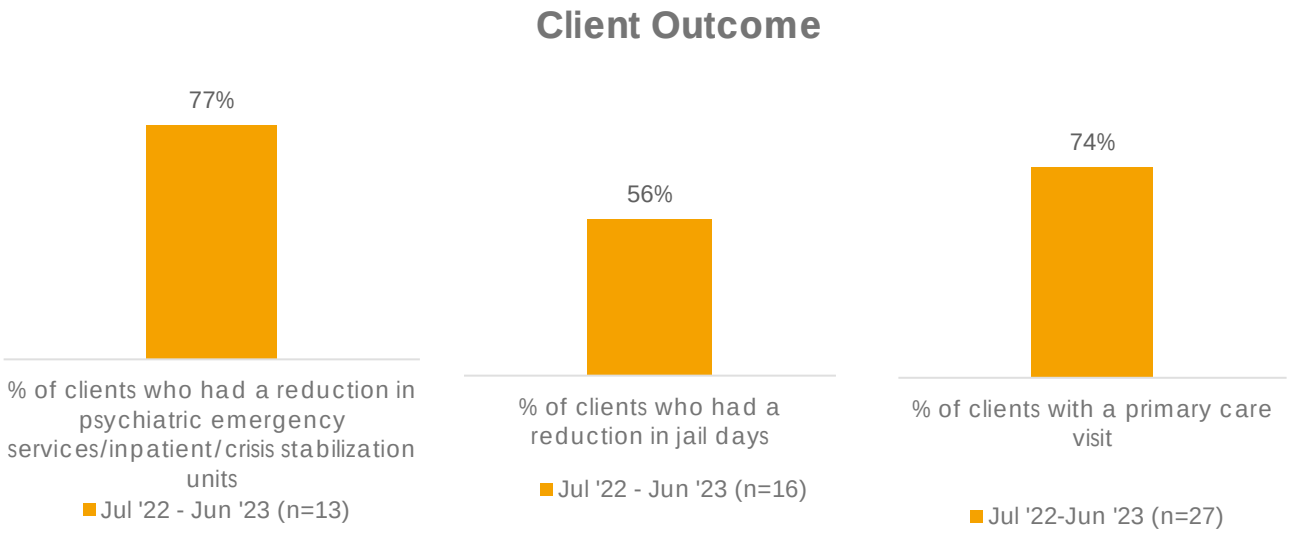
Hospital Follow Up Consistency

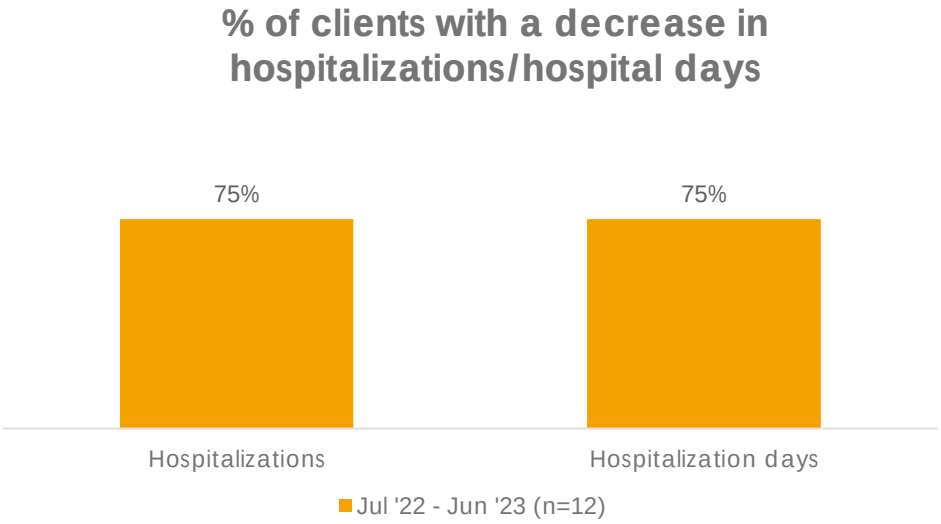
% of discharges from hospitalization or subacute who received FSP follow up within 7 and 30 days



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Impact Outcomes ("Is anyone better off?")





NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	Yellowfin
# of new clients opened for ongoing services	Clients who were not served by the program in the previous fiscal year	Yellowfin
Average # of service hours per client per month	Average of hours of service in a month divided by clients served in a month. Includes all services recorded for clients. Does not include medical services (MAA)	Yellowfin
Average # of services per client per month	Average services in a month divided by clients served in a month. Includes all services recorded for clients. Note: more than one service can be provided during a single contact. Does not include MAA	Yellowfin
% of clients who have at least one completed CANS/ANSA for each six-month period that they are in the program	Of clients with a completed Child or Adult Needs and Strengths Assessment (CANS/ANSA), what percentage of them had an assessment at least every six months?	Objective Arts
% of clients and/or their caregivers who receive an average of four or more face-to-face outpatient visits per month	Clients must be been open to a provider for at least 30 days in order to be included in this metric. Phone contacts are included during the pandemic. Days in subacute or jail not counted, but services are counted.	Yellowfin
% of clients with no service gap of over 30 days	Maximum days each Level 1 client went without service during their episode(s) in the reporting period. Only considered clients open to a provider for at least a total of three months during the reporting fiscal year.	Yellowfin
% of discharges from hospitalization or subacute who had a follow up visit with FSP staff within 7 and within 30 calendar days	Follow-up rates for individuals open to Level 1 providers at the time of mental health hospital discharge. *note: clients used to calculate follow up rates include those who didn't receive outreach and those who were lost to follow up (e.g. not contactable, not responsive)	Yellowfin
#/% of clients closed, by reason closed	Discharge reason for clients discharged during the reporting period	Yellowfin
# of clients transferred to another level of care	Of clients discharged in the reporting period, # who were transferred to a full service partnership program, service team, or outpatient services in Alameda County within 90 days of discharge.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

% of clients who had a reduction in psychiatric emergency services/inpatient/crisis stabilization units	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in psychiatric emergency services, inpatient or crisis stabilization unit other than Amber House, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in jail and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients who had a reduction in jail days	Of clients who completed six consecutive months during the 12-month fiscal year, percentage with a reduction in jail days, when comparing unduplicated days from the 12 months prior to the fiscal year to the current 12-month fiscal year. Excludes clients if out of community (in hospital and/or subacute) for six or more months during the current fiscal year or the prior fiscal year.	Yellowfin
% of clients with a primary care visit	Of clients who completed 6 consecutive months during the fiscal year, percentage who had an appointment with a Anthem/Alliance/Community Health Center Network (CHCN) primary care provider during the fiscal year. Metric excludes individuals with six or more months out of the community (in Subacute, MH hospital, and/or jail).	Yellowfin
% of clients with a decrease in hospitalizations/hospitalization days	Decrease in hospital days/admissions in the years that a client was active in the program compared to the year prior to program admission. Includes clients who had at least one hospital day in the 12 months prior to admission and remained in the program for at least 1 year. Only available for fiscal years.	Yellowfin

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period: June 2023 - July 2023

Medical Services

Process Outcomes ("How much did we do?")

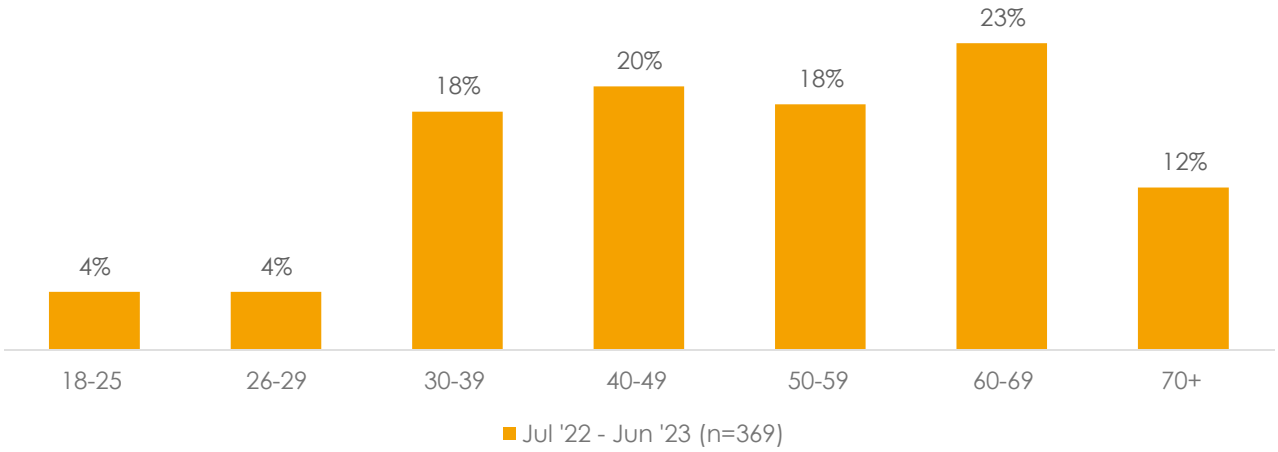
317

Clients Served

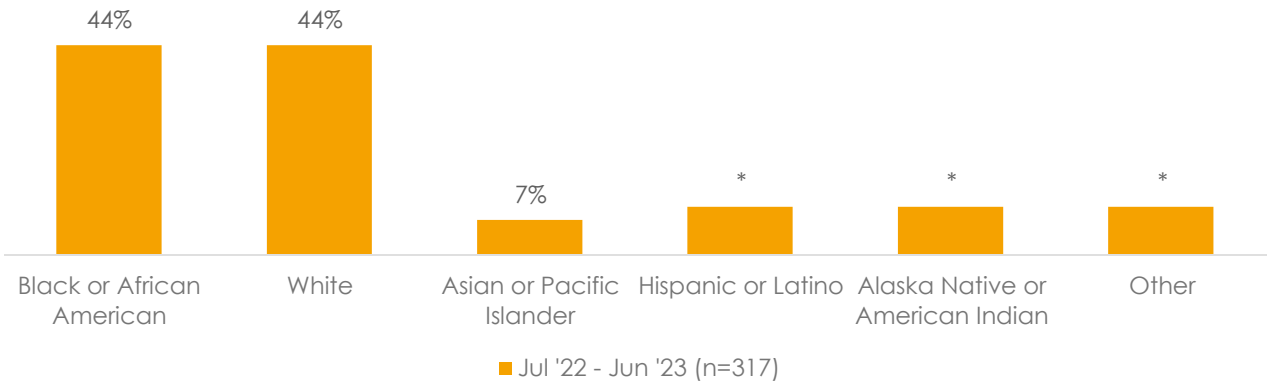
Program Description The Medical Services Team provides psychiatric and nursing services to patients on Adult Services (FIT, CCT, & FSP), Crisis Services, and Family, Youth, and Children's Services.

Program Updates The team has experienced staffing changes, with only 1 of 5 nursing positions currently filled. Nurses are the primary staff person who connects clients to PCPs. Office staff have been working hard to support clients in attending appointments, including reminders, coordinating with case managers to schedule appointments at times that work for the client, and offering phone visits.

Demographics (Age)

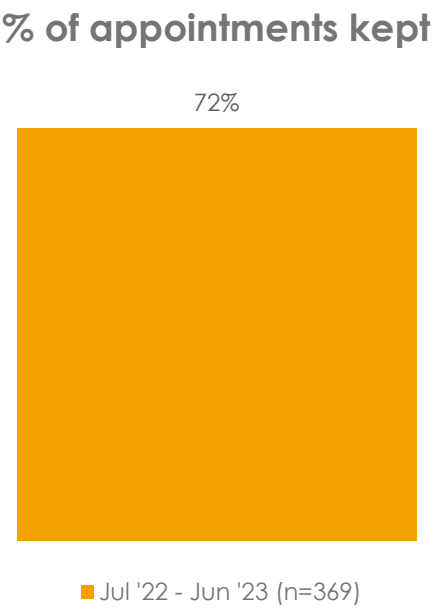


Demographics (Ethnicity)

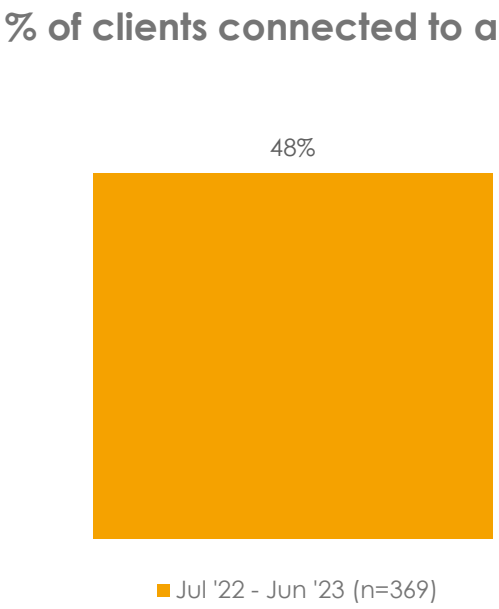


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Quality Outcomes ("How well did we do it?")



Impact Outcomes ("Is anyone better off?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served. Due to the discrepancy between client counts in Yellowfin and internal documents, Yellowfin is used for overall client count while internal totals are used for specific measures.	Yellowfin
% of appointments kept	Of scheduled appointments, % which were kept during the reporting period	MD Attendance Tracker
% of clients connected to a primary care provider	Of total clients, % who had Primary Care Practitioner (PCP) listed in Primary Care Tracker at least one month during the reporting period.	Primary Care Provider Tracker

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Wellness & Recovery Services

Process Outcomes ("How much did we do?")

Program Description The Wellness and Recovery Program is designed to provide outreach, support, education, activities, and advocacy to consumer members living with mental illness and living in Berkeley. Wellness group activities include: Berkeley Peers Organizing Community Change (POCC), Card Groups, Mood Groups, Walking Groups, and field trips.

Program Updates The Wellness Recovery Team added two Social Services Specialist positions to the program. Adding these positions made more people aware of the wellness groups, events and support that the clinic has to offer.

49

Participants served

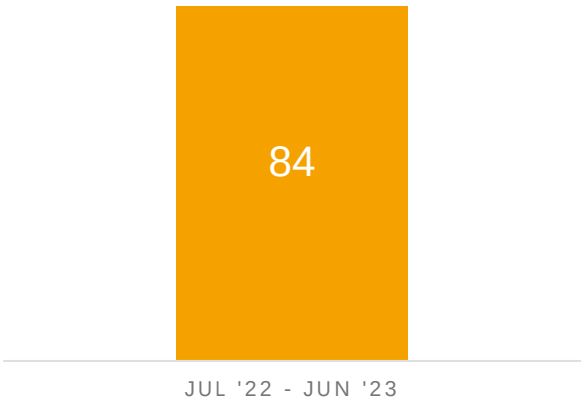
10

Participants who meet requirements for "Telling Your Story"

7

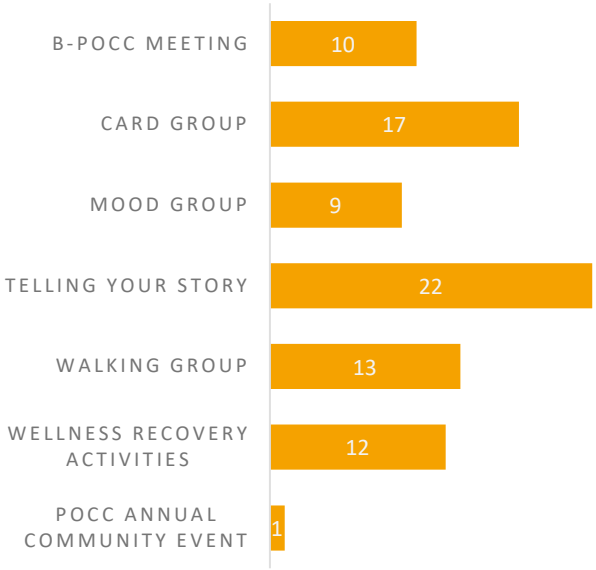
Different groups convened

WELLNESS GROUP MEETINGS ACROSS 7 DISTINCT GROUPS

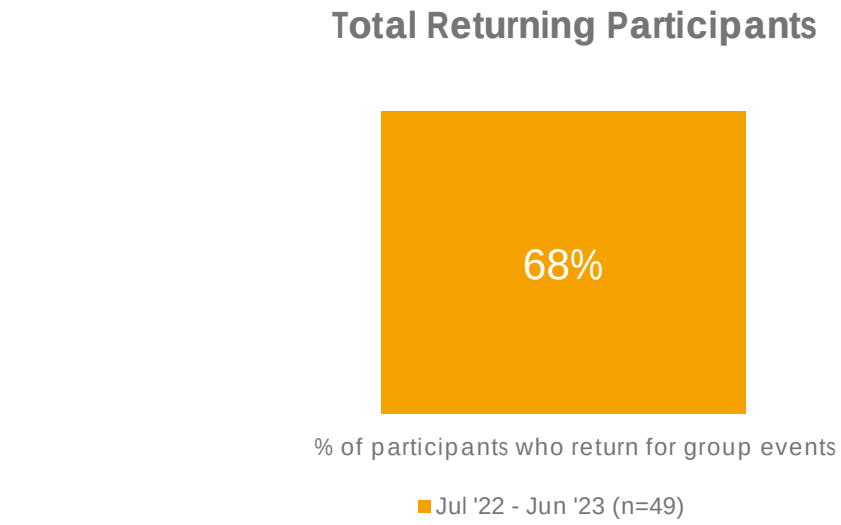


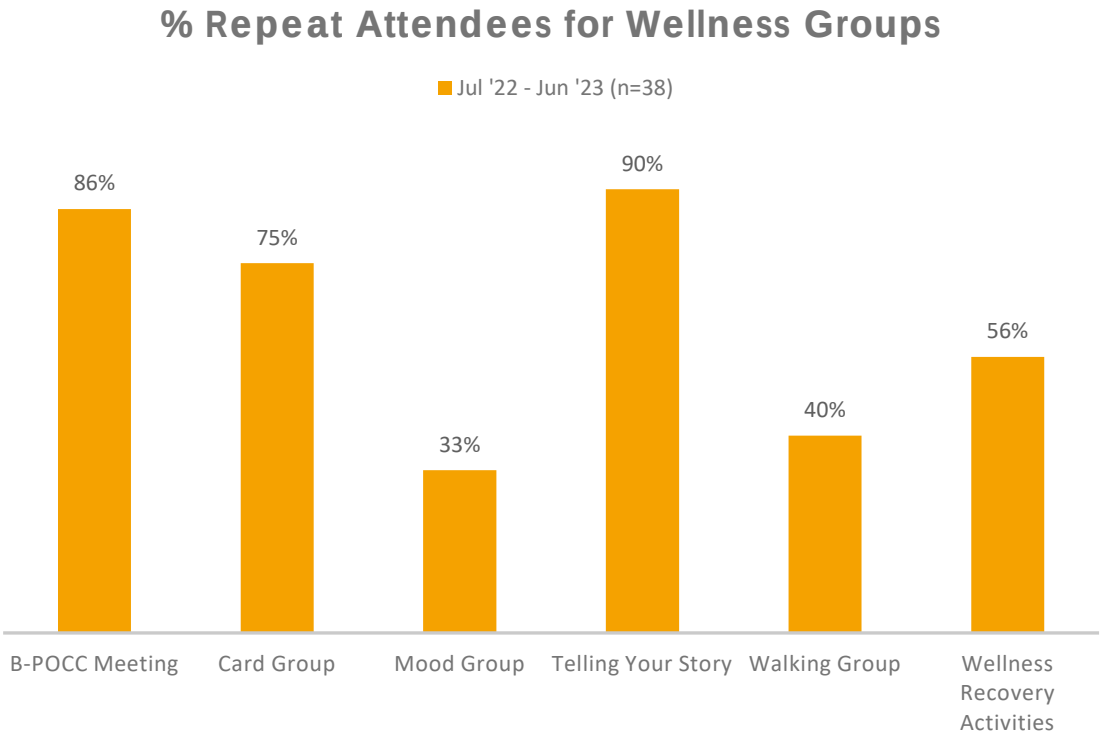
WELLNESS GROUP MEETINGS

JUL '22 - JUN '23 (N=84)



Quality Outcomes ("How well did we do it?")

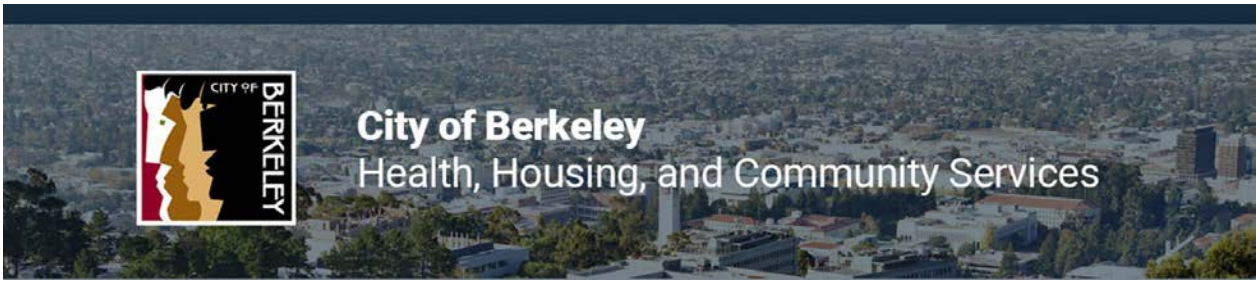




Measure	Definition	Data Source
# participants served	Total # of participants served	Wellness Recovery Group Attendance Tracker
# of different groups convened	Number of different types of groups (i.e. walking group, mood group, Telling Your Story group) convened	Wellness Recovery Group Attendance Tracker
Average # of group events held per 6 months	Total number of meetings held	Wellness Recovery Group Attendance Tracker
# of participants who meet the requirements for “Telling Your Story"	Total number of participants in all "Telling Your Story" meetings	Wellness Recovery Group Attendance Tracker
% of participants who return for group events	Of total number of participants, % who returned for more than one event or meeting	Wellness Recovery Group Attendance Tracker
% of participants reporting feeling less shame about their experiences and challenges	Percentage of survey respondents who agree or strongly agree that they feel less shame about their experiences and challenges	Telling Your Story Survey
% of participants reporting recognizing progress in their recovery	Percentage of survey respondents who agree or strongly agree that they recognize progress in their recovery	Telling Your Story Survey

APPENDIX C

PREVENTION AND EARLY INTERVENTION
FY23 ANNUAL EVALUATION REPORT



City of Berkeley Mental Health Mental Health Services Act (MHSA)

Prevention and Early Intervention (PEI)

FY22/23

Annual Evaluation Report

INTRODUCTION

Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds are to be utilized to prevent mental illnesses from becoming severe and disabling. Programs funded under the MHSA PEI component are focused on individuals across the life span and should emphasize improving timely access to services for underserved populations. Programs shall also include the following:

- Outreach to increase knowledge and recognition of the early signs of mental health challenges or potentially severe and disabling mental illnesses.
- Reduction in stigma associated with either having or being diagnosed with a mental illness or seeking mental health services.
- Reduction in discrimination against people with mental health challenges or mental illness.
- Access and linkages to necessary medical care for those in need of additional services.
- Emphasis on strategies to reduce the following negative outcomes that may result from untreated mental health challenges and mental illness: Suicide; Incarcerations; School failure or dropout; Unemployment; Prolonged suffering; Homelessness; Removal of children from their homes.

Per MHSA State requirements, mental health jurisdictions are required to submit a PEI Evaluation Report to the Mental Health Services Oversight and Accountability Commission (MHSOAC) on an annual basis. Additionally, a Three-Year PEI Evaluation Report is due to the MHSOAC every three years. Regulations also require mental health jurisdictions to submit PEI Evaluation Reports to the State Department of Healthcare Services (DHCS). The PEI Evaluation Report is to be included with the MHSA Annual Update or Three-Year Program and Expenditure Plan and undergo a 30-Day Public Comment period and approval from the local governing board. In the MHSA FY25 Annual Update, the Prevention and Early Intervention (PEI) Fiscal Years 2022/2023 (FY23) Annual Evaluation Report is due.

This PEI FY23 Annual Evaluation Report provides descriptions of currently funded MHSA services, and reports on program and demographic data during the reporting timeframe, to the extent possible. The main obstacles in collecting data for this PEI Annual Evaluation Report continue be with limited staffing and resources both within the City and at Contractor sites to implement and oversee all the necessary data collection requirements.

Impact Berkeley Initiative

In FY18, the City of Berkeley introduced a new initiative in the Health Housing and Community Services (HHCS) Department called “Impact Berkeley”. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA) to account for the work of the Department. RBA provides a new way of understanding the quality and impact of services provided by collecting data that answer three basic questions:

1. How much did you do?

2. How well did you do it?

3. Is anyone better off?

RBA has been incorporated into selected programs within the Department. This has included community agency programs funded through the MHSA Prevention & Early Intervention Community Education & Supports program. Through this initiative the Department worked with each contractor to envision, clarify

and develop measures on the outcomes and results each program is seeking to achieve, and used a rigorous framework to begin measuring and enhancing progress towards these results.

Results Based Accountability Evaluation for all BMH Programs

Through the approved MHSA FY19 Annual Update the Division executed a Request for Proposal (RFP) process to hire a consultant to conduct a Results Based Accountability Evaluation for all programs across the Division, and Resource Development Associates (RDA) was the chosen vendor. In FY21 and FY22 RDA worked with the Division to implement the RBA research methodology and to identify data measures. Through this evaluation, RBA outcomes in FY23 are outlined in this report for the following MHSA PEI funded BMH programs: Social Inclusion Project, and the High School Prevention Project.

Results of both the Impact Berkeley and the BMH RBA Evaluations are captured in this report and will continue to be reported in future PEI Evaluation Reports.

BACKGROUND

In 2007, the California Department of Mental Health (DMH) issued State Requirements (through DMH Information Notice 07-17) outlining how Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds were to be used for local programs. Through these requirements, PEI Programs were to be utilized on the following Key Community Mental Health Needs and Priority Populations:

Key Community Mental Health Needs:

- Disparities in Access to Mental Health Services – Reduce disparities in access to early mental health interventions due to stigma, lack of knowledge about mental health services or lack of suitability (i.e., cultural competency) of traditional mainstream services.
- Psycho-Social Impact of Trauma – Reduce the negative psycho-social impact of trauma on all ages.
- At-Risk Children, Youth and Young Adult Populations – Increase prevention efforts and response to early signs of emotional and behavioral health problems among specific at-risk populations.
- Stigma and Discrimination – Reduce stigma and discrimination affecting individuals with mental illness and mental health problems.
- Suicide Risk – Increase public knowledge of the signs of suicide risk and appropriate actions to prevent suicide.

PEI Priority Populations:

- Underserved Cultural Populations – Projects that address individuals who are unlikely to seek help from any traditional mental health services whether because of stigma, lack of knowledge, or other barriers (such as members of ethnically/racially diverse communities, members of gay, lesbian, bisexual, transgender communities, etc.) and would benefit from PEI programs and interventions.
- Individuals Experiencing Onset of Serious Psychiatric Illness – Individuals identified by providers, including but not limited to primary health care, as presenting signs of mental illness first break, including individuals who are unlikely to seek help from any traditional mental health service.
- Children and Youth in Stressed Families – Children and youth placed out-of-home or individuals in families where there is substance abuse or violence, depression or other mental illnesses or lack of caregiving adults (e.g., as a result of a serious health condition or incarceration), rendering the children and youth at high risk of behavioral and emotional problems.

- Trauma-Exposed – Individuals who are exposed to traumatic events or prolonged traumatic conditions including grief, loss and isolation, including individuals who are unlikely to seek help from any traditional mental health service.
- Children and Youth at Risk for School Failure – Individuals who are at risk of school failure due to unaddressed emotional and behavioral problems.
- Children and Youth at Risk of or Experiencing Juvenile Justice Involvement – Individuals with signs of behavioral/emotional needs who are at risk of or have had any contact with any part of the juvenile justice system, and who cannot be appropriately served through MHSA Community Services and Supports funded services.

In April 2009, following a nine-month long Community Planning Process, the original City of Berkeley PEI plan was approved. Since the approval of the original plan, Three Year Plans or Annual Updates outlining proposed PEI funding and programming have been developed and approved on an annual basis. Based on the State Regulations, through the original PEI Plan (or subsequent updates) programs were created to address Key Community Mental Health Needs and PEI Priority Populations as follows:

PEI Programs	Key Community Mental Health Needs	PEI Priority Populations
Behavioral-Emotional Assessment, Screening, Treatment and Referral – (BE A STAR) Program Supportive Schools Program Community Based Child & Youth Risk Prevention Program	➢ At-Risk Children, Youth and Young Adult Populations	• Children and Youth in Stressed Families • Children and Youth at Risk for School Failure • Underserved Cultural Populations
High School Youth Prevention Project Mental and Emotional Education Team Dynamic Mindfulness Program African American Success Project	➢ At-Risk Children, Youth and Young Adult Populations ➢ Disparities in Access to Mental Health services ➢ Psycho-social Impact of Trauma	• Trauma Exposed • Children and Youth in Stressed Families • Children and Youth at Risk for School Failure • Underserved Cultural Populations
Community Education & Supports	➢ Psycho-social Impact of Trauma ➢ At-Risk Children, Youth and Young Adult Populations	• Trauma Exposed • Underserved Cultural Populations • Children/Youth in Stressed Families • Children and Youth at Risk for School Failure

PEI Programs	Key Community Mental Health Needs	PEI Priority Populations
Homeless Outreach & Treatment Team (HOTT)* Specialized Care Unit	➢ Psycho-social Impact of Trauma ➢ Disparities in Access to Mental Health services At-Risk Children, Youth and Young Adult Populations	• Underserved Cultural Populations • Trauma Exposed
Social Inclusion	➢ Stigma and Discrimination ➢ Psycho-social Impact of Trauma	• Trauma Exposed Underserved Cultural Populations

*This program was not in operation in FY23

On October 6, 2015, updated PEI regulations designed by the Mental Health Services Oversight and Accountability Commission (MHSOAC) became effective. The updated regulations changed the PEI requirements. Mental Health jurisdictions are now required to utilize PEI funds to implement the following programs: Prevention, Early Intervention, Access and Linkage to Treatment, Stigma and Discrimination Reduction, and Outreach for Increasing Recognition of Early Signs of Mental Illness. Programs or strategies within programs can also be combined. Jurisdictions may also opt to utilize some PEI funds to implement a Suicide Prevention program. The definitions of each program are outlined below:

PREVENTION

Activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

EARLY INTERVENTION

Treatment and other services and interventions, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

ACCESS and LINKAGE to TREATMENT

Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

STIGMA and DISCRIMINATION REDUCTION

Activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.

OUTREACH FOR INCREASING RECOGNITION OF EARLY SIGNS OF MENTAL ILLNESS

Engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.

OPTIONAL - SUICIDE PREVENTION

Activities to prevent suicide as a consequence of mental illness.

Within each PEI program the following strategies should also be implemented: Access and Linkage, Improve Timely Access, and Reduce and Circumvent Stigma. The definitions of each strategy are outlined below:

Access and Linkage	Improve Timely Access	Reduce and Circumvent Stigma
• Activities that engage and connect youth, adults, and seniors with severe mental illness, as early in the onset of the condition as practicable, to medically necessary care and treatment.	• Improve timely access to mental health services for underserved populations through accessibility, cultural and language appropriateness, transportation, family focus, hours available, and cost of services	• Reduce and circumvent stigma, including self-stigma, and discrimination related to being diagnosed with a mental illness, or seeking mental health services. Make services accessible, welcoming, and positive.

PEI Regulations, also include program and demographic data requirements that are to be reported to the MHSOAC through Annual and Triennial PEI Evaluation Reports.

The following pages outline the PEI Program and Demographic reporting requirements.

PEI PROGRAM REQUIREMENTS

PROGRAM TYPE	PROGRAM DEFINITION	PROGRAM AND DATA COLLECTION REQUIREMENTS
Prevention	A set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.	➢ Describe the target population- type of risk(s) and the criteria used for establishing/identifying those at risk ➢ Measure the impact of one or more of the negative outcomes listed in the MHSA (suicide, incarcerations, school failure or dropout, unemployment, homelessness, and removal of children from their homes) ➢ Demonstrate the use of an evidence-based or promising practice or a community or practice-based evidence standard* ➢ Collect all PEI demographic variables
Early Intervention	Treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.	➢ Provide services that do not exceed 18 months ➢ Program may include services to parents, caregivers, and other family members of the person with early onset of a mental illness. ➢ Program may be combined with a Prevention program ➢ Measure the impact of one or more of the negative outcomes listed in the MHSA (suicide, incarcerations, school failure or dropout, unemployment, homelessness, removal of children from their homes). ➢ Demonstrate the use of an evidence-based or promising practice or a community or practice-based evidence standard* ➢ Collect all PEI demographic variables
Access and Linkage to Treatment	Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.	➢ Collect # of unduplicated individuals served ➢ Collect # of unduplicated referrals made to a Treatment program (and type of program) ➢ Collect # of individuals who followed through (participated at least once in Treatment) ➢ Measure average time between referral and engagement in services per each individual ➢ Measure duration of untreated mental illness (interval between onset of symptoms and start of treatment) per each individual ➢ Collect all PEI demographic variables
Stigma and Discrimination Reduction	Direct activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness,	➢ Collect the number of individuals reached by activity (e.g., # who participated in each service or activity)

PROGRAM TYPE	PROGRAM DEFINITION	PROGRAM AND DATA COLLECTION REQUIREMENTS
	having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.	➢ Measure changes in attitude, knowledge, and/or behavioral related to seeking mental health services or related to mental illness ➢ Collect all PEI demographic variables
Outreach for Increasing Recognition of Early Signs of Mental Illness	A process of engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.	➢ May include reaching out to individuals with signs and symptoms of a mental illness, so they can recognize and respond to their own symptoms. ➢ May be a stand-alone program, a strategy within a Prevention program, a strategy within an Early Intervention program, a strategy within another program funded by PEI funds, or a combination thereof. ➢ Unduplicated # of individual potential responders ➢ The types of potential responders engaged in each setting (e.g., nurses, principals, parents, etc.) ➢ The # and kind of settings in which the potential responders were engaged ➢ Measure impact to 1 or more of the negative outcomes listed in the Act (suicide, incarcerations, school failure or dropout, unemployment, homelessness, and removal of children from their homes) ➢ Collect all demographic variables for all unduplicated individual potential responders
OPTIONAL Suicide Prevention	Activities to prevent suicide as a consequence of mental illness.	➢ Collect available #of individuals reached ➢ Collect # of individuals reached be activity (ex. # trained, # who accessed website) ➢ Select and use a validated method to measure changes I attitudes, knowledge and/or behavior regarding suicide related mental illness ➢ Collect all PEI demographic variables for all individuals reached

***** Evidence-based practice standard: Activities for which there is scientific evidence consistently showing improved mental health outcomes for the intended population, including, but not limited to, scientific peer-reviewed research using randomized clinical trials.
Promising practice standard: Programs and activities for which there is research showing positive outcomes, but the research does not meet the standards used to establish evidence-based practices and does not have enough research or replication to support generalizable positive public health outcomes.
Community and/or practice-based evidence standard: A set of practices that communities have used and determined to yield positive results by community consensus over time, which may or may not have been measured empirically. Takes a number of factors into consideration, including worldview, historical, and social contexts of a given population or community, which are culturally rooted.

PEI Demographic Reporting Requirements

For the information reported under the various program categories, each program will need to report disaggregate numbers served, number of potential responders engaged, and number of referrals for treatment and other services by:

(A) The following Age groups:

- 0-15 (children/youth)
- 16-25 (transition age youth)
- 26-59 (adult)
- ages 60+ (older adults)
- Number of respondents who declined to answer the question

(B) Race by the following categories:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Other
- More than one race
- Number of respondents who declined to answer the question

(C) Ethnicity by the following categories:
(i) Hispanic or Latino as follows

- Caribbean
- Central American
- Mexican/Mexican-American/Chicano
- Puerto Rican
- South American
- Other
- Number of respondents who declined to answer the question

(ii) Non-Hispanic or Non-Latino as follows

- African
- Asian Indian/South Asian
- Cambodian
- Chinese
- Eastern European
- European
- Filipino
- Japanese
- Korean
- Middle Eastern
- Vietnamese
- Other
- Number of respondents who declined to answer the question
- More than one ethnicity

(**D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

(E) Sexual orientation

- Gay or Lesbian
- Heterosexual or Straight
- Bisexual
- Questioning or unsure of sexual orientation
- Queer
- Another sexual orientation
- Number of respondents who declined to answer the question

(F) Disability, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness

- If Yes, report the number that apply in each domain of disability(ies)
  - Communication domain separately by each of the following:
    - difficulty seeing,
    - difficulty hearing, or having speech understood)
    - other, please specify
  - Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
  - Physical/mobility domain
  - Chronic health condition (including but not limited to chronic pain)
  - Other (specify)
- No
- Number of respondents who declined to answer the question

(G) Veteran Status,

- Yes
- No
- Number of respondents who declined to answer the question

(H) Gender

(i) Assigned sex at birth:
(a) Male
(b) Female
(c) Number of respondents who declined to answer the question

(ii) Current gender identity:
(a) Male
(b) Female
(c) Transgender
(d) Genderqueer
(e) Questioning or unsure of gender identity
(f) Another gender identity
(g) Number of respondents who declined to answer the question

Effective July 2018 amended PEI regulations specified the following:

- For projects/programs serving children or youth younger than 18 years of age, the demographic information collected and reported should only be done so to the extent permissible by privacy laws.
- For projects/programs serving minors younger than 12 years of age, demographic information shall be collected and reported, except for sexual orientation, current gender identity, and veteran status.
- Information that cannot be obtained directly from the minor many be obtained from the minor's parent, legal guardian, or other authorized source.

CITY OF BERKELEY PEI PROGRAMS

Since the release of the 2018 PEI Regulations, the City of Berkeley has regularly reviewed PEI programs to ensure they fit within the required program definitions. As a result, PEI funded programs have been re-classified from the previous construct. Outlined below is a listing of the PEI program type, definition and the City of Berkeley programs that were funded during the timeframe of this report:

PEI Program Type	Program Definition	City of Berkeley PEI Program(s)
Prevention	A set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.	• Mental Health Promotion Campaign • High School Prevention • DMIND • MEET • African American Success
Early Intervention	Treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.	• High School Prevention • Be A Star • DMIND • MEET • African American Success • Supportive Schools • Community Education and Supports • Specialized Care Unit
Outreach for Increasing Recognition of Early Signs of Mental Illness	A process of engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.	• Mental Health First Aid (non-MHSA funded program)

Stigma and Discrimination	Direct activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families.	• Social Inclusion
Access and Linkage to Treatment	Connecting children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.	• High School Prevention • Specialized Care Unit
OPTIONAL Suicide Prevention	Activities to prevent suicide as a consequence of mental illness.	• CalMHSA PEI Statewide Project

Beginning January 1, 2020, per Senate Bill (SB) 1004, Welfare and Institutions Code (WIC) 5840.7 (a) directed the Mental Health Oversight and Accountability Commission (MHSOAC) to establish priorities for the use of MHSA PEI funds. Section 5840.7 (d)(1) states that mental health jurisdictions shall, through their MHSA Three Year Program and Expenditure Plans and Annual Updates, focus use of their PEI funds on the MHSOAC established priorities or other priorities as determined through their respective, local stakeholder processes. If a mental health jurisdiction chooses to focus on priorities other than or in addition to those established by the Commission, "the plan shall include a description of why those programs are included and metrics by which the effectiveness of those programs are to be measured" (WIC Section 5840.7 (d)(1)).

Current MHSOAC priorities for the use of PEI funding are as follows:

- Childhood trauma prevention and early intervention to deal with the early origins of mental health needs;
- Early psychosis and mood disorder detection and intervention, and mood disorder and suicide prevention programming that occurs across the lifespan;
- Youth outreach and engagement strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college;
- Culturally competent and linguistically appropriate prevention and intervention, including community defined evidence practices (CDEPs);
- Strategies targeting the mental health needs of older adults;
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In order to meet the requirements, each mental health jurisdiction is required to show in the PEI component of the Three-Year Plan or Annual Update the following:

- Which specific PEI priorities the mental health jurisdictions plan addresses, an estimate of the share of PEI funding allocated to each priority, and an explanation of how stakeholder input contributed to those allocations;
- If the mental health jurisdiction has determined to pursue alternative or additional priorities to those listed in Section 5840.7(a), how the determinations were made through its stakeholder process;
- For any alternative or additional priority identified by the mental health jurisdiction, what metric or metrics relating to assessment of the effectiveness of programs intended to address that priority the county will measure, collect, analyze, and report to the Commission, in order to support statewide learning.

Many PEI projects meet multiple established priorities. Per PEI regulations, outlined below is a crosswalk of the City of Berkeley PEI Programs with the MHSOAC PEI Priorities for programs during the reporting timeframe:

CITY OF BERKELEY PEI PROGRAMS	PEI PRIORITIES
• Early Child Health and Wellness Program (formerly Be A Star) • Supportive Schools	Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.
• High School Youth Prevention Project • Mental and Emotional Education Team • Dynamic Mindfulness Program • Specialized Care Unit • African American Success Project	Youth Engagement and Outreach Strategies that target secondary school and transition age youth with a priority on partnership with college mental health programs, and transition age youth not in college. Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis. Culturally competent and linguistically appropriate prevention and intervention, including community defined evidence practices (CDEPs).
• Mental Health Promotion Campaign • Social Inclusion • Community Education & Supports	Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs). Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college. Strategies targeting the mental health needs of older adults.

This PEI FY23 Annual Evaluation Report documents program measures and demographic elements to the extent data was available. While, it may be a multi-year process before the City of Berkeley will be able to present a complete data set for each PEI Program on an Annual basis, ongoing efforts will continue towards accomplishing this goal.

PEI Funded Children and Youth and TAY Services

Per MHSA regulations 51% of PEI funds are to be used on services and supports for Children, Youth, and TAY. Small counties, of which the City of Berkeley is considered, may elect to forego this regulation as long as a community vetted, locally approved justification is provided as to why children and youth services are funded at a lower level.

Since the initial PEI Plan, the City of Berkeley has allocated more than 51% of PEI funds to services and supports for children, youth and TAY as the majority of PEI funds has been utilized to serving these populations. All City of Berkeley PEI programs in FY25 will provide services for children and youth and/or Transition Age Youth. Five programs are in the Berkeley Unified School District (BUSD).

Programs and services funded with PEI funds that were approved to be continued in FY25 through the previously approved Three Year Plan, are outlined below by PEI Program type, along with FY23 data.

PREVENTION PROGRAM

Prevention Program - A set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

Mental Health Promotion Campaign



As a result of the impact of the pandemic, and public input around the overwhelming need for mental health supports in the community, the Division proposed through the FY22 Annual Update to allocate PEI funds for a community Mental Health Promotion Campaign to support the wellness and self-care of Berkeley residents.

PEI Goals: The goal of this campaign is to increase prevention efforts and response to early signs of emotional and behavioral health problems.

PEI Priority: Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).

It is envisioned that this campaign will be implemented in FY25.

EARLY INTERVENTION PROGRAMS

Early Intervention Program - Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley Early Intervention programs are as follows:

Early Childhood Health and Wellness Program

The Early Childhood Health and Wellness Program (formerly the Be A Star project) has been a collaboration with the City of Berkeley's Public Health Department since the initial PEI Plan. This program provides a coordinated system in Berkeley that identifies children birth to age five and their parents, who are at risk of childhood development challenges including developmental, social, emotional, and/or behavioral concerns. The program specifically targets low income families, including those with teen parents, who are homeless, substance abusing, or in danger of foster care. Services include triage, assessment, treatment and referrals to appropriate community-based or specialist services as needed. Children and families are accessed through targeted efforts at the following: Black Infant Health; Vera Casey Teenage Parenting programs; Child Health and Disability Prevention programs, Pediatric providers, state-subsidized Early Childhood Development Centers; and area pre-schools and schools. The goals of the program are to identify, screen and assess families early, and connect them with services and supports as needed. The program uses the "Ages and Stages Questionnaires" (ASQ) screening tool to assess children in need. The ASQ consists of a series of 20 questionnaires that correspond to age intervals from birth to 6 years designed to help parents check their child's development. Each questionnaire contains simple questions for parents to answer that reflect developmental milestones for each age group. Answers are scored and help to determine whether the child's development is on schedule or whether the child should be referred for a developmental checkup with a professional. Over 400 children are assessed each year.



PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priority: Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.

In FY23, a total of 2,339 children were screened through this program (255 at BUSD, and 2,084 at the Help Me Grow sites) however data was not collected on all individuals screened. Although all 2,339 of the

individuals that were either screened or were screened and received services, were aged 0-15, the other data elements were only collected on the 255 children screened at BUSD as follows:

DEMOGRAPHICS N=255	
Age Groups	
0-15 (Children/Youth)	100%
Race	
American Indian or Alaska Native	*
Asian	17%
Black or African American	30%
White	19%
More than one Race	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican-American/Chicano	25%
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Declined to Answer (or Unknown)	100%
Primary Language	
English	51%
Spanish	18%
Declined to Answer (or Unknown)	31%
Disability	
Declined to Answer (or Unknown)	100%
Gender: Assigned Sex at Birth	
Male	44%
Female	56%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- On-site technical assistance visits to all Berkeley Help Me Grow providers continued and went well.
- 2,339 ASQ developmental screenings were conducted in Berkeley, BUSD preschools and Berkeley Help Me Grow pediatric provider sites combined.
- Berkeley Help Me Grow sites conducted a total of 2,084 screenings, across all sites averaging a 20% increase in children screened from the previous year.
- Referrals to resources & follow-up: BUSD referred a total of 64 preschool students and Help Me Grow providers referred 94 infants/children.

- Approximately 72% of all Help Me Grow referrals had their goals met.

Program Challenges:

- The Early Childhood Health and Wellness Public Health Nurse vacancy occurring in May 2023 and staffing vacancies/turnovers at the Berkeley Help Me Grow provider sites impacted the continuity of services, with the need to introduce/train/orient provider sites to ASQ implementation, tracking, and resource referrals for clients.
- Help Me Grow sites did not collect race/ethnicity, language spoken data, or gender; and BUSD did not collect specific ethnicity data, gender, sexual orientation for this age group.
- There were delays in receiving the annual infographic data for Help Me Grow sites. The Help Me Grow Collaborative collects and analyzes the data from all Help Me Grow sites in Alameda County so it takes time to collect and synthesize the data and to receive the Berkeley specific data.

Beginning in FY25, the MHSA-PEI funding for this program will be discontinued, as the Public Health Division will be transitioning these program activities to be funded and housed programmatically under their Maternal, Child and Adolescent Health (MCAH) Program:

- The MCAH Program is a California Department of Public Health (CDPH) funded program committed to serving women, children, teens and their families by improving access to comprehensive, quality health care, and focusing on prevention and early intervention strategies.
- Within MCAH, there are program requirements which align with the focus of early identification, assessment, treatment, and referral for children (ages 0-5) and their families that provides rationale for the shift to MCAH.
- As part of the MCAH scope of work, the focus on supporting early childhood development screenings will be able to be integrated with other programs that reside within the MCAH scope, such as the Berkeley Black Infant Health Program and Fatherhood Initiative.

Going forward, the Early Childhood Health and Wellness Program (ECHW) moved under the MCAH Program will address the MCAH Child Priority Need: To optimize the healthy development of all children so they can flourish and reach their full potential with a child focus area to expand and support developmental screening.

Supportive Schools Program

Through this program leveraged MHSA PEI funds support the provision of mental health prevention and early intervention services at each of the Elementary Schools in Berkeley. Services include: outreach; mental health programming; classroom; group; one-on-one psycho-social education and support; and consultation with parents and/or teachers.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priority: Childhood trauma prevention and early intervention to deal with the early origins of mental health needs.



In FY23 Early Intervention Services were provided at each of the BUSD elementary schools. BUSD sub-contracted with local agencies to provide early intervention services based upon the standard of evidence-based practices. Bay Area Community Resources (BACR), Child Therapy Institute (CTI), and Lifelong Medical (Lifelong) were subcontracted to provide services at BUSD elementary schools.

Supports for each school per each service provider, and numbers served in FY23 were as follows:

Elementary School	Agency/Provider	Number of Students Served
• Cragmont • Emerson • John Muir • Malcolm X • Oxford • Ruth Acty • Sylvia Mendez • Thousand Oaks	Bay Area Community Resources (BACR)	644
• Bay Area Arts Magnet (BAM) • Washington	Child Therapy Institute	37
• Rosa Parks	Lifelong Medical Care	133
Total		**814**

Information on services provided, successes, and challenges with each sub-contractor are outlined below:

Bay Area Community Resources (BACR): Bay Area Community Resources (BACR) provided services to improve emotional functioning and success in school and life, including individual and group therapy, family consultation, conflict resolution/restorative justice, suicide prevention, check-in/check-out, crisis intervention, and classroom presentations. BACR used many different therapy modalities as well as classroom support to develop skills and health. Additionally, the BACR Counselor participated in weekly Coordination of Services (COST), Student Success Team (SST), and Individualized Education Program (IEP) meetings for students, providing mental health and trauma informed perspectives. BACR consulted with school staff on many issues and provided trauma informed coaching for teachers needing support.

BACR also made referrals to outside providers, parenting classes/support groups, crisis hotlines, and other programs.

Program Successes:

- A total of 644 individuals were served.
- 90% of youth in therapy showed improved emotional functioning and resiliency through the Child and Adolescent Needs and Strengths Assessment Tool (CANS) and/or Stages of Change scale.
- 85% of students receiving classroom education reported gaining skills or knowledge.
- 95% of Caregivers reported that they are satisfied with the services their children/family received.
- 100% of school personnel reported that BACR is a great partner and supports their goals.

Program Challenges:
The biggest challenge was the increase in cost to fund the program. These increases required the district to make cuts in other programming areas, as well as moving resources around to be able to continue providing ongoing services at the same rate as in the previous year. An additional challenge was ensuring that each school site had an equivalent 1.0 FTE BACR counselor at all BUSD elementary schools, as there was a shortage of credentialed therapist and counselors and BACR had to compete with other agencies for employees.

Child Therapy Institute (CTI): The Child Therapy Institute (STI) continued providing services at Bay Area Arts Magnet and Washington Schools.

Program Successes:
CTI staff met with 37 students individually and in groups.

Program Challenges:
There were few direct challenges, however, a significant challenge is the increase in the costs to fund the program. These increases required the district to make cuts in other programming areas, as well as to move resources around to be able to continue providing ongoing services at the same rate as in the previous year.

Lifelong Medical: A Licensed Clinical Social Worker (LCSW) and interns from Lifelong Medical provided individual counseling to students, family counseling, and mental health consultation to caregivers and school staff at Rosa Parks School. Full-class support was also provided in several classrooms. The full class support was tailored to the needs of the teacher and class and consisted of community building, regulation strategies such as Zones of Regulation, and social emotional learning.

Program Successes:
A total of 52 students received individual counseling and 81 students participated in group services. The Family Resource Center (FRC) was a valuable resource and support to children, families, and school staff during the reporting timeframe. Through individual counseling, groups, and as-needed support, the FRC staff worked hard to help make Rosa Parks a place of healing and joy. The Rosa Parks community experienced the ripple effects of global pandemic and many losses in the community. FRC created spaces for students to experience a sense of belonging and connection. FRC helped children develop regulation and coping strategies to help them manage their emotions so that they could be more present in the classroom for learning. FRC developed deep relationships with students in order to help guide them in the process of

making sense of the many scary and sad experiences they have had over the past few years. Additionally, FRC provided consultation and referrals to mental health services in the community.

Program Challenges:
There were few direct challenges, however, a significant challenge was the increase in the cost to fund the program. These increases required the district to make cuts in other programming areas, as well as moving resources around to be able to continue providing ongoing services at the same rate as in previous year.

Demographic data provided by BUSD on 814 students that were served through this project in FY23, is outlined below:

DEMOGRAPHICS N= 814	
Age Group	
0-15 (Children/Youth)	100%
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	26%
Native Hawaiian/Pacific Islander	*
White	35%
More than one Race	26%
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican American - Chicano	*
Other	29%
Declined to Answer (or Unknown)	*
Ethnicity: **Non-Hispanic or Non- Latino/Latina/Latinx**	
African	*
Asian Indian/South Asian	*
Chinese	*
Eastern European	*
European	*
Middle Eastern	*
Other	13%

More than one Ethnicity	*
Declined to Answer (or Unknown)	55%
Primary Language Used	
English	*
Spanish	*
Other language	*
Declined to Answer (or Unknown)	81%
Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
No Disability	*
Declined to Answer (or Unknown)	96%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	50%
Female	40%
Declined to Answer (or Unknown)	10%
Current Gender Identity	
Male	44%
Female	37%
Another Gender Identity	*
Declined to Answer (or Unknown)	17%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

The projected numbers of individuals to be served in FY25 per age groups are as follows:
0-15 years = 820 individuals.

Community Education & Supports Program

The Community Education & Supports program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic and age specific populations that are unserved, underserved and inappropriately served in Berkeley including: African Americans; Latino/a/x; LGBTQIA+; TAY; and Senior Citizens. Services are conducted through five community-based organizations.

In FY23 the Community Education & Supports program participated in the HHCS Results-Based Accountability (RBA) Evaluation. In an aggregated summary across the five projects within this program the following work was conducted: 549 Support Groups/Workshops; 2,693 Support Group/Workshop encounters; 476 Outreach activities; 4,001 Outreach Contacts; and 393 Referrals.

Descriptions of the five projects within the Community Education & Supports program along with FY23 data and RBA evaluation results, are outlined below:

➢ Transition Age Youth Trauma Support Project

Implemented through Youth Spirit Artworks (YSA) this project provides supportive services for Transition Age Youth (TAY) who are suffering from the impact of trauma and/or other life stressors and are homeless, marginally housed, or housed but in need of supports. The project serves a wide range of youth from various cultural and ethnic backgrounds who share the common goal of living lives less impacted by trauma and more impacted by wellness. The project consists of the following four components: One-on-one sessions that assess individuals needs around trauma supports and support group readiness; psycho-educational support groups; youth social outings that provide TAY with exposure to healthy settings designed to enhance life skills and choices; and youth celebratory events that are held to convene youth around a positive occasion to acknowledge the various small and large accomplishments of TAY participants, and build trust and community. Approximately 30-35 TAY receive services through this project a year.



PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.

In FY23, YSA went through many changes. A new program model was crafted and implemented with the intention of redesigning and refining the organization's programs and theory of change. Staff received training on theory of change, program development, ACES Science, trauma informed practices, the politics of trauma, facilitation skills, positive youth development, strength-based model, community resilience

model, somatic awareness, individual coaching, housing navigation skills and curriculum and evaluation introduction. This change and shift in culture expanded the program offerings. The components and activities were designed with specific outcomes in mind and with the intention to increase intervention, engagement, and opportunities for the young people being served.

In FY23, 83 youth participated in one or more program services. Demographics on youth served were as follows:

DEMOGRAPHICS N = 83	
Age Group	
16-25 (Transition Age Youth)	100%
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	48%
White	*
More than one Race	28%
Declined to Answer (or Unknown)	*
Ethnicity: Latino/Latina/Latinx	
Mexican/Mexican American-Chicano	18%
Declined to Answer (or Unknown)	15%
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
African	*
Declined to Answer (or Unknown)	66%
Primary Language Used	
English	100%
Sexual Orientation	
Gay or Lesbian	*
Heterosexual or Straight	27%
Bisexual	33%
Questioning or Unsure of sexual orientation	*

Another sexual orientation	*
Declined to Answer (or Unknown)	26%
Disability Status	
Declined to Answer (or Unknown)	100%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	21%
Female	28%
Declined to Answer (or Unknown)	51%
Current Gender Identity	
Male	25%
Female	28%
Transgender	*
Genderqueer	*
Another Gender Identity	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA measures during the reporting timeframe were as follows: Six Behavioral Health Education Groups were conducted reaching 99 individuals; 100 Peer Mentoring sessions were conducted reaching 75 individuals; 108 Art Therapy sessions were conducted reaching 107 individuals; and 32 individuals participated in 6 events.

Feedback per participant self-report was as follows:

- 84% reported that groups were helpful;
- 70% of Art as Therapy participants reported that they feel their Behavioral Health is improved or very improved.

Program Successes:

Youth participated and were engaged in the program changes. Youth engaged in being trained in theory of change and understood the feedback loop and how YSA would assess them to help evaluate program effectiveness, satisfaction, and facilitator engagement. In addition, youth engaged in leadership development through facilitation, curriculum, and event planning training to assist in their future developments in leading peers and community.

Youth within the village were also connected to youth leadership opportunities, and were engaged in life skills development such as financial wellness, and cooking workshops. Both workshops were created to

assist youth in being financially independent and well, while redirecting learned survival skills into resilience building opportunities that create building blocks for growth. Youth led and organized a fashion show "Out Of The Binary" where they created all of the fashion pieces for the runway. Youth also planned, organized, advertised, and facilitated the entire event using skills that they acquired through youth leadership meetings, and youth leadership training spaces. A total of 30 referrals & linkages were provided to youth in Berkeley.

Project Challenges:
A big program challenge was dealing with staff training and buy-in. Many of YSAs staff were former youth participants and many struggled with similar challenges as the youth that were being served. During this time YSA was challenged with staff understanding the importance of data collection and evaluation. Staff were not trained on using data to drive programmatic changes, which at times led to resistance and eventually the loss of some staff.

The projected numbers of individuals to be served in FY25 per age groups are as follows:
16-25 years = 85 individuals.

- **Trauma Support Project for LGBTQIA+ Population**



Implemented through the Pacific Center for Human Growth, this project provides outreach, engagement and support group services for individuals (18 and above) in the LGBTQIA+ community who are suffering from the impact of oppression, trauma and other life stressors. Particular emphasis is on outreaching and providing supportive services to identified underserved populations within the local LGBTQIA+ community. Approximately 12-15 weekly or bi-weekly support groups are held throughout the year targeting various populations and needs within the LBGTQIA+ community. Support groups are led by Peer Facilitator community volunteers who are trained in Group Facilitation/Conflict Resolution and who have opportunities to participate in additional Skill Building workshops in order to share methods used to address group challenges and to learn new facilitator techniques. Approximately 250 individuals a year are served through this project.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Strategies targeting the mental health needs of older adults.

In FY23, a total of 275 individuals were served. Demographics on individuals served include the following:

DEMOGRAPHICS N=275	
Age Groups	
16-25 (Transitional Age Youth)	13%
26-59 (Adult)	67%
Ages 60+ (Older Adult)	17%
Declined to Answer (or Unknown)	*
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	*
White	58%
More than one Race	*
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Carribbean	*
Mexican/Mexican-American Chicano	*
Puerto Rican	*
Other	*

Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
African	*
Asian Indian/South Asian	*
Chinese	5%
Eastern European	*
European	26%
Filipino	*
Korean	*
Middle Eastern	*
Vietnamese	*
More than one Ethnicity	14%
Other	*
Declined to Answer (or Unknown)	29%
Primary Language Used	
English	97%
Spanish	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Gay or Lesbian	19%
Heterosexual or Straight	*
Bisexual	10%
Questioning or Unsure	*
Queer	12%
Another Sexual Orientation	49%
Declined to Answer (or Unknown)	*

Disability	
Difficulty Hearing or Having Speech Understood	*
Mental Domain not including a mental illness (including but not limited to a learning disability, developmental disability or dementia)	8%
Physical/mobility domain	*
Chronic health condition (including but not limited to chronic pain)	8%
Other (Specify)	17%
No Disability	64%
Veteran Status	
Yes	*
No	95%
Declined to Answer (or Unknown)	*
Gender: Assigned Sex at Birth	
Declined to Answer (or Unknown)	100%
Current Gender Identity	
Male	15%
Female	12%
Transgender	29%
Genderqueer	*
Questioning or Unsure	*
Another gender identity	37%
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA outcomes during the reporting timeframe were as follows: There were 88 referrals for additional services and supports. The number and type of referrals were as follows: 47 Mental Health; 20 Physical Health; 12 Social Services; 3 Housing; 6 Other unspecified services. To assess the project services, a self-

administered Peer Support Group Survey was distributed to all peer group members. Survey results were as follows:

- 98% indicated they would recommend the organization to a friend or family member;
- 95% felt like staff and facilitators were sensitive to their cultural background;
- 88% reported they deal more effectively with daily problems;
- 84% indicated they have trusted people they can turn to for help;
- 85% felt like they belong in their community.

Program Successes:

- Peer groups continued to run uninterrupted and to be a vital support to the LGBTQIA+ community during the reporting timeframe.
- 92.4% of participants reported that the peer support group(s) they attended helped them to feel safe talking about their gender.
- 88% reported that the peer support group(s) they attended helped them to feel safe in talking about their sexuality.
- The primary goal in FY23 was to increase capacity and reduce burnout for the group facilitators. To that end,16 new facilitators were on-boarded and an additional 3 facilitators were re-trained at their request.
- A full set of Diversity Equity and Inclusion trainings were also offered including one that was co-facilitated by a peer facilitator and our Community Programs Director.

Program Challenges:

- During quarter three facilitators struggled with the Diversity Equity and Inclusion trainings offered and felt they were ready to move beyond the basics of inclusion and wanted more tools to interact with group members around issues of race, privilege, neurodivergence etc.
- In quarter four, the Diversity Equity and Inclusion training was co-facilitated by the Community Programs Director and a peer group facilitator and focused on lowering barriers to access and creating a more inclusive and welcoming space.

The projected numbers of individuals to be served in FY25 are as follows: 16-25 years = 40 individuals; 26-59 years = 176 individuals; 60+ years = 52 individuals.

➢ Living Well Project

Implemented through Center for Independent Living, this project provides services for Senior Citizens (aged 50 and over) who are coping with trauma and/or mental health issues associated with acquired disabilities. Senior Citizens with acquired disabilities are one of the most difficult groups to reach with disability services. It is similarly difficult to intervene with this group's developing mental health issues related to aging and the traumatic impact of acquiring one or more disabilities (such as loss of mobility, vision, hearing, et al). The core of the project is a wellness workshop series entitled "Living Well with a Disability". Through a combination of education, goal setting, group and peer counseling, the workshop series is designed to promote positive attitudinal shifts in a population who, despite the tremendous need for care, are often typically not responsive to mental health intervention. The workshop series includes a 10 week, one to two-hour class conducted by Peer Facilitators, and an optional 30-minute counseling session.

Counseling sessions are designed to monitor curriculum impact and continually assess individual goals and resource needs. This project serves up to 150 Older Adults a year.



PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Strategies targeting the mental health needs of older adults.

In FY23, a total of 73 individuals participated in the Living Well Workshop Series program. Demographics of Workshop participants are outlined below:

DEMOGRAPHICS N=73	
Age Groups	
Age 60+ (Older Adult)	88%
Declined to Answer (or Unknown)	*
Race	
Asian	23%
Black or African American	22%
White	34%
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican-American-Chicano	*
Other	*
Declined to Answer (or Unknown)	*

Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Asian Indian/South Asian	*
Chinese	*
European	19%
Middle Eastern	*
Other	25%
Declined to Answer (or Unknown)	*
Primary Language Used	
English	79%
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
Difficulty Seeing	*
Difficulty Hearing or Having Speech Understood	22%
Mental (not mental health)	*
Physical/mobility disability	*
Chronic health condition	22%
Other Disability	*
No Disability	*
Declined to Answer (or Unknown)	*
Veteran Status	
Yes	*
No	71%
Declined to Answer (or Unknown)	*
Gender: Assigned Sex at birth	
Male	*
Female	69%
Declined to Answer (or Unknown)	*

Current Gender Identity	
Male	*
Female	71%
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA outcomes during the reporting timeframe were as follows: Four outreach and informational events were conducted reaching 51 individuals. A total of 99 individuals participated in the Living Well Workshop series and 72 received engagement services. There were 149 referrals for additional services and supports. The number and type of referrals included 46 Mental Health; 27 Physical Health; 38 Social Services; 26 Housing; 12 other unspecified services.

Feedback per participant self-report was as follows:

- 93% reported they felt satisfied with the workshops;
- 93% indicated an improvement in feeling satisfied in general;
- 93% had increased feelings of social supports;
- 93% felt prepared to make positive changes; and
- 93% reported they felt less overwhelmed and helpless.

Project Successes**:**

- The Living Well programming continued to be well attended, especially the PEERS group, which is a peer-based support and discussion group focused on mental and emotional health for seniors.
- New seniors attended every quarter, and participant survey's demonstrated positive outcomes.
- Due to the success of the program, the Senior and Aging Engagement Specialist received numerous requests to host Living Well workshops at additional locations.

Project Challenges:

- The Living Well project continued to experience the impacts of the ongoing pandemic; older adults are still at higher risk for complications from Covid-19. Some staff also got COVID/experienced long COVID, which impacted the program.
- A majority of participants expressed that they did not feel comfortable answering all of the demographic and life situation questions required by the MHSA reporting. The Management Team is continuing to work with the Senior and Aging Engagement Specialist to devise strategies to support getting the required information, and also to ensure that trust, confidentiality, and person-centered services remain at the core of the work.
- The Center for Independent Living transferred to a new customer relationship management (CRM) software called MiCil, and the shift between the two CRMs, as well as the on-ramp period to get Living Well staff familiar with the new system and ensure it was accessible to them, created challenges in getting numbers and reports in in a timely manner.
- There was also some transition in Senior Management staff, which led to a delay in invoicing and financial reports on a couple of occasions.
- The agency had an Interim Executive Director during the reporting timeframe and has continued search for a new Executive Director.

- The program structure shifted to include more managers, which will hopefully alleviate some of the challenges, particularly around data management.
- A Data and Reporting Specialist was hired, who works closely with the Senior and Aging Engagement Specialist to ensure Living Well data is tracked in an accurate and comprehensive manner.

It is anticipated that these issues will be ameliorated within the current fiscal year, as the Living Well program systems, policies, and procedures are being revised and revitalized.

The projected numbers of individuals to be served in FY25 per age groups are as follows:
26-59 = 10 individuals; 60+ = 70 individuals

➢ Soul Space Project

The Soul Space Project for African Americans is implemented through ONTRACK Program Resources. This project assists African Americans in Berkeley to access culturally, ethnically, and linguistically responsive and trauma-informed prevention and early intervention services. Project services include: community education; outreach and engagement; individual quality of life assessments; coaching; empowerment planning; referrals; navigation supports; support groups; and life skills training.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Youth Engagement and Outreach Strategies that target secondary school and transition age, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Strategies targeting the mental health needs of older adults.



In FY23, 35 individuals were served. Demographics on individuals served are as follows:

DEMOGRAPHICS N=35	
Age Groups	
Transition Age Youth (16-25)	*
Adults (26-59)	69%
Older Adults (60+)	*
Race	
Black or African American	86%
Declined to Answer (or Unknown)	14%
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Declined to Answer (or Unknown)	*
Primary Language	
English	100%
Sexual Orientation	
Heterosexual or Straight	*
Bisexual	*
Another sexual orientation	*
Declined to Answer (or Unknown)	*
Disability	
Mental (not mental health)	*
Physical/Mobility Disability	*
No Disability	*
Declined to Answer (or Unknown)	*
Veteran Status	
Declined to Answer (or Unknown)	100%
Gender: Assigned Sex at Birth	
Male	37%
Female	63%
Current Gender Identity	
Male	37%
Female	63%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA outcomes during the reporting timeframe were as follows: 20 Community Education Trainings were conducted and 417 individuals were reached through outreach and engagement services. A total of 19 individuals received case management and 20 participated in Support Groups. There were 4 referrals for additional services and supports.

Project Successes**:**

- *Community Engagement***:** Soul Space Berkeley integrated itself into the Berkeley community and is becoming a recognized and trusted resource for individuals seeking wellness and support services. Partnerships with community agencies, Building Opportunities for Self Sufficiency (BOSS) and Options for Recovery, yielded a reciprocal referral stream that has been beneficial.
- *Expanded Services*: One of the major accomplishments was the ability to serve individuals in the community effectively. The case management services proved to be highly beneficial assisting individuals in finding mental health resources; adjusting to life after the pandemic; offering financial education; and offering a safe place where individuals could openly express their needs and employment assistance.
- *Family Support*: Entire families received some of the Soul Space services, reflecting the broad impact of the programs in the community. This demonstrates the programs ability to address holistic well-being at both the individual and family levels. Given the need, Soul Space has continue to offer family services.
- *"Crown Never Off" Women's Group*: The establishment and success of the women's group "Crown Never Off" was a testament to the value of the services provided. This group provided a supportive and empowering space for women within the community.
- *Community Recognition*: Soul Space established meaningful connections with community organizations, enhancing the presence and reputation within the Berkeley community. The commitment to building community relationships yielded positive results.

Project Challenges:

- *Staffing*: Soul Space experienced staff turnover amid growth and an increased demand for services. Recruitment for new staff to ensure the right team is in place to meet the needs of the expanding program is an ongoing challenge given the program budget. In FY24, two new staff were hired. Soul Space is seeking additional funding to support the current staffing arrangement.
- *Location Accessibility*: In FY23, OnTrack, the provider of the Soul Space project, was relocated to a space within Inter-City Services. However, due to various building issues, this space was temporary and OnTrack had to relocate again to it's current space in South Berkeley.

The projected numbers of individuals to be served in FY25 are as follows: 16-25 years = 27 individuals; 26-59 years = 39 individuals; 60+ years = 7 individuals.

➢ Latinx Trauma Support Project

Implemented through East Bay Sanctuary Covenant the Latinx Trauma Support Project assists low-income, Latinx families in Berkeley to access culturally, ethnically, and linguistically responsive and trauma-informed prevention and intervention services. Project services are in direct response to, and in collaboration with, Latinx community members, and are largely facilitated by individuals from within the targeted community and are conducted in Spanish or an indigenous language. Services include: One-on-one outreach and support; support groups; staff and partner training and warm referrals.

PEI Goals: The goal of this project is to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the prevention of suicide.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Strategies targeting the mental health needs of older adults.



In FY23, this project served 339 individuals. Demographics on individuals served were as follows:

DEMOGRAPHICS N=339	
Age Groups	
Children and Youth (0-15)	*
Transition Age Youth (16-25)	*
Adults (26-59)	84%
Older Adults (60+)	*
Declined to Answer (or Unknown)	*
Race	
American Indian or Alaska Native	*
Asian	*
Black or African American	*
White	*
Other	85%

Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Central American	47%
Mexican/Mexican-American/Chicano	35%
South American	*
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Non-Hispanic or Latino/Latina/Latinx	
African	*
Asian Indian/South Asian	*
Cambodian	*
Eastern European	*
European	*
Japanese	*
Korean	*
Other	*
Primary Language	
English	*
Spanish	87%
Declined to Answer (or Unknown)	*
Sexual Orientation	
Gay or Lesbian	36%
Heterosexual or Straight	43%
Bisexual	*
Queer	*
Another sexual orientation	*
Declined to Answer (or Unknown)	*

Disability	
Other	*
No Disability	93%
Declined to Answer (or Unknown)	*
Veteran Status	
No	100%
Gender: Assigned Sex at Birth	
Male	44%
Female	55%
Declined to Answer (or Unknown)	*
Current Gender Identity	
Male	41%
Female	55%
Another Gender Identity	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

RBA outcomes during the reporting timeframe were as follows: 7 Support Group sessions were conducted reaching 132 individuals, and 94 individuals received One-on-One Supports. A total of 8 Trainings were conducted, reaching 30 individuals. There were 152 warm referrals for additional services and supports. The number and type of referrals included: 32 Mental Health; 8 Physical Health; 44 Social Services; 68 other unspecified services.

Support Group feedback per participant self-report was as follows:

- 100% reported they liked participating in the Support Group;
- 98% indicated they would recommend the organization to a friend or family member;
- 100% indicated they felt safe, included and respected;
- 95% reported that they were able to deal more effectively with daily problems;
- 98% reported increased feelings of supports after participating in the support group.

Training feedback per participant self-report was as follows:

- 100% of participants indicated that they were satisfied with the training;
- 100% of participants indicated that the information in the training was informative;
- 100% of participants indicated that the training would help them in their work.

Project Successes**:**

- Continued to provide integrated support to low-income Latinx immigrants through case management, warm referrals, trilingual hotline, support groups, mental health support, and trainings, as well as quarterly retreats for LGBTQ asylum seekers and Mam women.

- Due to growth in the Support Services program an additional caseworker was hired, which helped clients connect to more public benefits, including Medi-Cal and CalFresh.
- In addition to one-on-one support, a support group was offered reaching 24 LGBTQ asylum seekers and a storytelling workshop reaching 17 people.
- Utilized undergraduate interns for 16-24 hours a week to provide direct service to individuals, and to assist with administrative tasks.
- Hosted four Trauma-Informed trainings for staff and partner organizations providing legal and mental health services to asylum seekers. Staff trainings on Wellness and Domestic Violence Prevention were also conducted. The Support Services team attended a training on Motivational Interviewing and participated in a convening of Bay Area nonprofits serving unaccompanied immigrant youth.
- Provided a training on Mental Health First Aid and suicide prevention, one for law student volunteers, and one in Spanish for outreach workers.
- Partnered with "No Separate Survival", a participatory documentary project, to offer asylees a chance to get behind the camera and share their perspectives as storytellers, and hosted a film screening for asylum seekers and their families in a single-day support group event.
- The OLAS LGBT Sanctuary Project held a retreat on the theme, "The Pride of Being," to empower participants to be proud of their unique identities, and to build community with each other.
- Connected clients to services such as rental assistance, state-funded medical services, mental health services, and more.
- Planned an integrated wellness workshop for clients, which took place in the Fall of 2023. The workshop covered topics such as sleep and stress, and offered a range of culturally appropriate approaches including Talk Therapy and traditional Mayan herbal remedies.
- The Community Education Manager and Amplifying Sanctuary Voices Team led two "Tell Your Story" workshop training sessions to help community members learn how to share their immigration stories with legislators and the public. These workshops helped community members find power and confidence in sharing their lived experiences to advocate for a greater cause.
- The OLAS LGBTQ Asylum Program Coordinator, led a support group retreat for new and returning members focused on the immigrant identity. Activities allowed participants to safely share their migration stories and discuss the dynamics of acculturation and chosen family.

Project Challenges:
It continued to be a challenge to connect clients with mental health services in a timely fashion, as the shortage of mental health workers seemingly only deepened. We stayed in close touch with groups like "Partnerships for Trauma Recovery" to make sure we had up-to-date information on which providers are accepting new patients and what wait times our clients could expect. A Team Member who specializes in working with teenagers and transition age youth, offered a support group for her clients, however it proved to be difficult to recruit for the group, as the need to earn money often overwhelmed all other needs of the potential participants.

The projected numbers of individuals to be served in FY25 per each age group are as follows:
0-15 years = 4 individuals; 16-25 years = 86 individuals; 26-59 years = 295 individuals; 60+ = 23 individuals.

PREVENTION & EARLY INTERVENTION COMBINED PROGRAMS

Prevention Program – Includes a set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

Early Intervention Program – Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley Prevention & Early Intervention combined programs are as follows:

Mental and Emotional Education Team (MEET)

The Mental and Emotional Education Team (MEET) program implements a peer-to-peer mental health education curriculum to 9th graders and an internship program for a cohort of high school students to serve as peers to their fellow students. The goals of the program are to increase student awareness of common mental health difficulties, resources, and healthy coping and intervention skills. Through this program, students are trained by a licensed BUSD clinician to conduct class presentations covering common mental health disorders, on and off campus resources, and basic coping and intervention skills.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priorities:

- Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.



In FY23, the MEET program was relaunched after having been discontinued for a couple of years. During this reporting timeframe,15 MEET Peer Educators participated in weekly trainings and in a 1 full day training for the purposes of developing leadership skills, learning about mental health needs and resources, and providing mental health education for their peers. The trained Peer Educators then presented in eight U-9 Freshman Seminar Classes.

Five of the MEET students participated in the City of Berkeley Health Justice (HJI) Internships with MEET as their internship site. The HJI interns participated in an additional weekly meeting and acted as leaders

within MEET by developing the presentation and leading practice sessions with other MEET peer educators to prepare for their classroom presentations.

In FY23, 15 individuals were served through this program. Demographics on individuals served were as follows:

DEMOGRAPHICS N=15	
Age Groups	
Children and Youth (0-15)	100%
Race	
Asian	*
Black or African American	*
White	*
More than one Race	*
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Other	*
Declined to Answer (or Unknown)	*
Ethnicity: Non-Hispanic or Latino/Latina/Latinx	
African	*
Asian Indian/South Asian	*
Other	*
Declined to Answer (or Unknown)	*
Primary Language	
Declined to Answer (or Unknown)	100%
Sexual Orientation	
Gay or Lesbian	*
Heterosexual or Straight	*
Bisexual	*
Questioning or unsure of sexual orientation	*
Queer	*
Declined to Answer (or Unknown)	*

Disability	
Difficulty Seeing	*
Mental domain not including a mental illness(including but not limited to a learning disability, developmental disability or dementia)	*
Other	*
No Disability	*
Declined to Answer (or Unknown)	*
Veteran Status	
No	100%
Gender: Assigned Sex at Birth	
Declined to Answer (or Unknown)	100%
Current Gender Identity	
Male	*
Female	*
Genderqueer	*
Questioning or unsure of gender identity	*
Declined to Answer (or Unknown)	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- Developed informational PowerPoint and presentation for U-9 Freshman Seminar classes.
- Completed 8 educational presentations to U-9 Freshman Seminar classes.
- Presentations reached over 200 students and aimed to foster greater comfort in discussing mental health, providing information about common mental health issues, reducing mental health stigma, teaching coping skills, and showing students how to access mental health resources in and outside of Berkeley High School.
- Five MEET students participated in the City of Berkeley Health Justice (HJI) Internships with MEET as their internship site. The HJI interns acted as leaders within MEET by developing the PowerPoint presentation and leading practice sessions to prepare for their classroom presentations.
- Created informational posters about depression, anxiety, coping skills, and selfcare to be posted across campus.
- Helped design mental health survey questions that were used in the district-wide Mental Health Needs Assessment.
- Conducted over 40 interviews of Berkeley High Students for the district-wide Mental Health Needs Assessment.

- Assisted in designing a BHS Wellness Website.
- Nine weekly trainings and one full day training was facilitated for MEET students to foster community, learn about common mental health concerns, and prepare to facilitate presentations to U-9 freshmen.
- HJI MEET interns met with the training facilitator an additional 5 times to support their development of the PowerPoint presentation, foster their leadership within MEET, and provide feedback and assistance in creating mental health informational posters.
- Each MEET participant co-facilitated at least 2 classroom presentations.
- MEET students taught over 200 students (all U-9 freshmen) in their classrooms by facilitating the PowerPoint presentation and interactive activities focusing on mental health and coping skills.
- Feedback from MEET peer educators, U-9 students, and teachers was overall positive as 93% of MEET Peer Educators reported that they learned more about mental health and 100% reported that they felt comfortable or very comfortable expressing themselves within the group.

Program Challenges**:**
A significant challenge was the increase in costs to fund the program. These increases required the school district to make cuts in other programming areas, as well as move resources around to be able to continue providing ongoing services.

The projected numbers of individuals to be served in FY25 per each age group are as follows:
0-15 years = 15 individuals.

Dynamic Mindfulness Program (DMind)



Dynamic Mindfulness (DMind) is an evidence-based trauma-informed program implemented by the Niroga Institute in BUSD middle and high schools. Validated by independent researchers as a transformative program for teaching children and youth skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering into an intervention that is implemented in the classroom in 5-15 minute sessions, 3 to 5 times a week. This program has proven to be successful with vulnerable students who are exhibiting signs of chronic stress/trauma/PTSD from Adverse Childhood Experiences (ACEs), and/or disengagement from school, chronic absences, and significant behavioral

challenges, including emotion regulation, impulse control, anger management, and/or getting frequent referrals/suspensions and at high risk of school failure. DMind also enables teacher and staff well-being, which has been shown to enhance student learning. Program components include in-class and after-school DMind sessions for students, student peer leadership development, and training and coaching of school staff.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priorities:

- Youth Engagement and Outreach Strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, services were directly provided to 550 students and 66 staff. An additional 2,000 unduplicated students were reached through knowledge and skills shared by individuals who received direct services. Additionally, there were many more students who practiced along with the online curricular supports by accessing the DMind video library (containing over 300 brief DMind practices), and the "Mood Shifter" for emotion regulation in the programs InPower Mobile App. The big post-COVID change was going from online to in-person services/programs, including in-class sessions by Niroga instructors, as well as staff (teachers, counselors, administrators) training and coaching sessions.

The only demographic data provided by BUSD on individuals who were served in FY23, was as follows: 0-15 years = 84%; 16-25 years = 5%; 26-59 years = 11%.

Program Successes:

- Successfully pivoted from online to in-person programming after the COVID lockdown ended.
- Staff (teachers and counselors) reported that there was a substantial increase in student mental health issues, leading to challenging student behaviors, e.g. disruptive, distracted, disengaged (fight/flight/freeze), saying they were seeing a certain 'feral quality' to many students (as they re-learned socializing after the long period of social isolation because of COVID), Even so, staff and students responded very positively to the in-person movement-based mindfulness program.

In addition to engaging students, this program also works with school staff to (a) enhance their own personal sustainability (self-care, stress resilience and healing from vicarious trauma) as well as (b) professional application with their students (emotion regulation, de-escalation, focus/attention/engagement). This not only built staff capacity and ensured adequate DMind 'dosage' for enabling neuroplasticity and neurogenesis to rewire their brains and change behavior, but also provided a multiplier factor of ~30-40 (typical class size in middle and high schools, and nominal caseload for counselors), significantly increasing the reach and scope of programming, serving a much larger group of unduplicated students than would have been otherwise possible given budgetary limitations.

Program Challenges:

Program staff witnessed significant levels of overwhelmed school staff which limited their ability to participate in the capacity-building training and coaching offerings.

The projected numbers of individuals to be served in FY25 per each age group are as follows:
0-15 years = 517 individuals; 16-25 years = 31 individuals; 26-59 years = 68 individuals.

African American Success Project



The African American Success Project (AASP) implements "Umoja" - a daily elective class offered at Longfellow Middle School. Umoja provides African American students a safe affinity space to explore their cultural heritage and identity, while building positive peer relationships and establishing relational trust with adults. Umoja provides an ongoing focus on social and emotional development, including building skills, habits and mindsets that enable self-regulation, interpersonal skills, perseverance and resilience. This project aligns with stated needs found in key BUSD initiatives, and strategic actions, including but not limited to the: Black Lives Matter Resolution, Local Control & Accountability Plan (LCAP), the African American Success Framework (AASF), and the Comprehensive Coordinated Early Intervention Services (CCEIS) Plan.

This project provides a unique chance to expose learners to content traditionally overlooked by educational institutions. Umoja course lessons are rooted in African and African American cultural precepts, and are composed to guide African American learners through:

- An exploration of their identities;
- An interrogation (questioning or query) of their ancestral history;
- Development of a positive sense of purpose and cultural pride;
- Envisioning their futures and outlining a path for fulfillment;
- Developing an awareness of their communal role.

Direct services for parents and guardians**:**
The project seeks to increase entry points for caregivers to be informed and involved in their child's learning. Highlights in this area include:

- Providing digital newsletters, and updates using email marketing;
- Coordinating and hosting parent teacher conferences;
- Individual parent meetings/contacts, including advising, problem-solving, and updates regarding student progress;
- Hosting events including the Annual Kwanzaa celebration, and an end of the year meeting to gather qualitative program feedback.

Direct services for students (academic, social, behavioral):

- School-day cultural enrichment designed to uplift and empower African American learners using African centered pedagogical approaches;
- Equity centered support sessions (weekly);
- Structured class check-in sessions.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure and the removal of children from their homes.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, 53 students participated in this project. Outlined below are demographics on individuals served through this project:

DEMOGRAPHICS N=53	
Age Groups	
Children/Youth (0-15)	100%
Race	
Black or African American	66%
Declined to Answer (or Unknown)	34%
Ethnicity: Hispanic or Latino/Latina/Latinx	
Other	*
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
Other	*
Primary Language	
English	100%
Sexual Orientation	
Declined to Answer (or Unknown)	100%
Disability	
No	72%
Declined to Answer (or Unknown)	28%

Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	45%
Female	55%
Current Gender Identity	
Declined to Answer (or Unknown)	100%

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- *Learning Outcomes*: 6th-grade participants demonstrated significant growth in Literacy on the BUSD STAR Assessment.
- *Learning Experiences*: Participants were exposed to a variety of learning experiences, including field trips, STEM enrichment, and guest speakers
- 6th-grade participants visited the Ramses the Great exhibit at the DeYoung Museum.
- *School Yard Raps*: All participants had the opportunity to attend the Ourstory: The Black History musical. The musical aligned with the program curriculum, and many students reported increased interest and engagement with the performance since their prior knowledge of the content. Additionally, this learning experience uplifted the significance of Black History Month and allowed students to be affirmed.
- *College Trips*: Umoja 7th graders visited Cal Berkeley and California State University, East Bay.
- *Berkeley Historical Society*: Participants were visited by members of the Berkeley Historical Society, who provided a guest lecture about local Black History that students learned in class.
- *STEM Enrichment Club*: 6th-grade boys gained access to a STEM Enrichment Club provided by Bay Area Sigmas. Four monthly Saturday sessions were held during the second semester. STEM Enrichment Club participants built STEM competencies using science-related activities.
- *BUSD Black History Oratorical Festival*: Umoja participants had a strong showing at the 2023 BUSD Black History Oratorical Festival and, for the third year in a row, placed as finalists for the secondary division. The winner of the 2022 and 2023 secondary division was a Umoja participant. A Umoja participant also placed third in the secondary division for 2023.
- *Community Engagement*: For the fourth consecutive year, Umoja held an annual Kwanzaa recognition. The 2022 Kwanzaa event was a great success and brought together many families and staff for an evening of celebration and shared learning.
- *Professional Development:* The Umoja team provided professional learning opportunities for Longfellow staff, including an annual presentation to support them in preparing for Black History Month.
- The Umoja team joined professional learning efforts provided under the BUSD African American Success Framework, which provided a year-long cultural competence training series for Longfellow staff.
- *Collaboration*: The Umoja instructor actively collaborated with the Longfellow team to create a safe, welcoming, and inclusive school environment by helping to organize and host community engagements

like the annual Rites of Passage Ceremony. They also attended Grade Level Team meetings, Content/Department Team meetings, IEP meetings, etc., to support Umoja participants. Their voices and perspectives about best supporting African-American students should be highlighted as a valuable resource to the school community.

- *Partnerships*: The Umoja team strategically partnered with organizations to meet program needs, including The City of Berkeley, The Mind of Milan LLC, AM1 Media, Freedom Soul Media Education Initiatives, Jason Seals and Associates, Bay Area Sigmas, Marcus Books, RT Fisher Educational Enterprises, and the Berkeley Public School Fund. These organizations provided financial support, subject matter expertise, services, and resources to keep the program running.

Program Challenges:
During the fiscal year, the program did not serve 8th-grade students as in past years. This caused a slight reduction in the number of participants served. Confusion regarding the course selection process and available options likely contributed to this circumstance.

The projected numbers of individuals to be served in FY25 per each age group are as follows:
0-15 years = 55 individuals.

ACCESS AND LINKAGE TO TREATMENT AND PREVENTION & EARLY INTERVENTION COMBINED PROGRAM

Access and Linkage to Treatment Programs – Connects children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

Prevention Programs – Includes a set of related activities to reduce risk factors for developing a potentially serious mental illness and to build protective factors.

Early Intervention Programs – Provides treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

The City of Berkeley has one combined Prevention, Early Intervention program that also has an Access to Linkage and Treatment program component:

High School Youth Prevention Program

The High School Youth Prevention program operates in conjunction with other health school related services offered at Berkeley High School (BHS) and Berkeley Technology Academy (BTA) and has become a successful partnership between BUSD and the Public Health and Mental Health Divisions of Berkeley's HHCS Department. The program provides young people with the information and individual support they need to make positive and healthy decisions in their lives. The program includes: outreach activities designed to provide students with basic information around the risks of certain behaviors, and ways to protect themselves and make positive and safer decisions; classroom presentations to enable students to receive more in-depth information around a variety of health topics and available resources, and provide the opportunity for students to do a personal assessment of risk and current lifestyle choices; drop-in crisis,

counseling services; individual appointments to identify young people who may need more intensive intervention; and short-term treatment. The individual appointments, held at the school-based health center, provide young people with the opportunity to hold very in-depth discussions around the choices they are making and the risks that are involved in their choices. They receive guidance about changes they can make to reduce or eliminate their risks, and are given the opportunity to identify barriers that might exist for them that prevent them from making healthier choices. In addition, they complete a 40 question, in-depth HEADSSS (Home, Education, Activities, Drugs/Alcohol, Sexuality, Safety, and Suicidality) assessment. Based on the outcome of the individual appointment and/or assessment, a young person may be referred to either a medical or mental health professional at the High School Health Center or in the community for follow-up care and intervention and/or treatment.

The Berkeley High School (BHS) and Berkeley Technology Academy (BTA) Health Centers are both multidisciplinary co-locations of the City of Berkeley's Mental Health and Public Health Divisions. The Health Center team provides a range of Prevention/Early Intervention (PEI) services and also functions as an Access and Linkage to Treatment program. Culturally and linguistically diverse staff provide services in English and Spanish. Translation services in all other languages are available using a language line.

The Health Centers are operational year-round, Monday through Friday, from 8:30 AM-4 PM, with a daily closure from 12-1 PM for lunch and administrative tasks. There are brief periodic closures due to BUSD's academic calendar and in these instances some services are still provided via telehealth when possible. When fully operational, services can be accessed via student drop-in and/or via scheduled appointment. Services can also be requested via Jotform, an online, HIPAA-compliant, referral platform. This referral platform is accessible via QR code on informational flyers that are posted across campus and also online in several locations including the Health Center website. Students can self-refer using Jotform, and parents/caregivers, staff, and friends are also able to refer someone using this method. Additionally, students, parents/caregivers, and staff are able to request services via phone by calling the Health Center main phone number. Hours of operation at Berkeley Technology Academy Health Center are more limited due to the small student population and staffing constraints. When BTA students are unable to access a needed service at that Health Center, they are referred to BHS Health Center for those needed services.

Health Center staff frequently facilitate linkages on behalf of youth and their families, depending upon a given need. Behavioral Health Clinicians ("BHCs") conduct initial assessments with students in order to screen for a variety of health and mental health needs, considering accessibility, insurance status, acuity, and risk factors to support with decision-making around level of care considerations and related linkages. BHCs provide students with short-term behavioral health services—crisis, individual, group—as needed irrespective of insurance status and all students are eligible to receive these free and confidential services. BHCs also link youth/families with more intensive needs to additional services depending upon their specific needs and insurance status. BHCs provide this linkage support via internal referrals (e.g. EPSDT Medi-Cal services; Full Service Partnership team; psychiatry/medication management), Alameda County Access, as well as linkages to services through private insurance carriers. BHCs also sometimes make internal on-campus referrals to the 504 and Special Education programs when some type of mental or physical health condition may be impeding a youth's ability to adequately access their education. BHCs also support youth and their families who are uninsured with accessing and enrolling in Medi-Cal and other relevant programs that support health and well-being.

As an Access and Linkage to Treatment Program, the Health Center's Mental Health Program Supervisor monitors all referrals in order to ensure timely responsiveness and follow up that supports engagement in treatment. All BHCs have access to and monitor incoming referrals that are submitted via Jotform and respond to referrals on a rotating basis. The MH Program Supervisor monitors and responds to referrals via phone and checks voicemail multiple times per day. In instances where a staff person responds to a referral but is unable to make contact with the referring party, staff will follow up at least three times in an effort to support engagement. The Jotform referral inquires about preferred method of contact and also inquires about whether a youth can be pulled from class in order to conduct an initial assessment. Staff utilize these preferences in order to inform outreach efforts and increase the likelihood of establishing and supporting engagement.

PEI Goals: The goal of this program is to bring about mental health, including the reduction of school failure or dropout.

PEI Priorities:

- Youth engagement and outreach strategies that target secondary school and transition age youth, with a priority on partnership with college mental health programs, and transition age youth not in college.
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.



During the reporting timeframe, The Health Center resumed hosting a cohort of three graduate-level trainees due to stabilization of full-time staff capacity, which contributed to increased service capacity for the duration of the 22-23 school year. One full-time Behavioral Health Clinician II obtained a promotional opportunity outside of the City of Berkeley and transitioned out of his role in early August 2022. This position was temporarily vacant and eventually backfilled by a new Behavioral Health Clinician II in late November 2022. One additional full-time Behavioral Health Clinician I position was added to the High School Mental Health team in late October 2022, and this staff was based across multiple sites (0.4 FTE at Berkeley High School; 0.4 FTE at Berkeley Technology Academy; and 0.2 FTE at K-8 School-Based).

In April 2023, as a result of a Division-wide structural reorganization, High School Mental Health became a standalone program separate from Family, Youth & Children's Services. As part of this reorganization, a new full-time Mental Health Program Supervisor position was created. The team's existing full-time Mental

Health Clinical Supervisor was promoted into this new position in April 2023, and the Mental Health Clinical Supervisor position became vacant.

In FY23, approximately 244 students received services through this project. Demographics on youth served are outlined below:

DEMOGRAPHICS N=244	
Age Groups	
0-15 Years	24%
16-25 Years	76%
Race	
American Indian or Alaska Native	*
Asian	11%
Black or African American	20%
White	22%
More than one Race	18%
Other	22%
Declined to Answer (or Unknown)	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Other	32%
Declined to Answer (or Unknown)	*
Primary Language	
English	83%
Spanish	14%
Other	*
Declined to Answer (or Unknown)	*
Sexual Orientation	
Gay or Lesbian	*
Heterosexual or Straight	49%
Bisexual	13%
Questioning or Unsure of Sexual Orientation	*
Queer	*
Another Sexual Orientation	*

Declined to Answer (or Unknown)	21%
Disability	
Declined to Answer (or Unknown)	100%
Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	34%
Female	66%
Current Gender Identity	
Male	31%
Female	55%
Transgender	*
Genderqueer	*
Another gender identity	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:

- Continued to provide the full suite of in-person mental health, reproductive & sexual health, and first aid services for the duration of the school year.
- The Mental Health (MH) team was able to resume its graduate-level training program and provide a wider array of multi-tiered services with the resumption of support groups.
- Substantially increase service utilization year-over-year compared to 21-22 school year.
- Continued to use the Jotform application for referrals in order to streamline accessibility and minimize barriers to care.
- Maintained a collaborative and productive relationship with BHS's Coordination of Services Team (COST) throughout the school year in order to ensure that appropriate referrals were made to the Health Center and other programs.
- Due to a vacancy and new position, the Health Center was able to recruit two diverse, experienced, highly skilled clinicians, one of whom is a native bilingual Spanish speaker. Both new clinicians quickly became part of a cohesive and collaborative mental health team and integrated well into the larger Health Center team.
- Provided an array of crisis support services following the tragic deaths of two BHS students in October 2022.
- Health Center leadership continued to develop strong working relationships with BHS admin, especially the BHS Principal, new Vice Principal of Climate & Wellness, and 504/COST Program Supervisor. Health Center leadership, City of Berkeley HHCS Departmental leadership, and the BHS VP of Climate & Wellness also developed a plan to open a differentiated Wellness Center space at BHS along with a

continuum of tiered wellness support services, to be implemented in the 23-24 school year by BHS staff with additional funding support and partnership from City of Berkeley.

- Continued to build upon and improve existing relationships and partnerships with other BHS stakeholders. To this end, the MH team collaborated with several different on-campus programs throughout the year such as the Multilingual Program, McKinney Vento Program, Special Education Program, and Intervention Counselors.

Program Challenges:

- From August through November 2022, one full-time bilingual Behavioral Health Clinician II position was vacant. This vacancy negatively impacted individual and group service provision as well as On Call crisis coverage. Nevertheless, the resumption of a graduate-level training program helped to offset some of these negative impacts.
- Staffing shortages across the Health Center's Public Health team, both administrative and clinical, contributed to less consistently available First Aid and Reproductive & Sexual Health services. This, in turn, negatively impacted students' ability to access integrated services. As a result of reduced administrative capacity, the MH Clinical Supervisor and MH team were also responsible for additional, sometimes time-consuming administrative tasks.
- Quality Assurance (QA)/Quality Improvement (QI) and related encounter data extraction/analysis were constrained for the duration of the 22-23 school year due the to an abrupt resignation of the City IT staff person who managed the Health Center's EHR, NextGen. As a result of this, other City IT staff were not sufficiently cross-trained to provide technical support. Furthermore, NextGen vendor staff were often unresponsive to the needs and requests of the Health Center program. This contributed to significant delays with data analysis and reporting, which contributed to additional challenges with data collection across demographic categories and also constrained supervisory decision-making that could have improved efficiencies and improvements in service provision.
- The MH team also continued to use multiple EHRs and applications that are not integrated with one another. This made clinical documentation more cumbersome and time-consuming for all staff and also made data collection and analysis more laborious.

The projected numbers of individuals to be served in FY25 per each age group are as follows:
0-15 years = 67 individuals; 16-25 years = 201 individuals**.**

The High School Prevention Program participated in the Division's Results Based Accountability Evaluation. Results Based Accountability (RBA) measures for this project in FY23, were as follows:

Process Measures **How much did we do?**	**Quality Measures** **How well did we do it?**	**Impact Measures** **Is Anyone Better off?**
• # of clients served • # of clients opened for ongoing services • # of services provided by service type	• # of clients screened for depression, trauma, and substance use • # of clients contacted within a week following a referral to the High School Health Center (HSHC) • % of school population served	• % of clients able to receive needed care, as measured by % of clients who agree with the following: The HSHC… -Is easy to get help from when I need it

	• % of clients satisfied with services, as measured by % of clients who agree with the following: HSHC Staff… -Treat me with respect -Listen carefully to what I have to say • Make me feel like there's an adult at school who cares about me	-Helps me to meet many of my health needs

*Demographic data was reported at the program level, where available

Measure	Definition	Data Source
# clients served	Total clients served	ETO/RedCap
# services provided by service type	# of services coded as behavioral_service with codes BHSV1-8. Key code accompanies Redcap data. Each incident could include more than one service provided.	ETO/RedCap
% clients screened for depression, trauma, and substance use	Percent of total clients that were recorded as having been screened for depression, trauma, and/or substance abuse at least one-time during reporting period.	ETO/RedCap
% referrals to HSHC followed up within one week	Percentage of referrals that had 7 days or less between referral date and response date. Calculation reflects % of total referrals, not % of total clients.	Referral Log
% of school population served	Unique clients served by HSHC divided by total student population	ETO/RedCap; BHS data
% of clients satisfied with services, as measured by % of clients who agree with various statements	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- Responsiveness of service (e.g. x days following qualifying event)
- % of clients who have at least one completed the CANS/ANSA for each six-month period that they are in the program

To provide a context for the FY23 RBA outcomes, the High School Health Center expanded its team for the 2022-2023 academic year by hiring two additional full-time employees and welcoming three master's-level interns. These new team members increased the client service capacity as well as reinitiated, group sessions. Significant challenges were with the Electronic Health Records (EHR) system, which impeded the Center's quality control efforts. RBA Outcomes in FY23 for this program are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period: July 2022 - June 2023

High School Health Center (HSHC)

Process Outcomes ("How much did we do?")

244

Clients Served

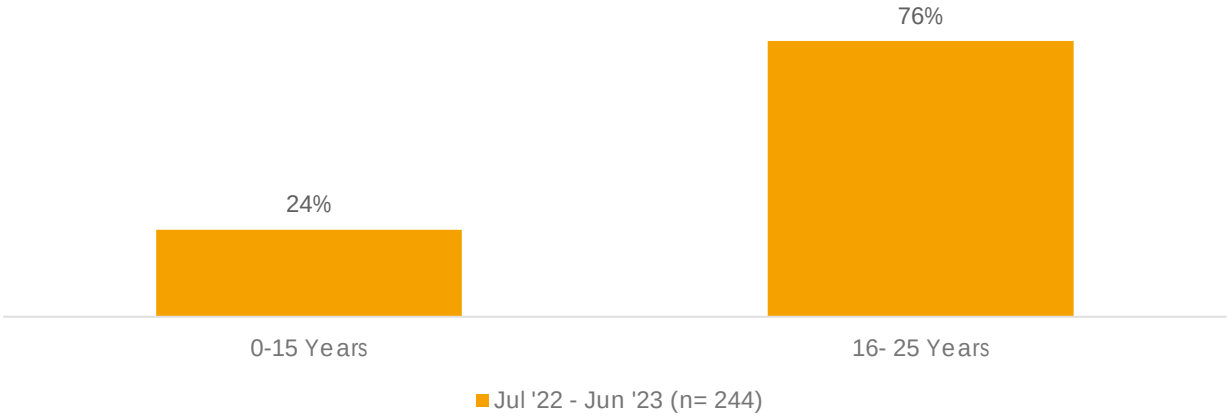
Program Description

The HSHC team provides mental health services on site at Berkeley High School; these services include individual and group therapy, crisis assessments, and drop in support. The program also hosts graduate students for training.

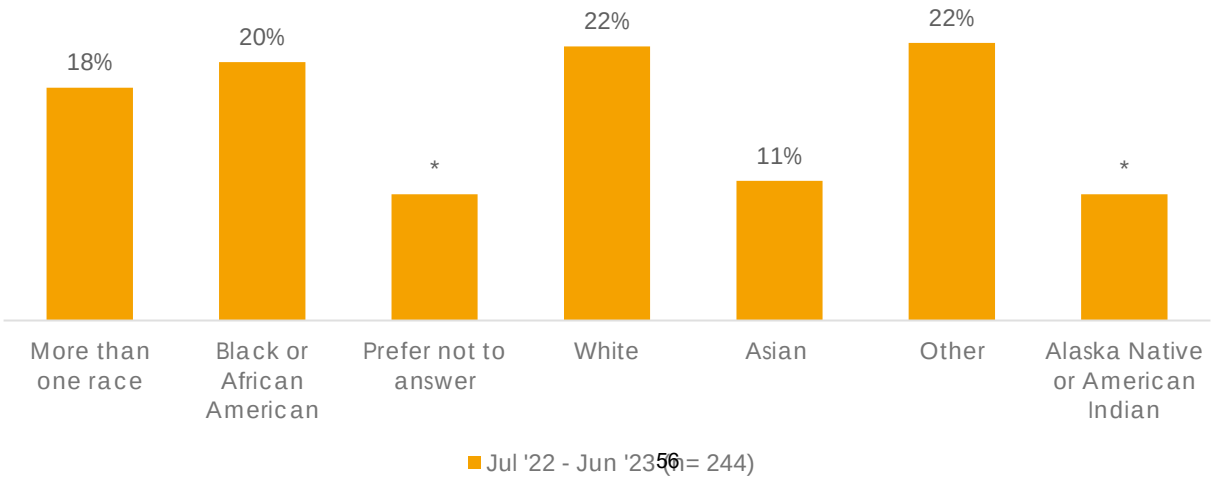
Program Updates

HSHC hired two new full time staff and onboarded 3 master's-level interns in the 2022-2023 school year. This allowed the team to serve more clients and restart groups. HSHC had significant challenges with their EHR, resulting in barriers to quality control.

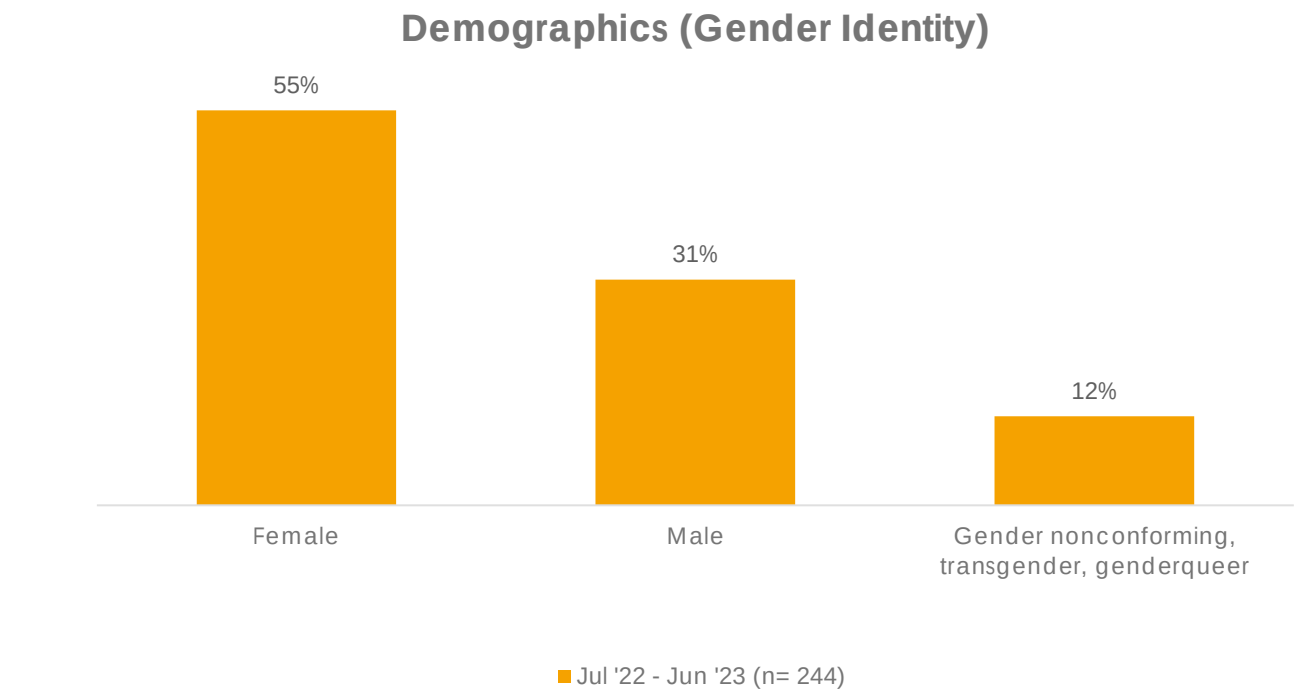
Demographics (Age)

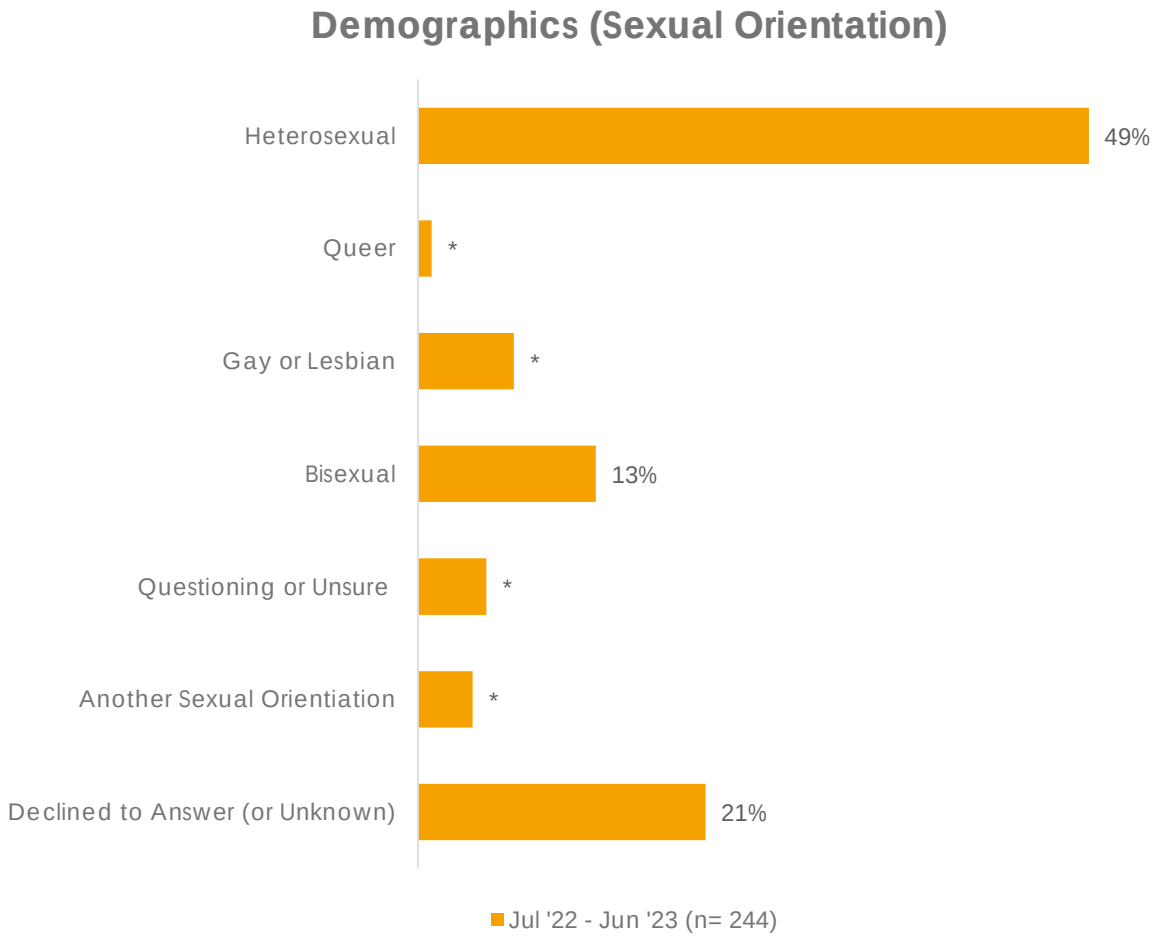


Demographics (Ethnicity)

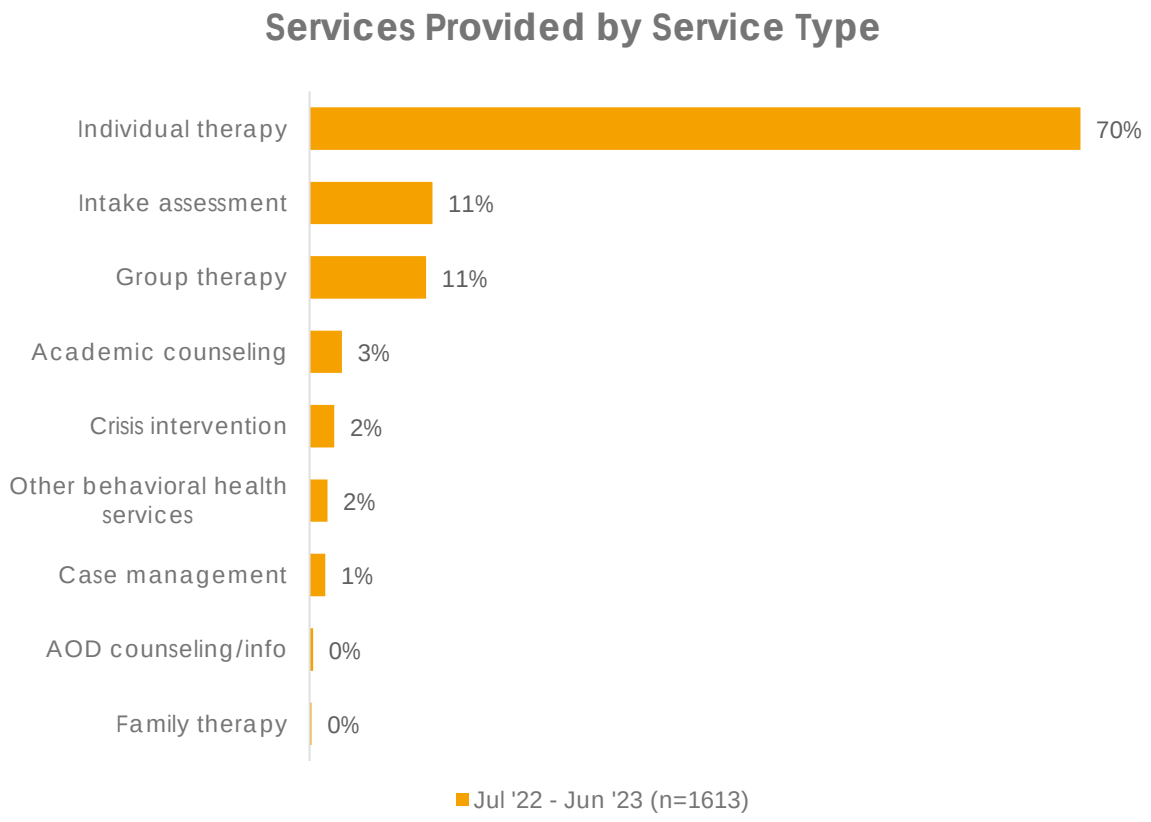


NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.



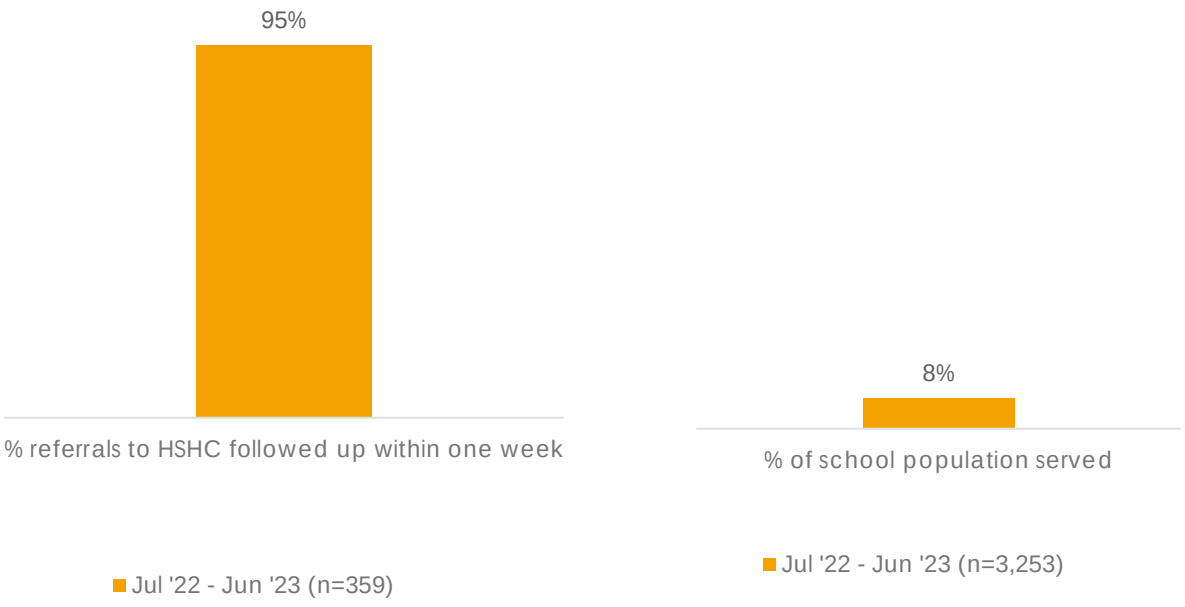


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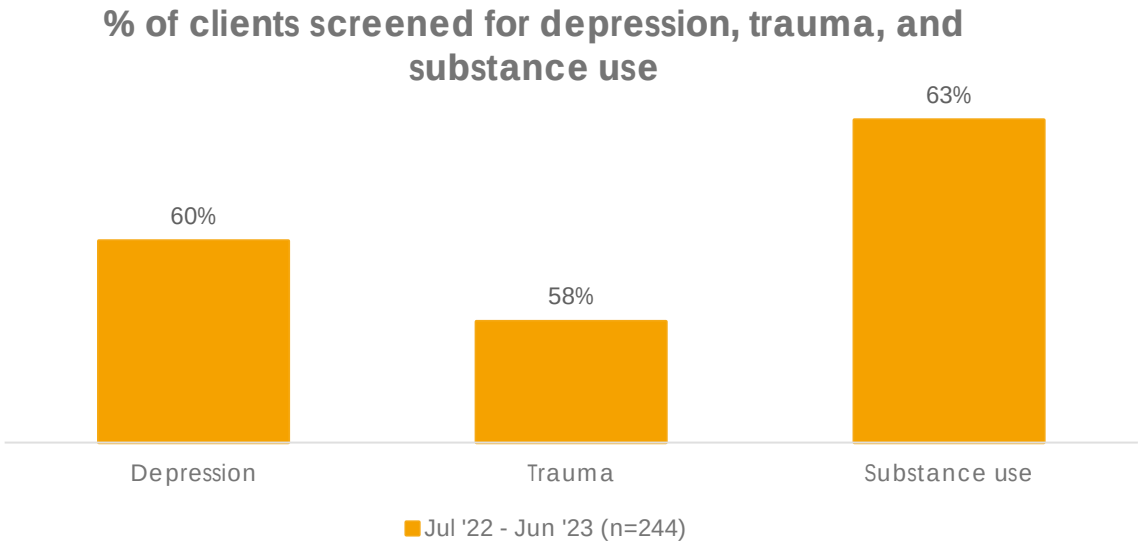


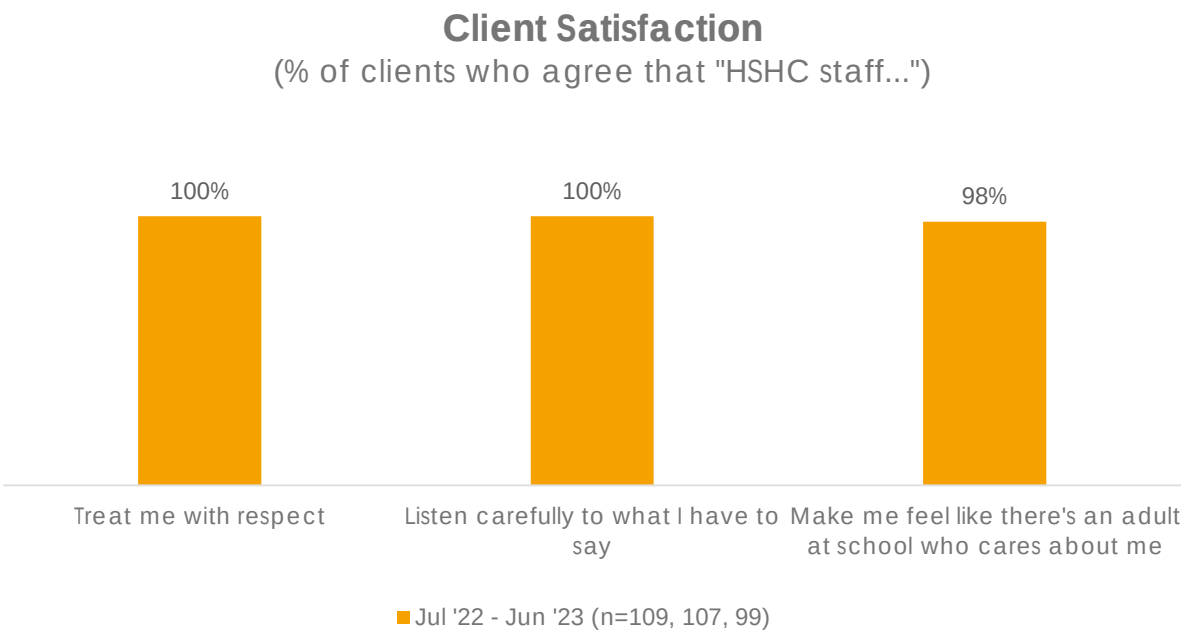
Note that multiple services could be provided in one visit (e.g. crisis assessment and referral) so total services by type is greater than total encounters.

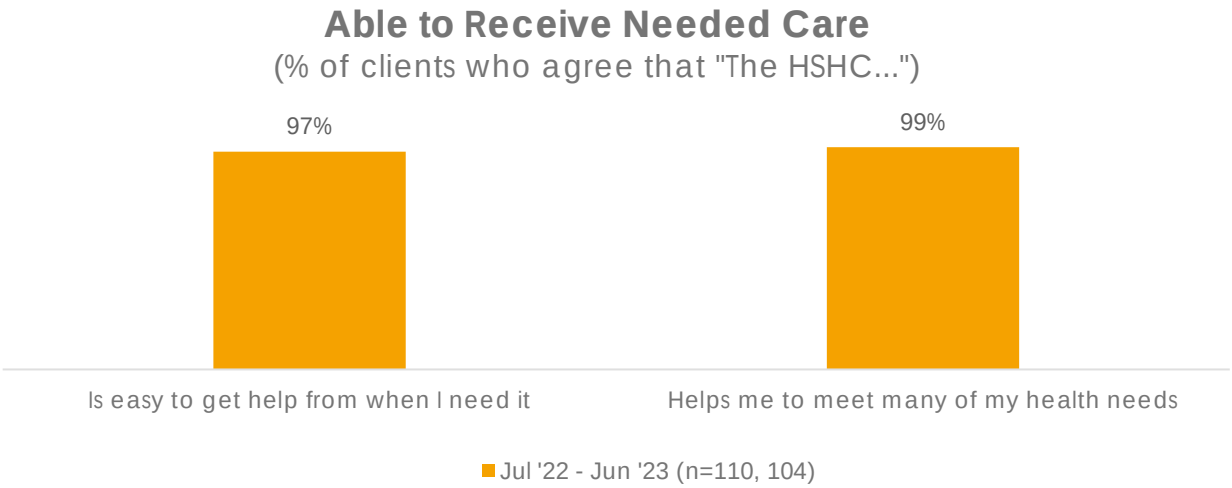
Quality Outcomes ("How well did we do it?")



NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.







NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

Measure	Definition	Data Source
# clients served	Total clients served	NextGen
# of services provided by service type	# of services coded as behavioral_service with codes BHSV1-8. Key code accompanies NextGen data. Each incident could include more than one service provided.	NextGen
% clients screened for depression, trauma, and substance use	Percent of total clients that were recorded as having been screened for depression, trauma, and/or substance abuse at least one time during reporting period.	NextGen
% referrals to HSHC followed up within one week	Percentage of referrals that had 7 days or less between referral date and response date. Calculation reflects % of total referrals, not % of total clients.	Jotform
% of school population served	Unique clients served by HSHC divided by total student population of BHS and BTA.	NextGen; DataQuest
% of clients satisfied with services	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey
% of clients able to receive needed care	% of responses marked as "agree" or "strongly agree" for various survey questions. Note: these responses are from all students who accessed the health center and answered the survey, not just those who received mental health services.	Berkeley SBHC Client Survey

NOTE: *Some data not displayed to protect individual privacy when N< 11. Smaller data was combined.

ACCESS & LINKAGE TO TREATMENT AND EARLY INTERVENTION COMBINED PROGRAM

Access and Linkage to Treatment Programs – Connect children who are seriously emotionally disturbed, and adults and seniors with severe mental illness as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to care provided by county mental health programs.

Early Intervention Programs – Provide treatment and other services and interventions, including relapse prevention, to address and promote recovery and related functional outcomes for a mental illness early in its emergence, including the applicable negative outcomes that may result from untreated mental illness.

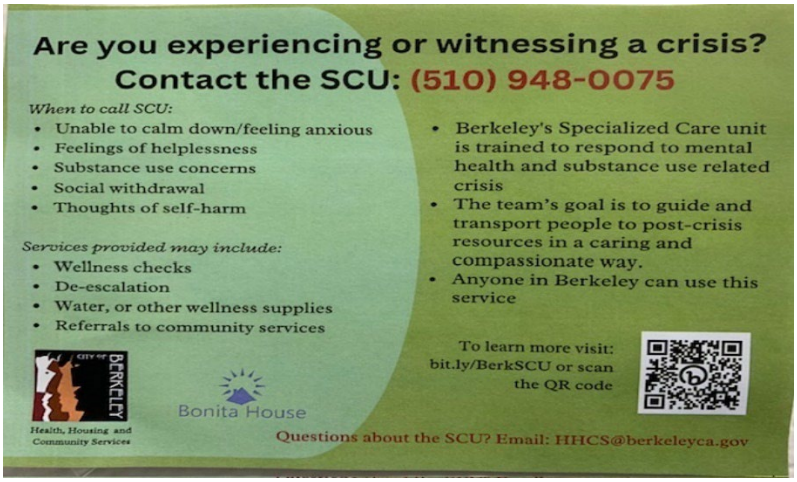
The City of Berkeley provides funding for one Early Intervention program that also has an Access to Treatment program component. The program is as follows:

Specialized Care Unit

Through the approved FY22 Annual Update, the Division allocated a portion of one-time CSS and PEI funds to be leveraged with other City funds to support the Specialized Care Unit (SCU). Implemented through Bonita House, the SCU is Berkeley's new behavioral health crisis response team without the involvement of law enforcement. The SCU consists of trained crisis-response field workers who respond to behavioral health occurrences that do not pose an imminent threat to safety.

PEI Goals: The goal of this program is to connect individuals who have severe mental illnesses as early in the onset of these conditions as practicable, to medically necessary care and treatment, including but not limited to, care provided by county mental health programs.

PEI Priority: Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.



In FY23, MHSA funds directly supported start-up costs of the program including recruitment, hiring, and training of Bonita House staff. Training included crisis support training through Bonita House's Crisis Training Academy as well as the design and training of Berkeley-specific procedures for the SCU program. Additionally, this funding supported the salaries of the SCU program management staff as additional team members were hired. During this time, program management staff worked closely with the City of Berkeley

to create the policies and procedures for a SCU that aligned with the implementation recommendations from the Berkeley community. The SCU began providing services in early FY24, and continues to operate daily from 6am to 4pm, eventually building toward a 24/7 crisis response service without involvement of law enforcement.

STIGMA AND DISCRIMINATION PROGRAM

Stigma and Discrimination programs - Direct activities to reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. The City of Berkeley has one Stigma and Discrimination program:

Social Inclusion Program



The Social Inclusion program was created to combat stigma, attitudes and discrimination around individuals with mental health issues. Through this program, a "Telling Your Story" group provides mental health consumers with opportunities to be trained, compensated and empowered to share their stories of healing in a supportive peer environment. When they feel ready, consumers can elect to be community presenters, sharing their inspirational stories at pre-arranged local public venues to dispel myths and educate others. This program serves approximately 10-20 individuals a year.

PEI Goals: To reduce negative feelings, attitudes, beliefs, perceptions, stereotypes and/or discrimination related to being diagnosed with a mental illness, having a mental illness, or to seeking mental health services and to increase acceptance, dignity, inclusion, and equity for individuals with mental illness, and members of their families. To create changes in attitude, knowledge and/or behaviors related to seeking mental health services or related to mental illness.

PEI Priority: Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).

In FY23, 10 unduplicated individuals participated in the program. Demographics on program participants served were as follows:

DEMOGRAPHICS N= 10	
Age Groups	
26-59 (Adult)	*
Ages 60+ (Older Adult)	*
Race	
Black or African American	*
White	*
Other	*
Ethnicity: Hispanic or Latino/Latina/Latinx	
Mexican/Mexican-American Chicano	*
Puerto Rican	*
Ethnicity: Non-Hispanic or Non-Latino/Latina/Latinx	
African	*
Eastern European	*
Other	*
Declined to Answer (or Unknown)	*
Primary Language Used	
English	100%
Sexual Orientation	
Heterosexual or Straight	*
Bisexual	*
Declined to Answer (or Unknown)	*
Disability	
Difficulty Seeing	*
Difficulty Hearing	*
Mental Domain not including a mental illness	*
Physical Mobility domain	*
Chronic Health Condition	*
Other (Specify):	*

Veteran Status	
No	100%
Gender: Assigned sex at birth	
Male	*
Female	*
Current Gender Identity	
Male	*
Female	*

*Indicates information is withheld to protect the privacy and confidentiality of individual participants.

Program Successes:
In FY23, the Telling Your Story group has grown to having more consistent attendees in person and on the zoom platform. Some participants enjoyed having the group virtually in the comfort of their home, they felt safer, and the hassle of commuting was eliminated. Other individuals enjoyed connecting in-person with participants who, joined the group in the same way. The group continued to be conducted through the structure of a brainstorming session and a sharing component. The topics of discussion were focused on the Eight Dimensions of Wellness. Per staff report, many participants benefitted from listening to answers to questions that staff developed based on the topics of discussions, as well as through staff assistance with formulating their story. Per staff report, participants felt more prepared during their shares and enjoyed the support they received from their peers.

Program Challenges:
In FY23, the Telling Your Story group had a few challenges, which the staff have been working to improve to make the group more enjoyable for all participants. Over the course of the last two years, staff hosted the group online and in-person and at times, this caused some delays to the start of the group due to individuals arriving at different times and having to update all participants. Managing and making sure everyone engaged, was difficult as individuals who joined by Zoom, called in so staff were unable to see participants faces. For individuals who primarily come to the group on Zoom, the questionnaire that required their feedback went unanswered, therefore staff wasn't able to obtain a full report of how the group was helping individuals to feel confident with sharing their story. Managing both platforms can be complicated and it lacks the in-person connection. This group was held twice a month and even though there was a brainstorming session of topics to discuss, some members didn't seem to come prepared to share based on the topic at the next group and this may be due to memory or not fully being engaged in the group when people are calling in on Zoom. The last challenge was the number of participants, a very consistent group of individuals participated, however staff would like to do more outreach to engage potential group participants, in an effort make a positive impact for more individuals in the community.

The projected numbers of individuals to be served in FY25 per each age group are as follows: 18-25 years = 2 individuals; 26-59 years = 6 individuals; 60+ = 4 individuals.

In FY23, The Telling Your Story Project participated in the Division's Results Based Accountability Evaluation. As the Telling Your Story Project, is conducted by the same staff who operate Wellness

Recovery Services, the Results Based Accountability (RBA) Measures for this project were combined with the Wellness Recovery program measures. RBA measures were as follows:

Process Measures How much did we do?	Quality Measures How well did we do it?	Impact Measures Is Anyone Better off?
• # of participants served • # of different groups convened per year • # of group events held per year • # of group participants who meet the requirements for "Telling Your Story" (MHSA PEI Requirement)	• #/% of participants who return for group events	• #/% of participants who reported feeling less shame about their experiences and challenges • #/% of participants who reported progress in their recovery

Measure	Definition	Data Source
# participants served	Total # of participants served	Wellness Recovery Group Attendance Tracker
# of different group convened	Number of different types of groups (i.e. walking group, mood group, Telling Your Story group) convened	Wellness Recovery Group Attendance Tracker
Group events	Total number of meetings held	Wellness Recovery Group Attendance Tracker
# of participants who meet the requirements for "Telling Your Story"	Total number of participants in all "Telling Your Story" meetings	Wellness Recovery Group Attendance Tracker
# of participants who return for group events	Of total number of participants, % who returned for more than one event or meeting	Wellness Recovery Group Attendance Tracker
% of participants who reported feeling less shame about their experiences and challenges	Of participants who took the survey, percent who responded "agree" or "strongly agree" to the question.	Telling Your Story Survey
% of participants who reported recognizing progress in their recovery	Of participants who took the survey, percent who responded "agree" or "strongly agree" to the question.	Telling Your Story Survey

Data Development Agenda: measures the team is interested in reporting on but for which reliable data was not available:

- Advance Directives Data:
  -#/% of participants with an Advance Directive completed
  -#/% of participants able to advocate for themselves with service providers
- Equity of services (e.g. client demographics compared to MediCal population)
- % of clients who were satisfied with services

RBA outcomes for this program are outlined on the following pages.

BMH RBA Report FY 2023

Reporting Period July 2022 - June 2023

Wellness & Recovery Services

Process Outcomes ("How much did we do?")

Program Description The Wellness and Recovery Program is designed to provide outreach, support, education, activities, and advocacy to consumer members living with mental illness and living in Berkeley. Wellness group activities include: Berkeley Peers Organizing Community Change (POCC), Card Groups, Mood Groups, Walking Groups, and field trips.

Program Updates The Wellness Recovery Team added two Social Services Specialist positions to the program. Adding these positions made more people aware of the wellness groups, events and support that the clinic has to offer.

49

Participants served

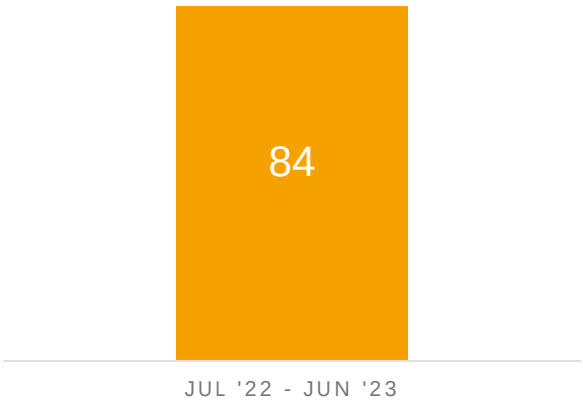
10

Participants who meet requirements for "Telling Your Story"

7

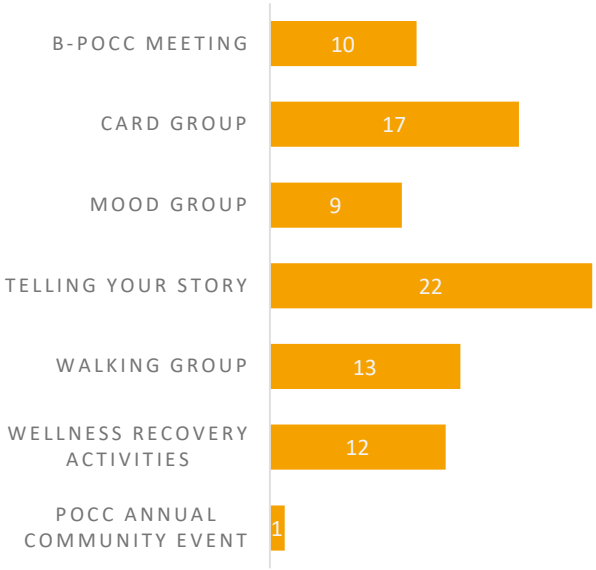
Different groups convened

WELLNESS GROUP MEETINGS ACROSS 7 DISTINCT GROUPS

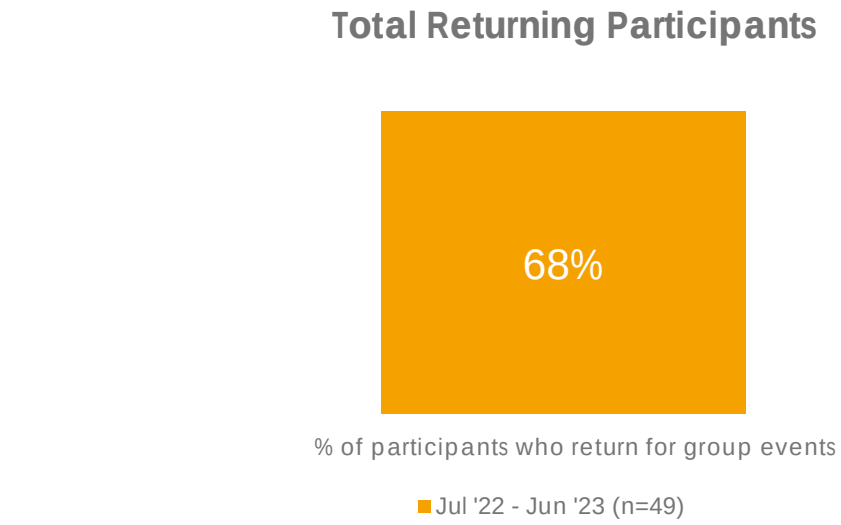


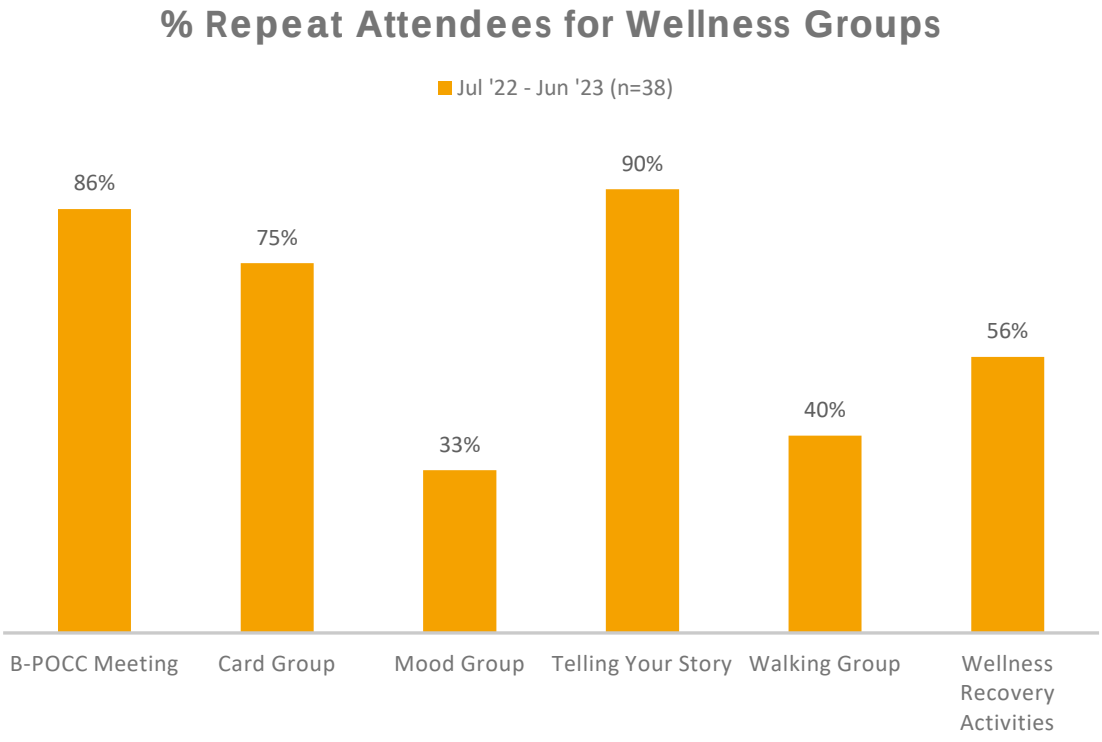
WELLNESS GROUP MEETINGS

JUL '22 - JUN '23 (N=84)



Quality Outcomes ("How well did we do it?")





Measure	Definition	Data Source
# participants served	Total # of participants served	Wellness Recovery Group Attendance Tracker
# of different groups convened	Number of different types of groups (i.e. walking group, mood group, Telling Your Story group) convened	Wellness Recovery Group Attendance Tracker
Average # of group events held per 6 months	Total number of meetings held	Wellness Recovery Group Attendance Tracker
# of participants who meet the requirements for “Telling Your Story"	Total number of participants in all "Telling Your Story" meetings	Wellness Recovery Group Attendance Tracker
% of participants who return for group events	Of total number of participants, % who returned for more than one event or meeting	Wellness Recovery Group Attendance Tracker
% of participants reporting feeling less shame about their experiences and challenges	Percentage of survey respondents who agree or strongly agree that they feel less shame about their experiences and challenges	Telling Your Story Survey
% of participants reporting recognizing progress in their recovery	Percentage of survey respondents who agree or strongly agree that they recognize progress in their recovery	Telling Your Story Survey

OUTREACH FOR RECOGNIZING THE EARLY SIGNS OF MENTAL ILLNESS

Outreach for Recognizing the Early Signs of Mental Illness Program - A process of engaging, encouraging, educating, and/or training, and learning from potential responders about ways to recognize and respond effectively to early signs of potentially severe and disabling mental illness.

Per PEI State Regulations in addition to having the required "Outreach for Increasing Recognition of Early Signs of Mental Illness Program", mental health jurisdictions may also offer Outreach for Increasing Recognition of Early Signs of Mental Illness as: a strategy within a Prevention program, a strategy within an Early Intervention program, a strategy within another program funded by PEI funds, or a combination thereof. Additionally, an Outreach for Increasing Recognition of Early Signs of Mental Illness program, may be provided through other MHSA components as long as it meets all of the program requirements.

Mental Health First Aid

City of Berkeley Mental Health staff have previously implemented a Mental Health First Aid Training to the community through non-MHSA funds. Mental Health First Aid is a groundbreaking public education program that helps the public identify, understand, and respond to signs of mental health issues and substance use disorders. Mental Health First Aid presents an overview of mental health issues and substance use disorders and introduces participants to risk factors and warning signs of mental health problems, builds understanding of their impact, and provides an overview of common treatments. Through this training a five-step action plan is taught that encompasses the skills, resources and knowledge to help an individual in crisis connect with appropriate professional, peer, social, and self-help care.

PEI Goals: The goal of this campaign is to increase prevention efforts and response to early signs of emotional and behavioral health problems.

PEI Priorities:

- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

Due to vacancies in staff, Mental Health First Aid trainings have not been provided in the past several years. It is envisioned that this program will be restarted in FY25.



SUICIDE PREVENTION

Suicide Prevention Programs (Optional) - Activities to prevent suicide as a consequence of mental illness.

The City of Berkeley has one PEI funded Suicide Prevention program:

California Mental Health Services Authority (CalMHSA) PEI Statewide Projects

Per PEI State Regulations mental health jurisdictions have an option on whether to utilize MHSA PEI funds on Suicide Prevention programs. While the City of Berkeley has not previously chosen to utilize PEI funds to implement a local Suicide Prevention program, in FY18 the Division began contributing 4% of PEI funding to the California Mental Health Services Authority (CalMHSA) to participate in the PEI Statewide Projects Initiative to locally obtain State resources on Suicide Prevention, Student Mental Health, and Stigma and Discrimination.

PEI Goals:. The goal of this campaign is to increase prevention efforts and response to early signs of emotional and behavioral health problems.

PEI Priorities:

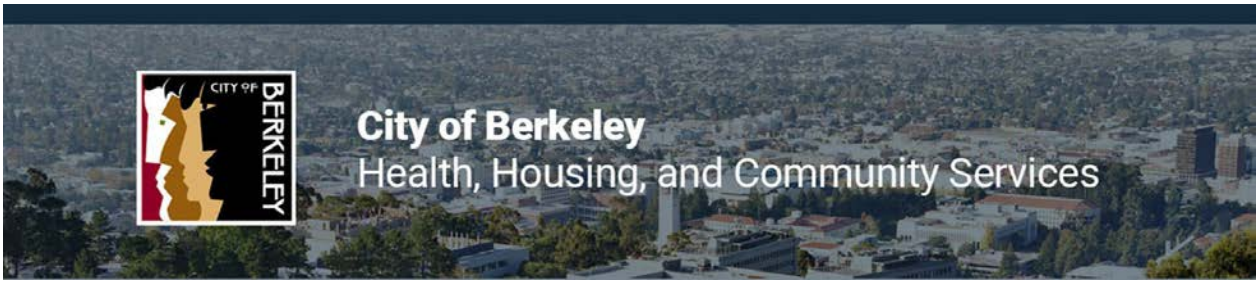
- Culturally competent and linguistically appropriate prevention and intervention; including community defined evidence practices (CDEPs).
- Early identification programming of mental health symptoms and disorders, including but not limited to, anxiety, depression, and psychosis.

In FY23, through this initiative resources on Suicide Prevention, Student Mental Health and Stigma and Discrimination reached approximately 1,624 individuals. Additionally, resources were distributed via email to local schools, community agencies and community members.

At present, the City has approximately $153,901 of unspent funds that were previously allocated to CalMHSA for this initiative. As a result, through this Annual Update, the Division is proposing to eliminate the allocation of local annual PEI funding for this initiative. Additionally, the Division will either utilize the previously allocated funds that are remaining at CalMHSA, to continue this initiative for a short-time, or to have the funds returned to the City for local use.

APPENDIX D

INNOVATION
FY23 ANNUAL EVALUATION REPORT



City of Berkeley Mental Health Mental Health Services Act (MHSA)

Innovations (INN)

FY22/23 Annual Evaluation Report

INTRODUCTION

Mental Health Services Act (MHSA) Innovation (INN) funds are to be are utilized for short-term projects that contribute to new learning in the mental health field. This MHSA component provides the opportunity to pilot test and evaluate new strategies that can inform future practices in communities and mental health settings. INN projects can target any population and any aspect of the mental health system as long as the strategies or approaches that are being implemented address at least one of the following areas:

- Increase access to mental health services;
- Increase access to mental health services for underserved groups;
- Increase the quality of mental health services, including better outcomes;
- Promote interagency collaboration.

INN projects should also have one of the following primary practices: introduce new mental health practices or approaches that have never been done before; or make changes to existing mental health practices/approaches, including adapting them to a new setting or community; or introduce a new promising community-driven practice/approach that has been successful in non-mental health contexts or settings.

Per Mental Health Services Act (MHSA) State requirements, Mental Health jurisdictions are to submit an Innovation (INN) Evaluation Report to the Mental Health Services Oversight and Accountability Commission (MHSOAC) on an annual basis. INN Regulations also require mental health jurisdictions to submit an Annual Evaluation Report to the State each fiscal year. The Evaluation Report should be included with the MHSA Annual Update or Three Year Program and Expenditure Plan and undergo a 30 Day Public Comment period and approval from the local governing board. Per state regulations, the MHSA INN Fiscal Year 2022/2023 (FY23) Annual Evaluation Report that covers data from FY23 is due.

This FY23 INN Annual Evaluation Report provides descriptions of currently funded MHSA INN services, and reports on FY23 program and demographic data.

BACKGROUND

On October 6, 2015, updated INN regulations designed by the Mental Health Services Oversight and Accountability Commission (MHSOAC) became effective. The new INN Regulations, included program and demographic data requirements that are to be reported to the MHSOAC through INN Annual Evaluation Reports. Per the new requirements, Mental Health Jurisdictions should report on the following INN Program and Demographic elements.

- Name of the Innovative Project.
- Whether changes were made to the Innovative Project during the reporting period, a description of the changes and the reasons for the changes.
- Available evaluation data, including outcomes of the Innovative Project and information about which elements of the Project are contributing to outcomes.
- Program information collected during the reporting period, including for applicable Innovative Projects that serve individuals, and the number of participants served.
- All Demographic Data as applicable per project (as outlined below).

INN Demographic Reporting Requirements

For the information reported under the various program categories, each program will need to report disaggregate numbers served, number of potential responders engaged, and number of referrals for treatment and other services by:

(A) The following Age groups:

- 0-15 (children/youth)
- 16-25 (transition age youth)
- 26-59 (adult)
- ages 60+ (older adults)
- Number of respondents who declined to answer the question

(B) Race by the following categories:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or other Pacific Islander
- White
- Other
- More than one race
- Number of respondents who declined to answer the question

(C) Ethnicity by the following categories:
(i) Hispanic or Latino as follows

- Caribbean
- Central American
- Mexican/Mexican-American/Chicano
- Puerto Rican
- South American
- Other
- Number of respondents who declined to answer the question

(ii) Non-Hispanic or Non-Latino as follows

- African
- Asian Indian/South Asian
- Cambodian
- Chinese
- Eastern European
- European
- Filipino
- Japanese
- Korean
- Middle Eastern
- Vietnamese
- Other
- Number of respondents who declined to answer the question
- More than one ethnicity
- Number of respondents who declined to answer the question

(**D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

(**D) Primary language used listed by threshold languages for the individual county**

- English
- Spanish
- Number of respondents who declined to answer the question

(E) Sexual orientation

- Gay or Lesbian
- Heterosexual or Straight
- Bisexual
- Questioning or unsure of sexual orientation
- Queer
- Another sexual orientation
- Number of respondents who declined to answer the question

(F) Disability, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness

- If Yes, report the number that apply in each domain of disability(ies)
  - Communication domain separately by each of the following:
    - difficulty seeing,
    - difficulty hearing, or having speech understood)
    - other, please specify
  - Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
  - Physical/mobility domain
  - Chronic health condition (including but not limited to chronic pain)
  - Other (specify)
- No
- Number of respondents who declined to answer the question

(G) Veteran Status,

- Yes
- No
- Number of respondents who declined to answer the question

(H) Gender

(i) Assigned sex at birth:
(a) Male
(b) Female
(c) Number of respondents who declined to answer the question
(ii) Current gender identity:
(a) Male
(b) Female
(c) Transgender
(d) Genderqueer
(e) Questioning or unsure of gender identity
(f) Another gender identity
(g) Number of respondents who declined to answer the question.

Effective July 2018 amended INN regulations specified the following:

- For projects/programs serving children or youth younger than 18 years of age, the demographic information collected and reported should only be done so to the extent permissible by privacy laws;
- For projects/programs serving minors younger than 12 years of age, demographic information shall be collected and reported, except for sexual orientation, current gender identity, and veteran status;
- Information that cannot be obtained directly from the minor may be obtained from the minor's parent, legal guardian, or other authorized source.

CITY OF BERKELEY INN PROGRAMS

A description of INN programs and FY23 data are outlined below:

Help@Hand - Technology Suite Project

In September 2018, following a four-month community planning process and approval from City Council, the City of Berkeley Technology Suite Project (which has since been renamed "Help@Hand") was approved by the MHSOAC. This project allocated INN funding to participate in a Statewide Collaborative with other California counties to pilot a Mental Health Technology Project that made various technology-based mental health services and supports applications (Apps) locally available in Berkeley. The Help@Hand Project sought to learn whether the use of the Apps would increase access to mental health services and supports; and whether it would increase the quality of mental health services, including leading to better outcomes.

The Division worked both internally and with the California Mental Health Services Authority (CalMHSA), the fiscal intermediary for this project, to prepare for citywide implementation. Due to a need for additional community mental health supports as a result of the pandemic, the priority population for accessing Apps was changed from the original primary focus on TAY and Older Adults, to include anyone who lived, worked and or attended school in Berkeley.

Per a competitive recruitment process, the Division contracted with Resource Development Associates (RDA), who conducted Project Coordination work through early FY22 on this project. Following that timeframe, the BMH MHSA Coordinator served as the Project Coordinator for this project. On behalf of the City and with locally designated Help@Hand project funds, CalMHSA executed a contract with Uptown Studios, in early FY22 to conduct a marketing and social media campaign for this project.

In November 2021, as a result of this project, free access to the HeadSpace and MyStrength Apps became locally available in Berkeley for a limited timeframe. The MyStrength App was available through October 2022. A large interest in the HeadSpace App in FY22 led the Division to decide to allocate a portion of non-MHSA funds to add additional licenses of this App for the community, and the HeadSpace App was available through September 2023.

The Division is currently participating in a State Evaluation with other counties in this project. The evaluation is being conducted by the University of California at Irvine (UCI). Additionally, following a competitive recruitment process, the Division entered into a contract with Hatchuel, Tabernik & Associates to conduct a local evaluation of this project. The evaluations are currently underway and will be reported on in future MHSA INN Evaluation Reports.

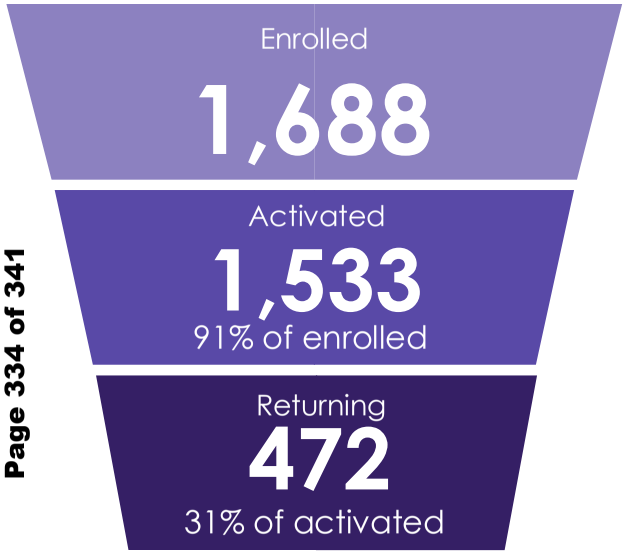
Over the duration of this project, there were 1,720 enrollees in MyStrength, and 7,328 enrollees in HeadSpace. Each App company collected and provided reporting on various user data measures. Local usage data provided by each App is outlined on the following pages.

myStrength scorecard

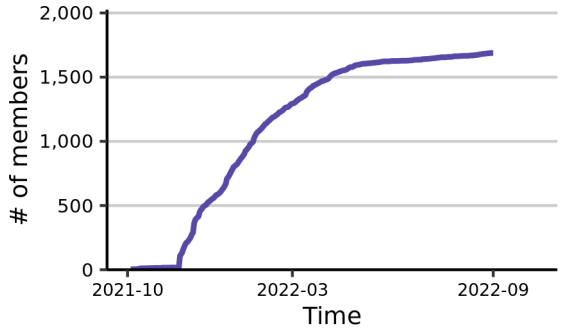
City of Berkeley

Program launch: 2021-09-20 Data thru: 2022-08-31

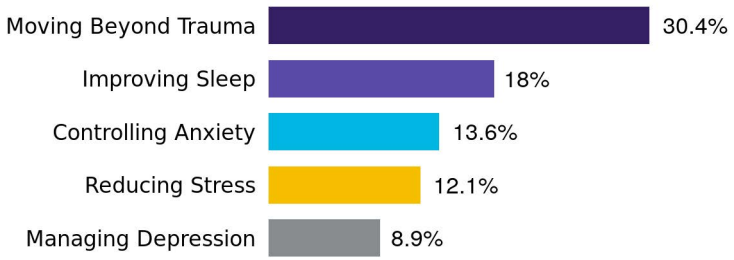
Members enrolled



Enrollment trends



Top 5 digital recommendations



Program engagement

Average 90 day member engagement rates (% of returning)

14%
65/472
Logged in

4%
20/472
Completed activity

NA%
NA/472
Used engagement guidance

3 average logins/member

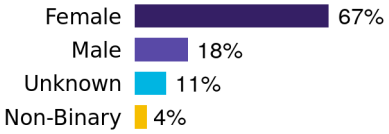
4 average activities completed/member

NA average messages sent to guide/member

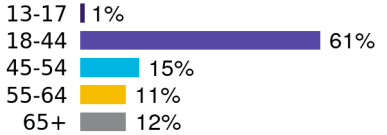
Member demographics

(% of enrolled)

Gender



Age Group



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myStrength scorecard

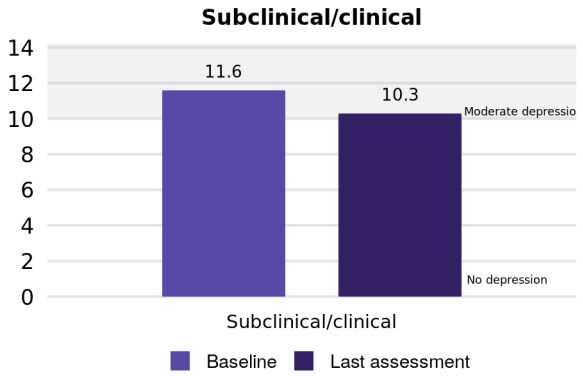
City of Berkeley

Program launch: 2021-09-20 Data thru: 2022-08-31

Depression outcomes

Clinical and subclinical population

Scored 5 or more in the PHQ-9 assessment



68.1%

Maintained or improved

40.5%

Clinically Improved

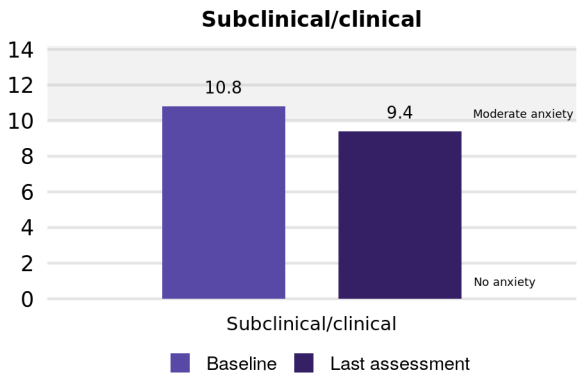
Started with scores ≥15 and decreased their score by at least 5 points

A PHQ-9 score indicates the severity level of a member's symptoms, where a score of 0-4 is nonclinical, 5-14 is subclinical, and 15+ is clinical.

Anxiety outcomes

Clinical and subclinical population

Scored 5 or more in the GAD-7 assessment



72.4%

Maintained or improved

25.8%

Clinically Improved

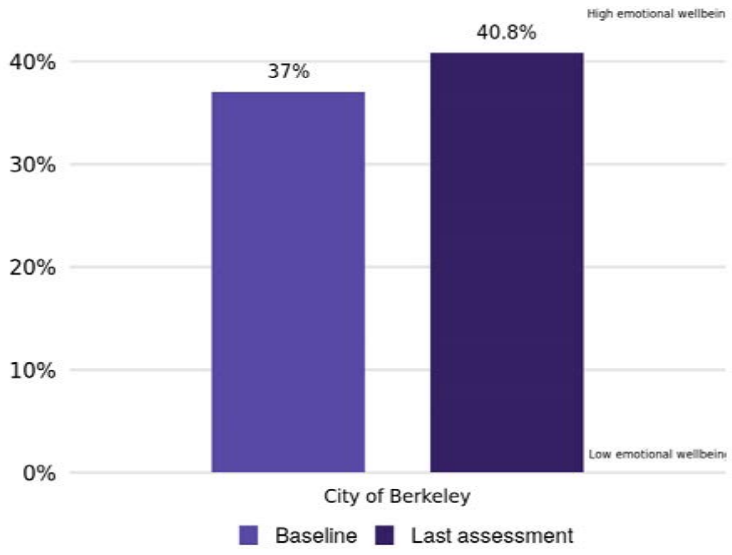
Started with scores ≥15 and decreased their score by at least 5 points

A GAD-7 score indicates the severity level of a member's symptoms, where a score of 0-4 is nonclinical, 5-14 is subclinical, and 15+ is clinical.

Wellbeing outcomes

28.4%

Of members' wellbeing improved at least 10% (Clinical definition of improvement)



A WHO-5 score below 52% (13 points) indicates poor well-being.

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DATA DEFINITIONS

Members enrolled

Enrolled: Number of members who registered and successfully enrolled

Activated: Number of members who completed the onboarding assessment

Returning: Number of activated members who have logged into the myStrength program at least once after onboarding assessment completion

Enrollment trends: Number of members who have enrolled (current enrolled) over time since the program launch date

Top 5 digital recommendations

The percentage of returning members that were recommended "Just for You" content or digital courses and programs.

Program engagement

Logged in: The percentage of returning members that logged into the myStrength application via the mobile app or the myStrength website at least once in the last 90 days.

Completed activity: The percentage of returning members that completed at least one activity in the last 90 days. Members must click the "Finish" button after going through all the steps in order to be counted.

Engagement guidance: The percentage of returning members that have sent at least one message to a guide in the last 90 days.
*N/A will display if engagement guidance is not a part of the program that was purchased

Clinical outcomes

PHQ-9 is a validated depression screening tool. Total score is between 0 and 27 with higher scores meaning more symptoms. Metrics show % of members who have taken the PHQ-9 assessment at least twice – once at baseline and at least once more after baseline.

GAD-7 is a validated anxiety screening tool. Total score is between 0 and 21 with higher scores meaning more symptoms. Metrics show % of members who have taken the GAD-7 assessment at least twice – once at baseline and at least once more after baseline.

WHO-5 is a validated measure of general wellbeing (not a specific diagnosis or problem). Total score is between 0 and 25 with lower scores showing lower quality of life and higher scores showing higher quality of life. Raw scores are multiplied by 4 to get a percentage score. Metrics show % of members who have taken the WHO-5 assessment at least twice – once at baseline and at least once more after baseline.

*For each clinical outcome, the reported population has at least 10 members in the program and completed at least two assessments.

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headspace

City of Berkeley

Enrollment

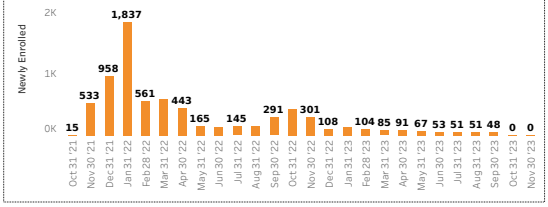
Current Members

Number of people (employees) from my organization enrolled to Headspace

New Enrollments

Number of new member enrollments by Month

For week view, weeks may include enrollments from prior/future month if these dates are in the chosen period; Week start is on Sunday and week end is on Saturday



Employee

Engagement

Headspace Minutes in None

Total minutes using ALL Headspace content within calendar year

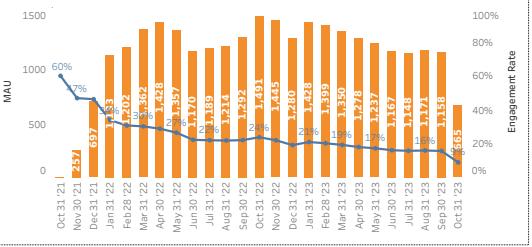
Minutes Meditated in None

Total minutes using meditation content within calendar year

Monthly Active Users

MAU: Number of enrolled members who have engaged with at least 1 piece of content in Headspace in the previous 30 days

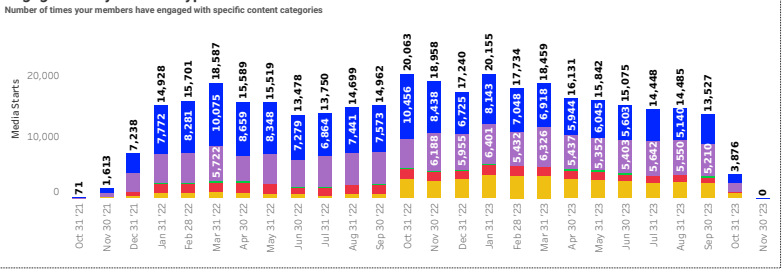
Engagement Rate: Percentage of total enrolled members who have engaged with at least 1 piece of content in Headspace in the previous 30 days



Engagement Rate MAU

Engagement by Content Type

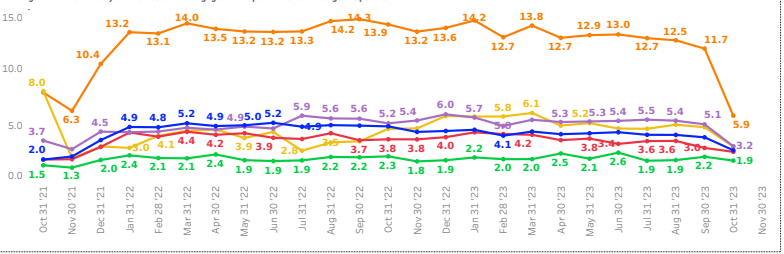
Number of times your members have engaged with specific content categories



Meditation Sleep Move Wakeup Focus

Depth of Engagement per Active User

Average number of times your members have engaged with specific content categories per month



Meditation Sleep Move Wakeup Focus ALL

Top 15 Courses

Percentage of sessions from courses over choosen period

Managing Anxiety	14.1%
Basics	10.8%
Letting Go of Stress	9.3%
Basics 2	5.3%
Sleep	4.2%
Basics 3	3.8%
Finding Focus	3.4%
Pro | Level 1	2.5%
Self-Esteem	2.4%
Headspace 365	2.4%
Acceptance	2.4%
Balance	2.3%
Handling Sadness	1.6%
Navigating Change	1.6%
Creativity	1.4%

Top 15 Non-Courses

Percentage of sessions from non-course content over choosen period

The Wake Up	9.3%
Goodnight	3.0%
Sleeping	2.4%
Everyday Headspace	2.1%
Doze	1.8%
Falling Back to Sleep	1.2%
Switching Off	1.2%
Unguided	1.0%
Rain on Rocks	0.9%
Take 5 Cleansing Breaths	0.9%
60 Seconds of Mindful Bre..	0.8%
Treat Yourself to 5 Gentle..	0.8%
Feel the Benefits of 5 Dee..	0.8%
1-Minute Breathing Exerc..	0.8%
Enjoy 5 Deep Breaths	0.8%

If you have issues or questions on your organization's report, please reach out to your customer success manager or contact teamsupport@headspace.com.

Encampment-Based Mobile Wellness Center Project

In April 2022, the Division received approval to implement an Encampment-Based Mobile Wellness Center Project from the Berkeley City Council and the State Mental Health Oversight and Accountability Commission (MHSOAC). This new project will pilot a Mobile Wellness Center at Homeless encampments in Berkeley. The Mobile Wellness Center project will provide an on-site, customizable menu of services that are chosen by individuals who reside at the encampments. The project will be led by peers with lived experience of homelessness, and include partners from encampment communities to encourage participation, help define service needs, and support service provision at the site. The project will be implemented by Options Recovery Services who was chosen through a competitive Request For Proposal (RFP) process.

The project will seek to learn whether on-site wellness center services have a positive impact on mental health outcomes including an increase in the uptake of mental health services. The project will also assess the impact of how having individuals from the community help to provide services, shapes service delivery, and the participant satisfaction with services. The project will include an Evaluation component, which will be reported on in future MHSA INN Evaluation Reports. It is envisioned that the project will be implemented in early FY25.

APPENDIX E

PUBLIC COMMENTS

Klatt, Karen

From: catherine huchting <chuchting@gmail.com>
Sent: Thursday, July 25, 2024 6:22 PM
To: Klatt, Karen
Subject: Folow-up questions/City of Berkeley Health, Housing Services Community Meeting 7/9/24

Thank you for your presentation on July 9th at the South Berkeley Center and for speaking with me today.

Here is what I'd like to formally add to your presentation to the City:

We are writing to address the City's accounting strategy of holding onto a multi-million dollar financial reserve which results in perpetuating a mental health care crisis instead of meaningfully servicing our most vulnerable citizens in South Berkeley who are in dire need of those services.

As we understand it, the current projected amount of **unspent MHSA Funds,** by funding component is as follows:

-Community Services and Supports: $13,247,388

-Prevention and Early Intervention: $4,154,447

-Innovations: $2,413,336

After the proposed expenditures of $8,439,938 for FY 25, **there is a remainder of $11 million in reserve.**

It is unconscionable that $11M sits in reserve -- when there are so many people with severe mental health care needs in our South Berkeley community who would benefit immediately from these additional services. They must be helped NOW.

We urge the City Council to use this $11M reserve to:

- Develop more community owned housing for those highly affected by mental illness **who are also unhoused**.

- Enhance the Specialized Care Unit so that it is available 7 days a week, 24 hours a day. They need a more robust staff.

- Implement a public education campaign so that access to these services are widely known throughout Berkeley (bus shelters and public places).

Thank you.

Lynn Cooper

Catherine Huchting

Mari Mendonca

Linda Olivenbaum

Willie Phillips

Richie Smith

Chris Schildt

Gene Turitz

Tony Wilkinson

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: 2024 Local Housing Trust Fund Application

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed $5,000,000, and to apply such funds to the City's existing funding reservations for two projects at the North Berkeley BART (NBB) site: NBB East Bay Asian Local Development Corporation (EBALDC) Project and NBB BRIDGE Insight Permanent Supportive Housing (PSH) Project via the City's Housing Trust Fund program.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is eligible to apply for up to $5,000,000 from the State's competitive Local Housing Trust Fund (LHTF) program. The final award will be decided as part of the competitive application process. This funding would be applied to the City's Housing Trust Fund (HTF) program to fund the City's existing funding reservation for the two affordable housing projects proposed by EBALDC and Insight Housing (Insight, in partnership with BRIDGE Housing) as part of the NBB project, reducing the amount of Measure O and/or other local funds that would be required for the projects, and making those funds available for other housing priority projects if the City receives an LHTF award.

CURRENT SITUATION AND ITS EFFECTS

The City is eligible to apply for between $1 million and $5 million under the LHTF program. The program provides matching funds to local housing trust funds established by cities and counties. Applications will be scored on several criteria including the source of matching funds (sources other than residential local impact fees or in lieu fees), existing local funding commitments, project readiness, and affordability.

Based on eligibility criteria, the City can apply to support two projects in the City's HTF development pipeline, both proposed as part of the NBB project: the NBB EBALDC Project and the NBB BRIDGE Insight PSH Project. The NBB EBALDC Project will be a 60-unit family housing development by EBALDC that will also include 15 units of PSH. The NBB BRIDGE Insight PSH Project will be developed in partnership with BRIDGE

Housing and Insight Housing, and will include 85 PSH units. The PSH units under both projects will serve formerly homeless individuals.

City Council reserved a total of $26.5M to the affordable housing developments at the North Berkeley BART site, through Resolutions 70,643-N.S., 70,991-N.S., and 71,428-N.S. The funding will come from future issuances of the Measure O Bond (anticipated in 2025 and 2027) and Affordable Housing Mitigation Fees.

BACKGROUND

On July 9, 2024, the California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) of approximately $53 million for the LHTF program created under the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1). The LHTF program was established by the State as a funding source to finance new affordable housing construction. The program is funded by $300 million proceeds from a $4 billion bond under the State General Obligation Bond Law.

Program funds awarded must be designated to provide construction loans and/or permanent financing loans to pay for construction or rehabilitation of affordable rental housing projects, emergency shelters, permanent supportive housing, transitional housing and affordable homeowner projects. Program funds may also be used to assist income-eligible first-time homebuyers to purchase homes and to rehabilitate houses owned by income-eligible occupants. Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) construction and conversion programs are also eligible.

The City is eligible to apply as it maintains an existing Housing Trust Fund. The City of Berkeley's HTF program was established in 1990 to support affordable housing development and rehabilitation. It is funded by several sources, including Affordable Housing Mitigation Fees (AHMF), Condominium Conversion fees, and federal HOME funds. Measure O was approved by voters in 2018 to provide $135 million in additional bond funding for affordable housing development, and is administered through the HTF program. Any LHTF funding the City receives will complement these existing funding sources.

In 2020, the City of Berkeley successfully applied for and received LHTF awards for two projects, The Grinnell (formerly Blake Apartments, 2527 San Pablo Ave.) and Maudelle Miller Shirek Community (2001 Ashby Ave.), with each project receiving $2.5M for a total award of $5M. The Grinnell is completed and occupied, and completion for Maudelle Miller Shirek Community is anticipated in early Fall. The City also received LHTF awards for Supportive Housing in People’s Park ($3.3M) and St. Paul Terrace (approximately $4.1M) both of which are in the planning or predevelopment phases.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable sustainability and climate impacts directly associated with the recommendations of this report.

RATIONALE FOR RECOMMENDATION
If approved, an application for LHTF funds will make up to $5 million available for Berkeley to support City programs that serve lower income or unhoused populations.

Measure O bond-supported pipeline projects provide the City with the most competitive application. The LHTF application weighs the percentage of matching funds derived from sources other than local impact fees (such as the AHMF). The Measure O bond provides this advantage. Further, because the projects will include units for formerly homeless, Extremely Low Income, Very Low Income and Low-Income households, the City's application will likely be more competitive.

Competitive applications must also demonstrate project readiness and a projected construction start. This also provides better security that the funds will be expended consistent with the NOFA requirements.

The City is required to use the resolution template provided by the state for this council item.

ALTERNATIVE ACTIONS CONSIDERED
The City could decline to participate in the LHTF Program. Since that would not be consistent with the City's Strategic Plan to increase affordable housing opportunities, staff are recommending participation as described above. Staff also do not recommend applying the funds to a first-time home buyer, ADU or JADU program, as the application scoring criteria is designed to favor new construction of affordable housing.

CONTACT PERSON
Asavari Devadiga, Community Development Project Coordinator, HHCS, 510-981-5426

Attachment:
1: Resolution
Exhibit A: Attachment 1 City of Berkeley Housing Trust Fund Commitment to use Local Housing Trust Fund (LHTF) Program Funds and Matching Funds

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

CITY OF BERKELEY HOUSING TRUST FUND APPLICATION TO LOCAL HOUSING TRUST FUND AUTHORIZING RESOLUTION

A necessary quorum and majority of the Council Members of the City of Berkeley, a municipality ("Applicant"), hereby consents to, adopts and ratifies the following resolution:

A. WHEREAS, the Department is authorized to provide up to $53 million under the Local Housing Trust Fund ("LHTF") Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 3)) ("Program").

B. WHEREAS, the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 7/9/2024 under the LHTF Program;

C. WHEREAS, Applicant is an eligible Local or Regional Housing Trust Fund applying to the Program to administer one or more eligible activities using Program Funds.

D. WHEREAS, the Department may approve funding allocations for the LHTF Program, subject to the terms and conditions of H&S Code Section 50842.2, the LHTF Program Guidelines, NOFA, Program requirements, the Standard Agreement and other related contracts between the Department and LHTF award recipients.

NOW THEREFORE BE IT RESOLVED THAT:

1. If Applicant receives an award of LHTF funds from the Department pursuant to the above referenced LHTF NOFA, it represents and certifies that it will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts the Applicant may have with the Department ("Eligible Project").

2. NOW, THEREFORE, BE IT RESOLVED: The City of Berkeley's Housing Trust Fund is hereby authorized to act as the manager in connection with the Department's funds to Eligible Projects pursuant to the above described Notice of Funding Availability in an amount not to exceed $5,000,000 (the "LHTF Award").

3. Applicant hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. Applicant hereby agrees to utilize matching finds on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used, as required by HSC Section 50843.5(c).

4. Pursuant to Attachment 1 and the Applicant's certification in this resolution, the LHTF funds will be expended only for Eligible Projects and consistent with all program requirements.

5. Nonprofit Housing Trust Funds and Native American Tribe Housing Trust Funds agree to use Program Funds only for Eligible Projects located in cities and counties that submitted an adopted Housing Element that was found by the Department to be in compliance and that have submitted their Housing Element Annual Progress Report (APR) for the current year or prior year by the application due date.

6. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, H&S Section 50842.2 and LHTF Program Guidelines

7. The City Manager and/or designee is authorized to execute the LHTF Program Application, the LHTF Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the LHTF Award to Applicant, as the Department may deem appropriate.

Exhibits
A: Attachment 1 City of Berkeley Housing Trust Fund Commitment to use Local Housing Trust Fund (LHTF) Program Funds and Matching Funds

PASSED AND ADOPTED at a regular meeting of the City of Berkeley City Council this 10th day of September, 2024 by the following vote:

AYES: _____ ABSTENTIONS: _____ NOES: ____ ABSENT: _____

Approving Officer: _____

Signature of Approving Officer

_____

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of the City of Berkeley does hereby attest and certify that the forgoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the City Council of the City of Berkeley, which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: _____

Signature of Attesting Officer

_____

ATTACHMENT 1

City of Berkeley Housing Trust Fund Commitment to use Local Housing Trust Fund (LHTF) Program Funds and Matching Funds

1. **Identification of the percent of the total funds requested that will be used for each activity / project, including Area Median (AMI level)**
   The LHTF award will fund the City's existing funding reservations for two affordable housing projects proposed as part of the North Berkeley BART (NBB) project:
   - NBB EBALDC Project: 47.5% of the total LHTF award would support the construction of East Bay Asian Local Development Corporation's 60-unit family housing development that will serve 20-60% AMI households. 15 of the units will be reserved for formerly homeless households.
   - NBB BRIDGE Insight PSH Project: 47.5% of the total LHTF award would support BRIDGE Housing and Insight Housing's 85-unit permanent supportive housing development that will serve 30-50% AMI households, including formerly homeless residents.
   - 5% of the total LHTF award would be used for administration.
   - The City will match the LHTF funding with money from its Housing Trust Fund program.

2. **Jurisdictions where activities / projects will be delivered:**
   City of Berkeley (in Alameda County)

Office of the City Manager

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CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Contract No. 32300112 Amendment: Harold Dichoso COVID-19 Outreach and Education

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2025 and increase the not-to-exceed amount (NTE) by $63,928 utilizing one-time grant funds. The amendment will increase the NTE amount from $144,950 to $208,878.

FISCAL IMPACTS OF RECOMMENDATION

The amendment will add $63,928 with a total not-to-exceed amount of $208,878. The funding for this amendment is available in the FY2025 Adopted Budget in One-Time Fund (Fund 350).

CURRENT SITUATION AND ITS EFFECTS

Amending Contract No. 32300112 will allow Harold Dichoso to continue to refine and implement culturally responsive curriculum that exposes Berkeley youth to job readiness skills and provides work-based learning experiences. Services will support COVID-19 youth ambassadors through the end of the state's COVID-19 Workforce Development (WFD) grant period. This amendment would allow one additional cohort of Berkeley High School and Berkeley Technology Academy student interns to support the programming for school Wellness Centers and the mental wellness of Berkeley students.

Under the current contract, Harold Dichoso has designed and facilitated over 36 two-hour professional development workshops for the 81 youth who enrolled in four cohorts of the Health Justice Internship (HJI) program and supported their experience with youth development programming and mentorship. Contract activities also include coordination between City of Berkeley staff and staff from Berkeley Unified School District, Berkeley City College, and community organizations.

This program will continue to aid in slowing the spread of COVID-19 and ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

BACKGROUND

In response to the COVID-19 Pandemic, the City of Berkeley received a COVID-19 Workforce Development grant from the California Department of Public Health (CDPH). Local objectives of the grant included prioritizing health and safety in design for Berkeley Unified School District, private schools, and childcare facilities to maintain safe protocols and practices.

The City partnered with Harold Dichoso to ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures through the implementation of the Health Justice Internship (HJI) Program. The HJI program provides Berkeley youth the opportunity to participate in paid internships while serving as COVID-19 youth ambassadors.

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 funding identified is through the Workforce Development grant that was a one-time grant via COVID funding from the State. The funding from the remaining FY25 grant period will continue to aid in slowing the spread of COVID-19 throughout the Berkeley community and will ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify other alternatives that are consistent with both the grant purpose, City priorities, and CDC's COVID-19 guidance.

CONTACT PERSON

Rafael Rangell, Community Services Specialist, HHCS, (510) 981-7677

Attachments:
1. Resolution

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

CONTRACT NO. 32300112 AMENDMENT: HAROLD DICHOSO FOR COVID-19 OUTREACH AND EDUCATION

WHEREAS, the City of Berkeley issued a Request for Proposal No. 23-11542-C to obtain consulting services through a single contract with a community-based organization or individual related to the COVID-19 pandemic through the Health Justice Internship Program; and

WHEREAS, on November 16, 2022, the City of Berkeley executed Contract No. 32300112 with Harold Dichoso, which was authorized by the City Council (Resolution 70,594-N.S.), with a not to exceed amount of $90,000; and

WHEREAS, on June 27, 2023 the City of Berkeley amended Contract No. 32300112 with Harold Dichoso, which was authorized by the City Council (Resolution 70,903-N.S.), increasing the not to exceed amount to $125,000; and

WHEREAS, on February 1, 2024 the City of Berkeley amended contract number 32300112 with Harold Dichoso, which as authorized by the City Council (Resolution 70,903-N.S.), increasing the not to exceed amount to $144,950; and

WHEREAS, additional funds from the Workforce Development (WFD) grant in the amount of $63,928 are available to increase the contract amount which will allow Harold Dichoso to include additional youth participants, exposing them to culturally responsive curriculum, job readiness skills and providing work-based learning experiences while serving as COVID-19 youth ambassadors through the end of the COVID-19 Workforce Development (WFD) grant period.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to amend Contract No. 32300112 with Harold Dichoso to extend the contract end date through June 30, 2025 and increase the not-to-exceed amount (NTE) by $63,928 to a total of $208,878 utilizing one-time grant funds.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Contract No. 32200135 Second Amendment: Multicultural Institute for COVID-19 Outreach and Education

RECOMMENDATION

Adopt a Resolution amending Contract No. 32200135 with Multicultural Institute, to extend the contract end date through June 30, 2025, and increase the not-to-exceed amount (NTE) by $45,136 utilizing one-time grant funds. The amendment will increase the NTE amount from $186,000 to $231,136.

FISCAL IMPACTS OF RECOMMENDATION

The amendment will add $45,136 with a total not-to-exceed amount of $231,136. The funding for this amendment is available in the Fiscal Year 2025 Adopted Budget in One-Time Fund (Fund 336).

CURRENT SITUATION AND ITS EFFECTS

Amending Contract No. 32200135 with Multicultural Institute will allow Multicultural Institute to continue providing culturally responsive COVID-19 education and outreach services to the Berkeley community, specifically to residents who are day laborers, domestic workers, monolingual Spanish speakers, and recent immigrants, through the end of the Enhancing Laboratories Capacity (ELC) grant period. These services will aid in slowing the spread of COVID-19 and ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures. This contract with the Multicultural Institute is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

BACKGROUND

In response to the COVID-19 pandemic, the City of Berkeley partnered with Multicultural Institute to ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures. These efforts have included organizing and facilitating COVID-19 education and outreach events, hosting vaccine and testing clinics, engaging in door-knocking campaigns and community canvassing events, hosting Health Justice

Interns, and distributing COVID-19 test kits prioritizing Berkeley residents who are uninsured, underinsured, undocumented, or face other barriers to accessing test kits.

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 additional funding identified will aid in slowing the spread of COVID-19 throughout the Berkeley community and will ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

ALTERNATIVE ACTIONS CONSIDERED
Staff did not identify other alternatives that are consistent with both the grant purpose, City priorities, and CDC's COVID-19 guidance.

CONTACT PERSON
Alexandra Deitch, Sr. Health Services Program Specialist, HHCS, 510-981-5379

Attachments:
1: Resolution

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

CONTRACT NO. 32200135 SECOND AMENDMENT: MULTICULTURAL INSTITUTE, FOR COVID-19 OUTREACH & EDUCATION

WHEREAS, the City of Berkeley issued Request for Proposal #21-11450-C on May 12, 2021 to engage with Community Partners to engage Berkeley residents and workers by providing education and outreach on COVID-19, targeting vaccination efforts to reach those most vulnerable to and at risk of COVID-19, and supporting infected individuals required to isolate; and

WHEREAS, a panel of experts reviewed applications and recommended agencies to provide services to reach Berkeley residents and workers who are vulnerable to and at risk of COVID-19 infection, and these services are a critical part of the City's efforts to prevent the spread of COVID-19; and

WHEREAS, on January 4, 2022, under the State of Emergency Order, the City Manager authorized Health, Housing, and Community Services' Public Health Officer Unit to enter into a contract with Multicultural Institute (Contract No. 32200135) to provide culturally responsive COVID-19 education and outreach services to the Berkeley community; and

WHEREAS, an additional $45,136 in grant funding is available to increase the contract amount which will allow Multicultural Institute to continue providing culturally responsive COVID-19 education and outreach services to the Berkeley community through the end of the Enhancing Laboratories Capacity (ELC) grant period.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32200135 with Multicultural Institute, to extend the contract end date through June 30, 2025, and increase the not to exceed amount (NTE) by $45,136 utilizing one-time grant funds. The amendment will increase the NTE amount from $186,000 to $231,136.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Kevin Fong, Information Technology Director

Subject: Contract No. 32500020 Amendment: ACAPMO for Technology PMO Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32500020 with company ACAPMO for Technology Program/Project Management Office (PMO) services, to allow for additional services and support for a total not to exceed $249,999 from August 1, 2024 to December 31, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this one-time cost for Project Management services is available in Fiscal Year (FY) 2025 adopted budget, General Fund (011).

CURRENT SITUATION AND ITS EFFECTS

The newly formed Program/Project Management Office (PMO) within Information Technology (IT) will support multiple Strategic Plan Priority Projects, advancing IT's goal to:

- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- Provide an efficient and financially-healthy City government.
- Foster a dynamic, sustainable, and locally-based economy.
- Attract and retain a talented and diverse City government workforce.

IT PMO is under-resourced in skillsets necessary for projects in progress or waiting to start. ACAPMO will provide training, support services and temporary supplemental staffing to enhance current employee skillsets, allowing IT to execute more efficiently on its current roadmap. Skilled project managers will allow IT to stay focused and organized, as well as implement and utilize its multiple tools to effectively support the rollout and execution of new projects.

BACKGROUND

As one of IT's strategic goals to provide more efficiencies and stability in technology projects, IT is building a strong and robust PMO. The goals and benefits of having a PMO are:

1. **Enhanced Project Alignment**: A PMO will ensure that all technology initiatives are aligned with the City's strategic goals. This alignment will help maximize the impact of technology investments and improve service delivery to residents.
2. **Improved Resource Management**: The PMO will provide a centralized view of all technology projects, allowing for better allocation and utilization of resources. This will minimize conflicts, reduce bottlenecks, and optimize project execution.
3. **Standardization of Processes**: By implementing standardized project management methodologies, the PMO will enhance consistency and reliability across all technology projects. This will lead to improved project outcomes, as teams will follow best practices and established protocols.
4. **Increased Stakeholder Engagement**: The PMO will serve as a hub for communication and collaboration among stakeholders, including city departments, community members, and external partners. This engagement will ensure that projects are responsive to the needs of the community and that stakeholders are kept informed throughout the project lifecycle.
5. **Risk Management and Mitigation**: A PMO will proactively identify and manage risks associated with technology projects. By implementing risk management strategies, the City can reduce the likelihood of project delays, budget overruns, and other challenges that can hinder success.
6. **Data-Driven Decision Making**: The PMO will leverage data and metrics to inform project selection and management. This evidence-based approach will facilitate better decision-making and ensure that projects deliver measurable benefits to the community.
7. **Continuous Improvement**: A PMO fosters a culture of continuous improvement by capturing lessons learned from completed projects. This knowledge-sharing will enhance the City's ability to innovate and adapt its technology strategies over time.
8. **Enhanced Accountability**: The establishment of a PMO will introduce clear accountability for project outcomes. This transparency will foster trust among stakeholders and ensure that technology initiatives are executed with a focus on quality and community benefit.

The establishment of a Technology PMO for the City of Berkeley is not just an operational enhancement; it is a vital step toward fostering a more connected, efficient, and responsive city. By prioritizing effective project management, Berkeley can better harness technology to serve its residents, drive innovation, and uphold its values of sustainability and inclusivity. A PMO will provide the framework needed to turn the City's technology vision into reality, ensuring that Berkeley remains at the forefront of

urban innovation in the digital age. This PMO will support all technology projects throughout the city for years to come.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The PMO will improve the City's environmental impact through the intentional implementation of energy-efficient technologies and projects that actively contribute to the reduction of carbon emissions by addressing resource consumption, materials, and energy efficiency. By adopting sustainable practices, projects will significantly minimize waste generation, optimize the use of materials and energy resources, and thereby decrease overall operational costs. Efficient resource utilization not only contributes to immediate cost savings but also establishes a foundation for long-term financial stability. This reduction leads to improved operational efficiency and, consequently, an enhanced return on investment (ROI).

RATIONALE FOR RECOMMENDATION

Resource hiring is extremely difficult in the current competitive job market, and the lack of sufficient qualified skillset delays the onboarding and rollout of PMO services needed across IT. The most efficient way to keep projects on track and effectively deploy the tools and trainings required to get the organization operationally efficient is by partnering with existing vendors who specialize in this field.

ALTERNATIVE ACTIONS CONSIDERED

IT reviewed and evaluated other vendors for temporary, contract staffing. The rates for the other vendors reviewed, as well as the lack of specific expertise leads IT to consider this contract amendment with ACAPMO

CONTACT PERSON

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

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

CONTRACT NO. 32500020 AMENDMENT: ACAPMO LLC FOR TECHNOLOGY PMO SERVICES

WHEREAS, ACAPMO is a selected vendor, chosen through informal, competitive vendor selection; and

WHEREAS, the CMO previously authorized Contract No. 32500020 with ACAPMO, Inc. on July 23, 2024 for Project Management, training implementation, maintenance and related services; and

WHEREAS, The City seeks to begin to use ACAPMO for temporary and contract staffing services; and

WHEREAS, Funding will be made available through the General Fund (011); and

WHEREAS, spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT FURTHER RESOLVED that by the Council of the City of Berkeley that the Council authorizes the City Manager enter into an amended contract with ACAPMO, Inc., for Technology Program/Project Management Office (PMO) Services in the amount of $249,000 from August 1, 2024 through December 31, 2025.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Contract No. 31900187 (Fund$ 10734) Amendment: ISP.NET (formerly LV.NET) for Secondary Internet for Redundancy and Load Balancing

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 31900187 (Fund$ 10734) with ISP.NET (formerly LV.NET) for redundant secondary internet services, increasing the contract amount by $84,000 for a total not-to-exceed amount of $362,000 from October 3, 2017 to June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional services in the amount of $84,000 will be available in the Information Technology Communications Services Fund (502) as itemized below. Planned spending in future fiscal years (FY) are subject to Council approval of the proposed city-wide budget and Annual Appropriation Ordinances.

FY 2018-26	Description
$84,000.00	Subscription service through June 2026. Budget Code: 502 Fund (Comm Svcs)
$278,000.00	Subscription expenditures to date under previous Council spending authorization
$362,000.00	**Total FY2018-2026 Not To Exceed Value**

CURRENT SITUATION AND ITS EFFECTS

The City's reliance on a stable, redundant internet connection is critical for the daily functioning of its core operations.

ISP.NET (formerly LV.NET) provides a secondary (backup and redundant) means to connect to the internet, thereby minimizing any potentials for an outage, should either the City's AT&T internet connection be interrupted, or vice-versa. Additionally, ISP.NET (formerly LV.NET) is used to increase data speed and capacity for the City, by utilizing its connectivity in parallel with the City's AT&T connection.

The ISP.NET (formerly LV.NET) secondary internet connection for the City is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained

infrastructure, amenities, and facilities. This increase in spending authority will cover the next two (2) years of service (through FY 2026).

BACKGROUND

In FY 2017, the AT&T internet connection served as the primary internet connection for all City staff with no redundancy in place. In FY 2018, the City upgraded the AT&T internet bandwidth from 250 MB to 500 MB and deployed an ISP.NET (formerly LV.NET) internet connection (500 MB) at the Corporation Yard to serve as a backup internet connection in the event that the primary internet connection, located at City Hall, ever went down. Subsequently the City upgraded both AT&T and ISP.NET (formerly LV.NET) bandwidth from 500 MB to 1 GB.

In addition, the City also implemented load balancing technology for incoming internet traffic, so that both internet connections are sharing the load of incoming traffic to the City network.

In FY2024, ISP.NET acquired LV.NET customers and network infrastructure in Las Vegas, Reno, San Francisco, and Seattle and informed the City of this sale.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Providing a fast and reliable internet connection for City staff allows City staff to perform more tasks from their offices, and allows Berkeley residents to use more and more online tools and services, reducing the need to physically come to City offices to conduct business, and reducing greenhouse gas emissions required for travel to and from their homes.

RATIONALE FOR RECOMMENDATION

This increase in spending authority will cover the next three (2) years of service by ISP.NET.

The City selected ISP.NET (formerly LV.NET) over other internet service providers because of their wireless technology. The City's current internet connection runs through AT&T's fiber network, and utilizing a wireless solution as a redundant backup solution made sense over acquiring a second fiber-based solution, where both fiber internet connections could be subject to damage or outages in the event of an earthquake.

In addition, the City installed the ISP.NET (formerly LV.NET) internet connection in a different physical location (The Corporation Yard) than the primary internet connection (City Hall), to provide additional physical redundancy and resilience in the event of a local disaster.

ALTERNATIVE ACTIONS CONSIDERED

The City considered other fiber-based internet service providers, but given the location of Berkeley and it's vicinity to multiple earthquake fault lines, in particular the Hayward fault, Department of Information Technology staff decided to go with the wireless internet access solution over a fiber solution.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT NO. 31900187 (FUND$ 10734) AMENDMENT: ISP.NET (FORMERLY LV.NET) FOR SECONDARY INTERENT FOR REDUNDANCY AND LOAD BALANCING

WHEREAS, the internet is the vital service for the City functions, enabling e-commerce, online research, customer interaction, data flow, sharing of files;

WHEREAS, the reliability of a fast and dependable internet connection has become increasingly important to conduct day to day business and provide essential services to the community; and

WHEREAS, the projected cost for Fiscal Years 2025-2026 is $42,000 per year, $84,000 in total, which will be available in the Department of Information Technology's Communications Services fund (fund 502), planned spending in future fiscal years (FY) are subject to Council approval of the proposed city-wide budget and Annual Appropriation Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 31900187 (FUND$ 10734) with ISP.NET (formerly LV.NET) for redundant secondary internet services, increasing the contract amount by $84,000 for a total not-to-exceed amount of $362,000 from October 3, 2017 to June 30, 2026.

Office of the City Manager

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CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Contract No. 32100185 Amendment: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), increasing the contract by $1,037,372 for an increased total not to exceed amount of $2,033,489, from May 14, 2021 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for these services is available in the Department of Information Technology's Fiscal Year (FY) 2025-2027 IT Cost Allocation Fund, #680, as outlined below. Spending for this contract in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

$345,791	FY 2025: Professional Services
$345,791	FY 2026: Professional Services
$345,791	FY 2027: Professional Services
$1,037,372	**Total FY25-27 Professional Services**

$996,117	CT#32100185
$2,033,489	Amended NTE

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley (The City) previously authorized, under resolution no. 69,521-N.S., the City Manager to enter into a contract with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM).

The City of Berkeley has been using Digital Hands to monitor and alert IT staff of security threats within the Cities infrastructure and the internet since 2021. This service has

provided IT staff the ability to respond to intrusions and attacks without the need to sift through logs and monitoring tools. In addition, this service is 24/7/365 and has alerted IT staff throughout the day and night. Giving IT staff the ability to respond in a timely manner.

Since 2021 we have added more systems and services to be monitored. The City has recently acquired additional cyber security tools for “End Point Protection and Detection/ Response (EPP/EDR/MDR)" which resulted in additional professional services to cover the one-time onboarding fee for these new cybersecurity tools and an annual fee is added to cover the ongoing monitoring. In addition the City has added monitoring of emails intrusions and data center alerts to help safeguard us from phishing campaigns and possible HVAC issues.

BACKGROUND

In 2018, the City developed a Cyber Resilience Plan (CRP) to provide the City a situational awareness of our cyber-risk exposure, the maturity of its cyber-security capabilities, the City’s efficiency in addressing regulatory compliance, and to provide action items that ensure the City is equipped to handle cyber-attacks and mitigate the effects of a successful cyber-attack.

The CRP divided this effort into two sets of work: an as-is assessment and a to-be roadmap. In February 2020, the City of Berkeley issued a Request for Proposal (RFP) No. 20-11385-C for addressing two highest priority action items from the CRP:

Part A: Managed Security Service Provider (MSSP/SIEM)
Part B: End Point Protection and Detection/Response (EPP/EDR/MDR)

Over the years the City has relied on Digital Hands and other cyber security tools to help IT staff stay one step ahead of threats. Enabling IT staff the ability to respond quickly day or night.

Lastly, the CRP aligns with the City’s adopted Strategic Plan goals of:

- Create a resilient, safe, connected, and prepared City
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community; and adopts the strategies which align with the five (5) year Digital Strategic Plan (DSP).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

All event monitoring and SIEM services are conducted remotely thus eliminating the need for travel to Berkeley, resulting in a reduction of greenhouse gas emissions for travel.

RATIONALE FOR RECOMMENDATION

To amend the contract to fund 3 years of services to monitor and protect our most critical assets and information. Staff have come to rely on Digital Hands to monitor our systems 24/7/365. The top three benefits we have realized are (i) faster detection and response, (ii) better visibility, and (iii) more efficient security operations.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT NO. 32100185 AMENDMENT: DIGITAL HANDS FOR EVENT MONITORING AND SECURITY INFORMATION AND EVENT MANAGEMENT (SIEM)

WHEREAS, Cybersecurity ransomware attacks against local governments in the U.S. have been on the rise; and

WHEREAS, in February 2020, The City of Berkeley issued RFP No. 20-11385-C for a Managed Security Service Provider (MSSP) and received four qualifying responses; and

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

WHEREAS, contract development and negotiations have subsequently identified that with the restoration of part B of RFP 20-11385-C, there are additional datasets that need to be included in the monitoring plus contingency funds to cover potential emergent professional services out-of-scope but related to the statement of work; and.

WHEREAS, Funding for these services is available in the Department of Information Technology's Fiscal Year 2025-2027 IT Cost Allocation Fund and General Fund, and spending for this contract in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), for a total not to exceed amount of $2,033,489, from July 1, 2024 to June 30, 2027
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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Computer Aided Dispatch (CAD) Software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for an extension of the maintenance and support of Computer Aided Dispatch (CAD) software, increasing the amount by $645,173 for a total contract value not-to-exceed $2,934,123, and extending the term of the contract through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the extension of CAD licenses in the amount of $645,173 is available in the Fiscal Year (FY) 2025 and 2026 General Fund, #011, IT software maintenance budget. Spending in future years for this amendment is subject to City Council's approval of the proposed citywide budget and annual appropriation ordinances.

CURRENT SITUATION AND ITS EFFECTS

Currently, the City utilizes Tyler Technology's New World Public Safety Systems software suite to support Police operations and a significant portion of Fire operations. Tyler Technologies, Inc. continues to efficiently tie together all 911 communications and facilitate rapid updates to emergency call situations. An extension of license term is required for the City to continue to provide public safety services to the community.

The City uses multiple New World software modules in order to facilitate public safety communications. Those modules include Computer Aided Dispatch (CAD) which supports 911 emergency communications, Law Enforcement Records Management (LERMS) which support Police records, Corrections MS which supports management of the Berkeley jail, Mobile and Field Reporting (MR), and Mobile Data Terminals (MDTs) for over 75 police and fire vehicles.

Tyler New World software enables police and fire personnel to shift from paper-based records management to a more modern, electronic case management system. In addition, the software suite provides streamlined access to law enforcement and emergency service records, enhanced crime analysis tools, and online crime reporting services.

The New World software aligns with the City's strategic goal to create a resilient, safe, connected and prepared City.

BACKGROUND

In 2006, City Council authorized the execution of a contract with New World Systems, Inc. for the acquisition and installation of the public safety hardware and software based on the result of a request for proposal (RFP) in the same year. Following a tough, two-year contract negotiation and ten months of software configuration, testing, training, and integration with other City software systems, including the City's GIS and network security systems, the first two modules, Computer Aided Dispatch and Mobile Data Terminals, went live on April 28, 2009.

On August 1, 2010, the third module (Records Management) went live, followed by the fourth module (Jail Management) on November 29, 2010. The module (Mobile Field Reporting for Police) went live on March 25, 2011.

On October 1, 2015 Tyler Technologies announced acquisition of New World Systems.

On March 31, 2017, City executed the contract #10515 with Tyler Technologies for New World Systems software suite. In 2018, the City replaced their ERP system and contract number 10515 was updated at that time to 114159-1 to align with revised citywide naming conventions.

On March 1, 2019, the module (Mobile Ticketing Platform) went live. This module provides electronic ticket submission to the courts, which facilitates and speeds up this process, providing for real time updated information for the courts.

On February 1, 2020, Crew Force, or the mobile field reporting module for the Fire Department, went live and resulted in the ability to update status of emergency calls where Fire emergency and/ or ambulances are called out. Updates are tied to the original CAD record.

In August 2020, Staff completed an update of the New World Public Safety System that allowed for compliance with the Warren 911 Emergency Assistance Act and the California Assembly Bill (AB 1168). The Warren 911 Emergency Assistance Act requires every local public agency to establish and operate, or to be a part of, an emergency telephone system using the digits 9-1-1, and creates the State 911 Advisory Board to assist in facilitating the purpose of the act to establish the number 911 as the primary emergency telephone

number statewide. The City currently complies and has the 911 number available for emergencies.

California AB 1168 requires each public safety answering point to deploy a text to 911 service that can accept Short Message Service (SMS) messages and Real-Time Text (RTT) messages. Other improvements that are not part of the Tyler software suite have been completed that allow for full functionality for text messages to 911. These improvements include:

- The GeoComm project (paid for by State funding) completed in 2021, cleaned up accuracy of Public Safety GIS map data.

- The RapidDeploy project (also paid for by State funding) made improvements to GIS map layers which enable identification of locations accurate within feet even to a building and floor as compared to previously location was only accurate to a quarter mile. This data is available for 911 use via New World CAD. This project was also completed in 2021.

- Fiber connectivity to CAD environment was another part of preparation for AB 1168 compliance and was funded separately.

In January 2024, the City upgraded all New World system modules to the latest version which gives the City access to the latest feature and functions and continued support.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Tyler New World software enables police and fire personnel to shift from paper-based records management to a more modern, electronic case management system. The adoption and implementation of an enterprise CAD system enables integration with GIS maps thus resulting in more accurate maps for dispatchers to respond to calls.

Furthermore, the addition of Shield Force, the mobile field reporting module for the Fire Department, allows for additional process improvements, therefore reducing paper-based processes resulting in an environmentally sound and cost-effective information technology infrastructure.

RATIONALE FOR RECOMMENDATION

This public safety computer system is a critical business software that supports police and fire department operations, including 911 Computer Aided Dispatch (CAD), Mobile Data Terminals (MDTs) for over seventy-five police & fire vehicles, Jail Management module to support jail operations, and Mobile Field Reporting (FR) and Mobile ticketing. Because CAD unites all 911 communications and facilitates rapid updates to 911 call situations, CAD is identified as a critical application for EOCs and for disaster recovery. Emergency calls from Berkeley residents and visitors in Berkeley are routed through this system, making it an essential component of public safety for the City of Berkeley.

To keep this software current and under a support agreement, the City pays an annual software maintenance fee that guarantees the City's right to software upgrades, patches, and vendor support with technical problems. Keeping software current allows the City to meet regulations outlined above and engage with vendor for any upgrades needed. This amendment is for license agreements and for maintenance of this software suite for FY 2025 and 2026.

The New World software aligns with the City's strategic goal to create a resilient, safe, connected and prepared City.

ALTERNATIVE ACTIONS CONSIDERED

The alternative of forgoing maintenance payments would result in the loss of automatic patches, technical support, and troubleshooting services, and disqualify the City from receiving regular software upgrades. Not renewing this software maintenance agreement would result in higher cost ad hoc support services.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT NO. 114159-1 AMENDMENT: TYLER TECHNOLOGIES, INC. FOR PROFESSIONAL SERVICES AND COMPUTER AIDED DISPATCH (CAD) SOFTWARE

WHEREAS, in 2006, City Council authorized the execution of a contract with New World Systems, Inc. for the acquisition and installation of the public safety hardware and software based on the result of a request for proposal (RFP) in the same year, and in 2009, the New World CAD system went live; and

WHEREAS, in 2010, implementation of additional modules began in order to expand the functionality of the New World software suite, these modules included Records Management, Jail Management, Mobile Field Reporting, installation of MDTs, Mobile Ticketing, and compliance with the Warren 911 Emergency Assistance Act and the California Assembly Bill (AB 1168); and

WHEREAS, on March 14, 2017, by Resolution 67,855 – N.S., Council authorized the City Manager to execute contract 10515 with Tyler Technologies for both software licenses and professional services to upgrade the CAD system, for a total-not-exceed $1,164,210 for the period March 15, 2017 through June 30, 2020; and

WHEREAS, on December 19, 2017, by Resolution 68,259 – N.S., Council authorized the City Manager to execute an amendment to Contract 10515 with Tyler Technologies for additional professional upgrade services, increasing spending authority by $23,520 for a total-not-to-exceed $1,187,730, and extending the term to June 30, 2020; and

WHEREAS, on October 1, 2015 Tyler Technologies announced acquisition of New World Systems, and the existing contract was assigned to Tyler Technologies, Inc. and in 2018, the City replaced their ERP system and contract number 10515 was updated at that time to 114159-1 to align with revised citywide naming conventions; and

WHEREAS, on July 20, 2020, by Resolution 69,519 – N.S., Council authorized the City Manager to execute a second amendment to Contract 10515 (114159-1) with Tyler Technologies for an extension of CAD licenses, increasing spending authority by $367,500 for a total not to exceed $1,555,230, and extending the term to June 30, 2021; and

WHEREAS, on December 14, 2021, by Resolution 70,160 – N.S., Council authorized the City Manager to execute an amendment to Contract No. 114159-1 with Tyler Technologies, Inc. for additional professional services and an extension of the Computer Aided Dispatch (CAD) software, increasing the amount not-to-exceed by $733,720 for a total contract value not-to-exceed $2,288,950, and extending the term of the contract through June 30, 2024; and

WHEREAS, it is imperative to keep this software current because it allows the City to meet local, state, and federal regulations, and engage with vendor for any upgrades and support for technical issues; and

WHEREAS, funding for the additional professional services and the extension of CAD licenses in the amount of $645,173 is available in the Fiscal Year (FY) 2025 and 2026 General Fund Budget; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 114159-1 with Tyler Technologies, Inc. for an extension of the Computer Aided Dispatch (CAD) software, increasing the amount not-to-exceed by $645,173 for a total contract value not-to-exceed $2,934,123 and extending the term of the contract through June 30, 2026.

Office of the City Manager

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CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Contract: Roundstone Solutions Inc., an implementer of Nutanix Hyperconverged Technologies: Using State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA) for hardware, software, and services related to the Server Infrastructure Upgrade and Azure Disaster Recovery

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Contract with Roundstone Solutions Inc., an implementer of Nutanix Hyperconverged Technologies, for the purchase of server hardware, software, and related services for a server infrastructure upgrade and disaster recovery enhancements, utilizing pricing established by the State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA), for a total amount not to exceed of $1,395,000 for the term August 1, 2024 through July 31, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project in the amount of $1,395,000 is available in the Department of Information Technology's IT Cost Allocation fund, #680. Spending for hardware and software maintenance in future years is subject to Council approval of the proposed citywide budget and annual appropriations ordinances.

Cost Summary:

$ 440,013	Total FY 2025: On Premises Hardware, Hardware Support and Tax
$ 811,466	Total FY 2025: Software 3yr Maintenance and Licensing
$ 68,100	Total FY 2025: Professional Services
$21,000	Total FY 2025: Training
$54,421	Total FY 2025: Contingency
$1,395,000	**Grand Total FY 2025-2025: Software Maintenance and Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The City's existing server infrastructure is approaching the end of its physical lifespan and requires an upgrade. This essential hardware and software support all City services,

including emergency services. The upgrade will modernize the City's server environment, improving its capacity to maintain high availability and recoverability in case of a disaster. This contract will enable the City to extend support through FY28.

The server and disaster recovery upgrade meets the City's Strategic goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

In 2019, by resolution No. 68,868-N.S., City Council approved the Nutanix Hyper-converged Infrastructure to replace its aging, disparate server infrastructure. Later that year, the IT department successfully implemented Nutanix which centralized the City's server environment and streamlined support. IT has continued to support Nutanix by keeping it patched, optimized and available 24X7.

The Nutanix solution comes with powerful software that allows for many "virtual servers" to be created on one physical host which allows for increased capacity, improved service, and minimal downtime. Additionally, this hardware comes with centralized administrative software that keeps IT staff informed on the server health and can predict resource needs for the coming year. This has helped IT staff properly manage the server infrastructure and resources such as processing power, memory usage, and disk space. Staff have found the Nutanix Dashboard and its built-in monitoring tools useful for troubleshooting issues with services and servers. Nutanix Support has provided excellent service and has guided IT through many updates and service changes.

Nutanix provides both local and off-site disaster recovery (DR) services. This has simplified datacenter operations while improving service delivery and ensures seamless support in the event of a disaster.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Nutanix hyper-converged upgrade is a reduction in servers to the current design, reducing both power consumption and hardware space in City data centers. This supports the reduction of the City's carbon footprint and the goals of the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION

Nutanix is an industry leader in the hyper-converged market and has received high marks for customer service and support compared to other hyper-converged systems. Staff have found Nutanix support very responsive and helpful. For example, Nutanix support proactively alerts the City to potential issues prior to an event giving staff time to plan an update or hardware fix, with zero downtime. Nutanix provides one call support for all components purchased which greatly saves staff time. Staff recommends the upgrade Nutanix infrastructure to modernize the City's server infrastructure as it meets the City's operational, technological, and fiscal requirements.

Roundstone Solutions Inc., is an authorized reseller and implementer of Nutanix Hyperconverged Technologies and was awarded a contract through a competitive bid process by the State of California Department of General Services (DGS). The City of Berkeley is able to take advantage of this pricing by using DGS' Leveraged Procurement Agreement (LPA).

CONTACT PERSON
Kevin Fong, Director, Department of Information Technology, 510-981-6525

Attachments:
1: Resolution

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

CONTRACT: WITH ROUNDSTONE SOLUTIONS INC., AN IMPLEMENTER OF NUTANIX HYPERCONVERGED TECHNOLOGIES: USING STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES (DGS) LEVERAGED PROCUREMENT AGREEMENT (LPA) FOR HARDWARE, SOFTWARE, AND SERVICES RELATED TO THE SERVER INFRASTRUCTURE UPGRADE AND AZURE DISASTER RECOVERY

WHEREAS, the City of Berkeley currently uses Nutanix hardware, software, and professional services and City staff recommend an upgrade to the latest version of this technology for our server environment and disaster recovery; and

WHEREAS, funding for the purchase of server hardware, software, and related services for a data center upgrade and disaster recovery implementation is available in the IT Cost Allocation, and

WHEREAS, utilizing pricing established by a competitive bidding process of the State of California Department of General Services (DGS) and is subject to Council approval of the proposed citywide budget and annual appropriation ordinances; and

WHEREAS, by utilizing existing State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA) pricing schedules, the City of Berkeley is able to take advantage of pre-negotiated prices, economies of scale, and increased efficiencies; and

NOW THERFORE BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to enter into a contract and amendments with Roundstone Solutions Inc. for a data center upgrade and disaster recovery implementation, for a total contract amount not to exceed $1,395,000 for the 3-year term from August 1, 2024 through July 31, 2027.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Kevin Fong, Director of Information Technology

Subject: Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by $50,000, for a total not-to-exceed amount of $299,500 through July 31, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services is available in the Fiscal Year (FY) 2025 IT Cost Allocation, Fund 680. Future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

$50,000	**FY 2025: Professional Services – IT** (IT Cost Allocation, IT, Professional Services)
$249,500	**Current Contract Value**
$299,500	**Total Contract Value: Professional Services**

CURRENT SITUATION AND ITS EFFECTS

Various departments in the City use the Accela Civic Platform as their Business License and Permitting system. The Information Technology Department seeks to extend its contract with Gray Quarter in order to support maintenance, upgrade, and provide technical expertise and support for the Accela Civic Platform.

Currently, Information Technology is engaged in a major upgrade of the Accela Civic Platform. This upgrade moves the City to a supported software version that provides feature enhancements and addresses key security vulnerabilities. In addition, the

upgraded version supports newer browsers that streamlines the user experience. Gray Quarter provides installation assistance, upgrade expertise, training support and other project management related support for this upgrade project.

With the additional funds Gray Quarter will continue to assist with the current Accela upgrade, future upgrades, production support and provide support in key projects.

BACKGROUND

Gray Quarter is an Accela Certified Services Partner and Accela Technology Alliance Partner that specializes in Accela software, with proven experience in many challenging projects.

Gray Quarter has provided support to the city via Accela professional services as a sub-contractor since 2018. In 2019, they were the Accela Professional services sub-contractor to lead the effort to implement Business License renewals online.

In 2020, the City established a direct contract with Gray Quarter to assist with Accela Civic Platform efforts on an as needed basis. Some of the key efforts in which Gray Quarter has assisted the City includes updating the Finance Cash Receipt (CR) interface file to allow for accurate reporting of revenue when overpayments are received and assistance with completion of the data bridge that sends refund data from Accela directly to FUND$. Gray Quarter has also assisted with the design and configuration management for Ad Hoc reports, and on-going support of the Business Licensing module for Rental of Real Property.

In 2021, the City and Gray Quarter introduced online Business License renewals, successfully completing the initiative to make these renewals available via the Accela Citizen Access web portal.

In 2022 Gray Quarter completed the Tax computations changes for Street vendors to use Gross Receipts, delivered the initial draft of a new delinquent business license renewal notification process, and worked with IT to specify new infrastructure for Accela Version 22 and install new instances of Development and Test on the latest version of the Accela Civic Platform.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City will help reduce carbon emissions by allowing most, if not all, business license processes to be performed online thereby reducing traffic into the City in keeping with the City's Climate Action Plan. This helps with the Digital Strategic Plan goals of providing more online services.

RATIONALE FOR RECOMMENDATION

Gray Quarter, Inc. is an Accela-Certified services partner. They have supported the city in various projects. Gray Quarter has performed specialized process analysis, configuration, and scripting to support the City's online business license system and various other IT and Finance projects. As a result, Gray Quarter has in-depth knowledge of City business processes and data architecture that would take other vendor years to acquire.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered completing projects and enhancements, gaining expertise by investing more time in learning without professional services; however, doing so would lead to an inefficient allocation of staff resources and significantly extend implementation timelines.

CONTACT PERSON

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

Attachments:
1: Resolution

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

CONTRACT NO. 32000223 AMENDMENT: GRAY QUARTER, INC. FOR ACCELA PROFESSIONAL SERVICES

WHEREAS, Gray Quarter, Inc. provides design, implementation, and support services to public sector technology solutions; and

WHEREAS, Gray Quarter is an Accela Certified Services Partner and Accela Technology Alliance Partner that specializes in Accela software since 2002, with proven experience in many challenging projects; and

WHEREAS, Gray Quarter has provided online enhancements to the Accela platform that have become particularly critical in order to keep business license services accessible and efficient for the community during the COVID 19 pandemic, and this functionality is consistent with the City's strategic goal "to be a customer-focused organization that provides excellent, timely and easily accessible service to the community,"; and

WHEREAS, Gray Quarter has provided excellent scripting, configuration and consulting services for Accela and therefore has an in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire; and

WHEREAS, funding for the additional professional services is available in the Fiscal Year (FY) 2025 IT Cost Allocation, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32000223 with Gray Quarter, Inc., increasing the amount by $50,000, for a total not-to-exceed amount of $299,500, and for the term beginning February 17, 2020 to July 31, 2025.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Kevin Fong, Information Technology Director

Subject: Dell Computers, Inc. Contract No. 31900270: Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2025 for an additional amount of $1,704,438 in Fiscal Year 2025 with a total Not-To-Exceed (NTE) contract amount of $5,411,676.

FISCAL IMPACTS OF RECOMMENDATION

Council authority is requested for continued hardware and software purchases from Dell Computers, Inc. under County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. (a cooperative purchasing agreement) to support citywide desktop replacement, laptops, servers, storage, network equipment, and software licensing for desktops, servers, and line-of-business applications.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley participates in a cooperative pricing agreement negotiated by County of Riverside with Dell Marketing L.P. to obtain hardware, software, and related services from Dell Computers, Inc. County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. was awarded to Dell Technologies, Inc. Currently, Dell provides the City of Berkeley with standardized hardware and software which facilitates efficient troubleshooting, quick turnaround times for equipment replacement, and standardized desktop imaging.

Hardware for the City of Berkeley's PC-Replacement and Server/Storage Replacement programs, as well as all corresponding supporting software, is purchased from Dell, Inc. The purpose of these programs is to maximize the value of the City's investment by adopting a citywide standard for desktops, desktop deployment, and centralized servers.

BACKGROUND

Formally, the City utilized a cooperative purchasing agreement known as WSCA, a cooperative purchasing arm of NASPO (a conglomeration of purchasing directors from fifteen western states formed to leverage their combined purchasing power to achieve competitive pricing discounts, and streamline the acquisition of quality products and services from industry-leading vendors). The WSCA NASPO cooperative agreement terminated effective July 31, 2023 and no extension is available.

As a result, the City changed its cooperative agreement to use the County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. This cooperative agreement is used by multiple cities and counties in the State of California, including the State itself. Leveraging this cooperative agreement provides the City the best pricing vs. all competitive bids and cost models.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The technology equipment purchased from Dell Technologies is energy efficient and meets the standards required by law. The purchase and subsequent disposal of equipment is done responsibly using e-waste vendors and community non-profit agencies that provide technology equipment back into local communities to address the digital divide.

Additionally, keeping the City's inventory updated helps achieve the purchase of most energy efficient hardware keeping up with changing standards and meets the City's goal of reducing energy consumption City buildings and maintaining an environmentally sound information technology infrastructure.

RATIONALE FOR RECOMMENDATION

Using cooperative purchasing agreements allows the City to gain greater efficiencies and economies of scale. County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. is used by multiple cities and counties in the State of California and including the State itself.

Dell continues to provide excellent hardware and software to support the City's network infrastructure, servers, and desktop computers. Dell also continues to provide exemplary customer service and response times. This contributes to overall employee productivity and addresses the cybersecurity requirements of the City.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered issuing a specific bid for the City of Berkeley's computer hardware and software requirements, but at this time, doing so would not yield better pricing than that

which is currently established through the County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. purchasing agreement.

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

Attachments:
1: Resolution

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

DELL COMPUTERS, INC.: USING COUNTY OF RIVERSIDE AMENDMENT NO. 1 TO THE LICENSING SOLUTION PROVIDER AGREEMENT WITH DELL MARKETING L.P. FOR HARDWARE AND SOFTWARE PURCHASES

WHEREAS, the City of Berkeley relies upon a technically sound and efficient computer network; and

WHEREAS, by purchasing from cooperative purchasing agreements such as County of Riverside to No.1 Amendment to the licensing Solution Provider Agreement with Dell Marketing L.P., the City of Berkeley is able to take advantage of pre-negotiated prices, economies of scale, and increased efficiencies; and

WHEREAS, hardware for the City of Berkeley's PC-Replacement and Server Replacement programs, as well as all corresponding supporting software are purchased from Dell, Inc. The purpose of these programs is to maximize the value of the City's investment by adopting a citywide standard for desktops, desktop deployment, and centralized servers; and

WHEREAS, Dell Computers, Inc. continues to offer the best overall value, reliable hardware, and excellent customer service since 1994; and

WHEREAS, funding for the PC and Server Replacement Programs are funded by the Department of Information Technology's Internal Service Fund, and citywide purchases will be made as needed by Departments by multiple funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to increase the spending authority for purchase orders for computer hardware, software, and related services from Dell Computer, Inc., utilizing pricing from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2025 for an additional amount of $1,704,438 in Fiscal Year 2025 with a total Not-To-Exceed (NTE) contract amount of $5,411,676.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 099471-1 Amendment: Integrated Business Consultants of GA to Extend Term, Maintenance & Support for the PacSoft Marina Management System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 099471-1 with Integrated Business Consultants of GA ("Reseller") for: (1) additional software maintenance and (2) twenty (20) additional support hours, in an amount not to exceed $16,906.61 for a new not to exceed contract amount of $100,359.61, and extending the contract term through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the additional software maintenance and professional services in the amount of $16,906.61 will be provided from the Marina Operations Fund (Fund 608). Funds are available in the FY 2025 budget, and are subject to appropriation in the FY 2026 and FY 2027 budgets.

$ 13,906.61	Software Maintenance (July 1, 2024 to June 30, 2027)
$ 3,000.00	Professional Services
$ 16,906.61	Total Maintenance and Professional Services

CURRENT SITUATION AND ITS EFFECTS

On May 29, 2012, the City of Berkeley issued Request for Proposal No. 12-10674 for an improved marina management system. After receiving two bidders, staff selected Integrated Business Consultants of GA (IBCGA) / PacSoft MMS ("Reseller") as the proposal that best met the criteria contained in the RFP. In November 2014, the software system went "Live". In order to maintain ongoing technical support and annual maintenance, a contract extension is needed through June 30, 2027.

This use of this software is consistent with the City's strategic goals to:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; and
- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND
The City's Marina has approximately 1000 slips for rent, which 100 liveaboards and 13 floating homes. Over 90% of the Marina reservations are for long term rentals. There are seven (7) staff who manage the operations of the Marina, including but not limited to processing berth reservations and rentals, towing boats, processing monthly payments, and enforcing Marina rules. The PacSoft Marina Program is the primary software that is used to support the Marina operations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The PacSoft application is built on technology which enables the Department of Information Technology (DoIT) to access and support the system remotely and therefore, reduces the number of trips that the I.T. support personnel would have to take to the Marina and consequently reduces vehicle miles traveled, which is an important goal of the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION
Since 2014, the vendor for Pacsoft has provided reliable customer support to the Marina, and continued use of the program is critical for the smooth ongoing operations at the Marina.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Kevin Fong, Director, Information Technology, 510.981.6541
Alexandra Endress, Waterfront Manager, 510.981.6737

Attachments:
1: Resolution

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

CONTRACT NO. 099471-1 AMENDMENT: INTEGRATED BUSINESS CONSULTANTS OF GA (IBCGA) FOR MARINA MANAGEMENT SYSTEM

WHEREAS, on May 29, 2012, the City of Berkeley issued Request for Proposal No. 12-10674 for an improved marina management system and received two responding bidders; and

WHEREAS, after receiving two bidders, staff selected Integrated Business Consultants of GA (IBCGA) ("Reseller") as the proposal that best met the criteria contained in the RFP; and

WHEREAS, on October 18, 2016, Council adopted Resolution No. 67,710-N.S. to extend the contract and increase the spending authority to $83,453; and

WHEREAS, Funds are available in the FY 2025 Marina Fund (Fund 608). Funding is subject to appropriation in the FY 2026 and FY 2027 budgets in the Marina Fund; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 099471-1 with Integrated Business Consultants of GA (IBCGA) ("Reseller") for (1) additional software maintenance and (2) twenty (20) additional support hours, in an amount not to exceed $16,906.61 for a new not to exceed contract amount of $100,359.61, and extending the contract term through June 30, 2027.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellows, Interim City Manager

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

Subject: Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades

RECOMMENDATION

Adopt a Resolution increasing the amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by $120,000 for a total not to exceed amount of $556,954.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the $120,000 amendment is available in the FY2025 General Fund (Fund 011) budget. No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

On May 23, 2023, City Council authorized a not-to-exceed total for the Baldoni Construction Service, Inc. contract for the Echo Lake Camp Accessibility Upgrades of $436,954 which included a 20% contingency (Resolution No. 70,855-N.S.). The contract with Baldoni Construction Service, Inc. was executed on August 28, 2023 for an amount of $364,128. One contract amendment has been executed to date to address unanticipated existing conditions and conflicts, resulting in a current total contract value of $426,817. In August, 2024, the need for emergency work at Echo Lake and Berkeley Tuolumne Camps was identified. This work includes installation of infrastructure for an emergency generator at Echo Lake Camp, and emergency repairs to the driveway and accessible crosswalk at Tuolumne Camp. The existing Baldoni contract includes repair/replacement of pathways, parking areas, and electrical work. Because the scope of additional work is similar to the work Baldoni is currently completing for the City, the City will authorize this additional work via change order with Baldoni Construction, Inc. The contract authority needs to be increased by $120,000 to allow this work to proceed.

BACKGROUND

The Echo Lake Camp Accessibility Upgrade Project was advertised for bids on March 6, 2023, and bids were opened on Tuesday, April 19, 2023. The City received three bids. Baldoni Construction was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback, and recommended

that a contract for this project be awarded to Baldoni Construction. The contract was executed on August 28, 2023, and work began in September, 2023. Baldoni has completed the accessible pathway improvements, however unanticipated conditions required revision to the original approach to provide accessible parking. During 2023-2024 the City developed an alternative accessible parking approach, and received revised permits for the new approach. Change Order #1, reflecting the changed approach to accessible parking, was completed in June, 2024. The Project is expected to be completed in Fall, 2024.

Echo Lake Camp relies on electrical power to pump, treat, and distribute drinking water for the Camp, as well as to pump and treat wastewater. In recent years, power shut-offs by the local utility provider for wildfire risk mitigation have significantly increased the occurrence and duration of power outages. Given the short construction window at Echo Lake Camp due to severe winter conditions, there is an urgent need to install infrastructure to allow for generator backup for the water and wastewater treatment system at Camp prior to the 2024 winter onset.

Berkeley Tuolumne Camp reconstruction was completed in 2022. Throughout the Camp, the City used pervious geo-grid in lieu of asphalt at parking lots and driveways to reduce impervious surfaces at Camp and protect water quality. During the 2024 summer season, two sections of geo-grid material failed at the steepest sections of driveway, including an accessible crosswalk. This damage must be repaired in order to provide accessible access to Campers and maintain vehicle access for deliveries, accessible parking, and emergencies. The repair will replace the geogrid with asphalt only on the failed section of driveway.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project is a renovation of an existing pathway / driveway and therefore will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

Echo Lake and Berkeley Tuolumne Campgrounds have been providing valuable outdoor activities to Berkeley youth and families since 1922. Emergency repairs and an emergency generator will allow these facilities to continue to provide accessible access to these unique City resources.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Liza McNulty, Project Manager, Parks Recreation & Waterfront, 542-4131

Attachments:
1: Resolution

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

CONTRACT NO 32400029 AMENDMENT: BALDONI CONSTRUCTION SERVICE, INC., FOR ECHO LAKE CAMP ACCESSIBILITY UPGRADES

WHEREAS, the City has owned the Echo Lake Camp since 1922; and

WHEREAS, the City wants to voluntarily improve accessibility at Echo Lake Camp; and

WHEREAS, an invitation for bids was duly advertised and three bids were opened on April 18, 2023, and Baldoni Construction Service, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, the City Council authorized execution of a contract and any amendments, extension and/or change orders until completion of the Project with Baldoni Construction Service, Inc. in an amount not to exceed $436,954 (Resolution No. 70,855-N.S); and

WHEREAS, based on executed and projected amendments due to unanticipated existing conditions and the desire to complete additional emergency work at Echo Lake Camp and Tuolumne Camp, additional funds are needed; and

WHEREAS, funding for the $120,000 amendment is available in the FY2025 General Fund (Fund 011) budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the not to exceed amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrade Project is increased by $120,000 for new total not to exceed $556,954. A record signature of said agreements and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Donation: Memorial Bench at the Berkeley Waterfront Pathway in memory of Ying Xiang Liu

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 Pathway in memory of Ying Xiang Liu.

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. This cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY2025 in a future Amendment to the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS
The family of Ying Xiang Liu wishes to donate a memorial bench in her memory to be placed at the Berkeley Waterfront Pathway with a cash 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

Bruce Pratt, Parks Superintendent, 510-981-6700
Alexandra Endress, Waterfront Manager, 510-981-6737

Attachments:
1: Resolution

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

DONATION: MEMORIAL BENCH AT THE BERKELEY WATERFRONT PATHWAY IN MEMORY OF YING XIANG LIU

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 Ying Xiang Liu wishes to donate a memorial bench in her memory to be placed at Cesar Chavez Park with a cash 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 cash donation of $3,400 will be deposited into Marina Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Waterfront Pathway in memory of Ying Xiang Liu is hereby accepted.

Office of the City Manager

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CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Donation: Memorial Bench at the Berkeley Waterfront in memory of Obaidulla Khan

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 in memory of Obaidulla Khan.

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. This cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY2025.

CURRENT SITUATION AND ITS EFFECTS
The family of Obaidulla Khan wishes to donate a memorial bench in his memory to be placed at the Berkeley Waterfront Pathway with a cash 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

Bruce Pratt, Parks Superintendent, 510-981-6700
Alexandra Endress, Waterfront Manager, 510-981-6737

Attachments:
1: Resolution

RESOLUTION NO. XX,XXX -N.S.

DONATION: MEMORIAL BENCH AT THE BERKELEY WATERFRONT IN MEMORY OF OBAIDULLA KHAN

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 Obaidulla Khan wishes to donate a memorial bench in his memory to be placed at Cesar Chavez Park with a cash 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 cash donation of $3,400 will be deposited into Marina Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Waterfront in memory of Obaidulla Khan is hereby accepted.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Mills Act Contract – 1401 Le Roy Avenue

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Michael Greenwald and Ronna Bach for the City Landmark property at 1401 Le Roy Avenue.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Landmark property at 1401 Le Roy Avenue would reduce the property tax bills for the owners by approximately $43,000 in year one, approximately 30% of which ($12,900) would be diverted from Berkeley's tax revenue. Final amounts are determined by Alameda County after contract execution. This will be an annual impact to the City's tax revenue, as the contract runs for ten years, in comparable annual amounts, and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2025-2026 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On March 21, 1977, the property at 1401 Le Roy Avenue was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act (see Attachment 2).

On July 8, 2024, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owners, Michael Greenwald and Ronna Bach, to enter into a Mills Act contract for 1401 Le Roy Avenue, including a proposed scope of work and maintenance schedule, and voted 5-1-0-2 to recommend approval of the Mills Act Contract application to City Council (Moved/Second Orbuch/Crandall; Yes: Crandall, Enchill, Finacom, Orbuch, Twu; No: Schwartz; Abstain: none; Absent: Leuschner, Montgomery [due to recusal]).

BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City, in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions, in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S., which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 1401 Le Roy Avenue is eligible for the Mills Act contract because it is a Berkeley Landmark. The contract template has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owner has agreed to complete within the first ten-year contract period (see Attachment 3) and that

provides for the property “use, maintenance and restoration as to retain its characteristics as property of historical significance.” The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534
Fatema Crane, Principal Planner/LPC Secretary, 510-981-7413

Attachments:

1. Draft City Council Resolution
2. Notice of Decision, Landmark Designation for 1401 Le Roy Avenue, March 21, 1977
3. Rehabilitation Plan and Notes, dated June 14, 2024
4. LPC Staff Report August 1, 2024

Attachment 1

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH MICHAEL GREENWALD AND RONNA BACH, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 1401 LE ROY AVENUE, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on March 21, 1977, 1401 Le Roy Avenue was designated as a City of Berkeley Landmark, which renders it eligible to take advantage of the Mills Act; and

WHEREAS, on July 8, 2024, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 1401 Le Roy Avenue, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Michael Greenwald and Ronna Bach for the maintenance and restoration of the historic property located at 1401 Le Roy Avenue and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk- Recorder.

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CITY OF BERKELEY
DEPARTMENT OF HOUSING AND DEVELOPMENT

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

FEES: Ordinance 4694-N.S. Individual Landmark $50.00 Historical Dist. $100.00

1. Name of Property John Galen Howard House Survey Code No. _____
2. Building X Site _____ Open Space _____
3. County Alameda 4. City Berkeley
5. Street 1401 Le Roy Avenue
6. Vicinity (if rural) _____
7. Present Occupant Henry Stapp
8. Present Owner John M. Woodbridge
9. Original Owner (if known) Warren Gregory
10. Date of Construction 1912 11. Style Shingle-style
12. Architect/Builder John Galen Howard 13. Original Use residence
14. Historic Value: national ___ state ___ county ___ city x neighborhood x none ___
15. Architectural Value: national ___ state x county x city x neighborhood x none ___
16. Notable Garden or Landscaping: yes x no ___
17. Photographs:

contemporary x	historical _____
dates July ?, 1975	dates _____
photographer Mary Ann Beach	photographer _____
repository Berkeley Landmarks Preservation Commission Archive	repository _____

18. Bibliography:
Published Sources A Guide to the Architecture of San Francisco & Northern California - Gebhard et. al., Peregrine Smith, Inc., Salt Lake City 1973
Public Records _____
Interviews _____
Other (continued on back page)

La Loma Park- Wheeler tract

19. Block Number 6 20. Lot No. 19,20 21. Lot Size: Frontage 276.41
Assessors no. 58-2244-1 Depth 166.20 - 156.28
22. Current Zoning Status R-1 23. Adjacent Property Zoning Status R-1
24. Present Use: residential (single family x multiple __) office ___
store ___ public ___ other ___ specify _____
25. Adjacent Property Use (check all that apply): residential(single family x multiple __) office __ store __ public ___ other ___ specify _____

26. Assessed Property Value: about $100,000 assessed market value
current_____ 5 yrs. ago____ 10 yrs. ago_____

27. Present Condition of Property: exterior: excellent x good__ fair__ poor__
interior: excellent x good__ fair__ poor__
grounds: excellent x good__ fair__ poor__

28. Property Endangered: yes___ no x source, if yes_____

29. Potential New Property Uses: none

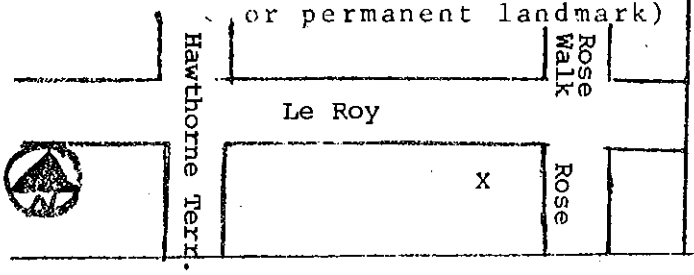
30. History: Briefly descirbe the historical significance of this property.

The house was designed and built as the 2nd home of architect John Galen Howard from New York, 4th place winner in the 1899 Phoebe Apherson Hearst International competition for the design of the U.C. Campus & actual architect for the original campus buildings including the Campanile, Doe Library, California Hall, Wheeler Hall, Hearst Mining Building & others. In addition, the house has a library wing designed by Julia Morgan in 1927.

31. Architecture: Briefly describe the appearance of this structure. Indicate notable features as well as later alterations and changes. Include notable landscaping or natural features.

The plan is L-shaped following the outer edge of the property. Two arms are hinged in center by the entrance and stair hall. The house is a long rectangular, shingled block with stuccoed base and slightly pitched gabled roof whose rafter ends are exposed. The front entrance is a striking composition of raised entrance porch and open balcony below. The library interior by Julia Morgan is the most important interior space. It is in a finecraftsman style. The kitchen has been remodeled. The basement is now a finished space.

32. Location Map (nearest intersection or permanent landmark)



33. [illegible] (to).



34. Additional Comments or Continuation of Previous Answers
18 - published sources

Building With Nature
Freudenheim & Sussman
Peregrine-Smith Inc. 1974
Salt Lake City

Building of Berkeley
Bernhardi, Robert
Lederer, Street & Zeus Co
Berkeley, 1971

Bay Area Houses
Sally Woodbridge et. al
Oxford U. Press, N.Y. 1976

Architect & Engineer
Nov., 1917, use. published
Howard, John Galen

35. Recorder: Name Sally Woodbridge Title Architectural Historian
Address 2273 Vine Street Date June 24, 1975
Berkeley, CA

Recording Requested By

79-026642

And When Recorded Mail To:

Oscar A. Sung
Program Planning Division
Housing and Development Department
2180 Milvia Street
Berkeley, California 94704

DH

RECORDED IN OFFICIAL RECORDS
OF ALAMEDA COUNTY, CALIF.
FEB - 9 1979
AT 4:30 PM M
RENE C. DAVIDSON, County Recorder

Subject Property: Howard House
Owner: John M. Woodbridge

NOTICE OF LANDMARK DESIGNATION

Notice is hereby given that pursuant to Section 4.2 of Ordinance No. 4694-N.S., of the City of Berkeley, that certain property located at 1401 LeRoy Ave., on the following described property has been determined to be a Berkeley City Landmark as designated by the Landmarks Preservation Commission of The City of Berkeley on March 21, 1977 and the owner(s) thereof have been notified as required by Section 4.1c.

Real property in the County of Alameda, State of California, described as follows:

Lot 19 & 20 Block 6 Tract Map Amended Map of a Portion of La Loma Park and the Wheeler Tract.

PARCEL 1:

Lots 19 and 20, in Block No. 6, as said lots and block are shown upon that certain map entitled "Amended Map of a Portion of La Loma Park and the Wheeler Tract, Berkeley, Alameda Co., California", filed October 15, 1902, in Liber 19 of Maps, at page 45, in the office of the County Recorder of Alameda County.

PARCEL 2:

Beginning at the northwestern corner of Lot 20 in Block 6, as said lot and block are shown on the map hereinbefore referred to; and running thence easterly along said lot; thence northerly along the course of said eastern line of said lot, if projected northerly 25 feet;

(continued on attached page)

Owner of Record:
JOHN M. WOODBRIDGE

Dated:
JANUARY 23, 1979

City of Berkeley

By _____
Oscar A. Sung, Chief
Program Planning Division
Housing & Development Department
Secretary to The Landmarks
Preservation Commission

STATE OF CALIFORNIA)
) SS.
COUNTY OF ALAMEDA)

On this 24th day of January, 19 79, before Patricia A. Daniels a Notary Public in and for said County and State, personally appeared Oscar A. Sung, known to me to be the Chief, Program Planning Division, Housing and Development Department of the City of Berkeley, who executed the foregoing instrument and acknowledged to me that he executed same.

WITNESS my hand and official seal:

PATRICIA A. DANIELS, Notary

OFFICIAL SEAL
PATRICIA A. DANIELS
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ALAMEDA COUNTY
My Commission Expires July 1, 1980

19-026642

(attachment) PARCEL 2 (con'td)

thence westerly parallel with the northerly line of said lot, to the eastern line of LeRoy Avenue, if projected northerly; thence southerly, along said projected line of LeRoy Avenue to the point of beginning.

Excepting from said parcels of land that portion thereof conveyed to the City of Berkeley, by Deed dated November 14, 1912 and recorded in Liber 2169 of Deeds, at page 106, and included within the following description:

Beginning at a point on the East line of Le Roy Avenue, 8.22 feet northerly from the southwest corner of Lot 20, in Block 6, as said lot and block are delineated and so designated on a certain map entitled "Amended Map of a portion of La Loma Park and the Wheeler Tract", filed in the office of the County Recorder of Alameda County; and running thence northerly along the east line of Le Roy Avenue, on a curve of 472 feet radius, a distance of 73.67 feet to a point on a line 25 feet northerly and parallel to the north boundary line of said lot 20; thence easterly and parallel to the said north boundary line of lot 20, and to the southerly line of Rose Street, a distance of 219.25 feet to a point on the

intersection of this line and the west line of Tamalpais Avenue, projected; thence returning westerly and reflecting to the left along a curve, the radius of which is 126.24 Feet, a distance of 25.17 feet; thence deflecting to the right and westerly along a curve, the radius of which is 126.24 feet, a distance of 25.17 feet to a point on a line 20 feet northerly and parallel to the north boundary line of said lot 20; thence westerly and parallel to said north boundary line of said lot 20, a distance of 121.53 feet; thence southerly at right angles to the southerly line of Rose Street, a distance of 8.41 feet; thence southwesterly along a curve the radius of which is 60 feet, a distance of 87.61 feet to a point of tangency with the east line of Le Roy Avenue, at the point of beginning; containing an area of 1933 square feet.

architecture
denise hall montgomery
1769 alcatraz avenue
berkeley, ca 94703
a california corporation

mills act restoration / rehabilitation plan

PROJECT 1401 Le Roy Avenue
UPDATED May 17, 2024

ITEM	FEATURE	CHARACTER DEFINING	CONDITION	HISTORIC TREATMENT	FIRE RESISTANCE MEASURES	ENERGY EFFICIENCY MEASURES	STRUCTURAL STENGTHENING MEASURES	ESTIMATED DATE OF COMPLETION	ESTIMATED COST*
1	Replaced redwood shake siding	Yes	Poor	**Rehabilitation** - Replace exterior redwood shakes with custom milled redwood shakes treated with a fire retardant. New shakes will be milled to the same dimensions, and installed in the same "ribbon coursing" pattern as the original shakes.	1. Shakes treated with a fire retardant. 2. Fire resistance sheathing installed beneath shakes. 3. Final wall assembly will have a 1-hour fire resistance rating. 4. Replace knob & tube wiring with code compliant wiring where accessible from the exterior wall.	1. Mineral batt insulation added to exterior walls. 2. Identified galvanized plumbing pipes - currently exposed on house exterior - will be replaced with copper and "buried" inside the exterior walls.	1. Structural sheathing install beneath the shakes will provide additional shear reinforcing to brace against lateral (ie seismic) loads.	Replace: 2025 Maintain: 2026-2035	$566,483.50
2	Replaced identified fixed and double hung windows	Yes	Poor	**Rehabilitation** - Replace windows showing signs of dry rot with custom double-paned wood windows, and custom milled redwood architectural trim to match existing.		1. Replaced identified windows will be double paned glass and sealed units to reduce heat gain and air infiltration.		Replace: 2025 Maintain: 2026-2035	$314,083.00
3	Restored identified leaded glass windows & library doors	Yes	Poor	**Restoration & Rehabilitation** - The leaded glass windows will be removed, disassembled, and rebuilt using new lead that matches the profile of the original. The window will be puttied, polished and reinstalled in a new custom wood sash and frame that will allow a double paned glass unit behind the leaded glass.		1. The double paned glass will reduce heat gain and protect the restored leaded glass panels. 2. New sashes will reduce air infiltration.		Replace: 2025 Maintain: 2026-2035	$60,646.30
4	New standing seam metal roofing with rigid insulation	No	Poor	**Replace** - The existing (non-original) tar and gravel roof will be replaced with a standing seam metal roof over 5" of rigid insulation.	1. Standing seam metal roofing provides a non-combustible roofing surface. 2. Fire resistance sheathing installed beneath roofing added protection. 3. Fire sprinklers added below roof eaves. 4. Final assembly will have a 1-hour fire resistance rating.	1. Rigid insulation added above conditioned space. 2. Adding insulation above the roof will allow insulation at the JM library cathedral ceiling to protect the historic interior.	1. Structural sheathing installed beneath the roofing will provide additional shear reinforcing to brace against lateral (ie seismic) loads.	Replace: 2025 Maintain: 2026-2035	$334,471.50
5	Rehabilitated library balcony	Yes	Poor	**Restoration & Rehabilitation -** Repair and structurally reinforce the library balcony and replace the (non-original) railing.			1. Deck joists will be replaced in kind and a structural redwood brace (modeled on a similar brace in use on the south balcony) will be added. 2. A code compliant guardrail will be added, with a design modeled on the interior stair railing.	Replace: 2025 Maintain: 2026-2035	$13,916.10
6	Replace landscape retaining wall	No	Poor	**Replace -** Replace existing concrete retaining wall at the property perimeter along Le Roy Avenue & Rose Street pending SAP approval.			1. Protect the structural integrity of the house foundation and primary structure.	Replace: 2030 Maintain: 2025-2035	$281,810.10
							TOTAL ESTIMATED 10-YEAR BUDGET		**$1,571,410.50**

NOTES:

1. This proposed 10 year work plan is focused on the rehabilitation of primary exterior features and materials.
2. The proposed work plan is commensurate with the estimated Mills Act tax reduction per the accompanying spreadsheet.
3. This focused work plan represents only a portion of current and future rehabilitation and maintenance work to be completed over the next 10 years.
4. * Estimated cost based on contractor estimate, May 16, 2024

LANDMARKS PRESERVATION COMMISSION

STAFF REPORT

FOR COMMISSION ACTION
JULY 8, 2024

1401 Le Roy Avenue - John Galen Howard House

Mills Act Contract Application (#LMMA2024-0001) for a residential property and City of Berkeley Landmark.

I. Application Basics

Parties Involved:

- **Property Owner:** Michael Greenwald & Ronna Bach
  1401 Le Roy Avenue
  Berkeley, CA 94708

- **Historic Architect & Consultant:** Denise Hall Montgomery, Architect
  Denise Hall Montgomery Architecture
  1769 Alcatraz Avenue
  Berkeley, CA 94703

- **Recommendation:** Approve the proposed rehabilitation schedule and recommend favorable action to City Council.

Figure 1: Vicinity Map showing nearby City Landmarks & Districts

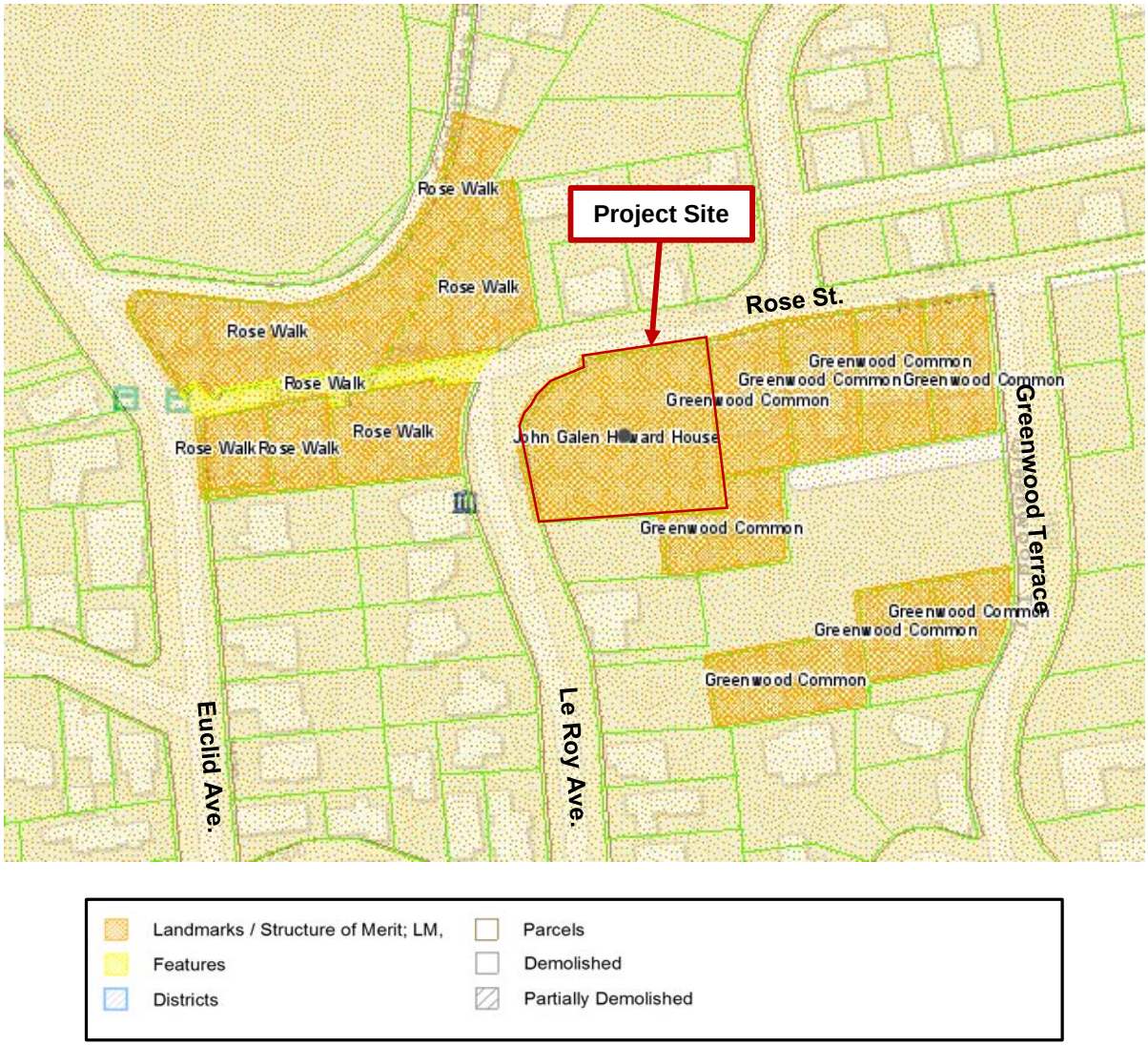


Figure 2: Current site conditions – Front (north) elevation (Denise Hall Montgomery Architecture, 2024)



Figure 3: Current site conditions – Interior courtyard (south) elevation (Denise Hall Montgomery Architecture, 2024)



II. Background

The residence at 1401 Le Roy Avenue was constructed in 1912, according to City records. It is an example of the First Bay Tradition style of architecture, designed (and occupied by) famed Berkeley architect John Galen Howard, with a later addition (1927) completed by another famed Berkeley architect and his protégé, Julia Morgan. The three-story (two stories over basement) main building is wood-frame construction on a concrete foundation. The structure is clad in redwood shake shingles, 30" in length, and applied in a ribbon coursing pattern which is characteristic of Craftsman-style architecture. The windows across the elevations are a combination of single pane fixed, double-hung, and casement wood windows, in addition to fixed and leaded glass casement windows. The roof is a very low-pitched gable roof which is currently tar-and-gravel (non-original), with wood eaves and fascia boards, exposed rafters, and integral wood gutters. Further architectural details can be found in Attachment 1.

The subject property was designated as a City landmark in 1977; see the Landmark Designation Record included in Attachment 1 of this report.

On May 2, 2024, the Landmarks Preservation Commission (LPC) considered and approved a Structural Alteration Permit (#LMSAP2024-0002) to complete an exterior façade restoration and alter the roofing material on the John Galen Howard House. The project scope encompassed:

1. Restoration of exterior wood shake siding
2. Rehabilitation of leaded glass windows
3. Restoration of select wood windows
4. Replacement of deteriorated wood windows
5. Replacement of deteriorated library balcony with new railing
6. New roofing material and insulation

The Notice of Decision for this SAP is included as Attachment 4 to this report.

On June 3, 2024, the applicant, on behalf of the property owners, submitted a Mills Act Contract Application for this City Landmark property, to support the planned restoration and rehabilitation work that was approved by the LPC in the aforementioned Structural Alteration Permit.

III. Issues and Analysis

The applicant's historic architect, who is also serving as the historic resource consultant, prepared the Mills Act submittal in line with the City's program requirements.

The Mills Act application includes the following components:

1) *Historic Architectural Summary* for the subject property (Attachment 1), which includes the list of Character-Defining Features of the John Galen Howard House in Table 1.

2) A *Restoration and Rehabilitation Plan* (Attachment 2), which outlines the projects identified for restoration, rehabilitation, and maintenance of the property over the ten-year contract period; and
3) A financial analysis spreadsheet for estimating the potential Mills Act tax savings for this request, based on property-specific figures calculated using standard formulas.

The City's responsibility is to confirm the eligibility of the property to participate in the program and verify the validity of the identified work plan items. Should the City enter into a Mills Act Contract with the property owner, the Alameda County Assessor's Office will be responsible for verifying the figures provided by the applicant, conducting calculations, and applying actual property tax reductions on future tax bills beginning in 2025.

All improvements included in the Rehabilitation Plan (Attachment 2) relate to restoring the historic, character defining features of the building and site, except for the change in roofing material to increase fire resilience. The applicant presented the entire scope of work proposed in the Mills Act schedule to the LPC as part of a Structural Alteration Permit at its meeting on May 2, 2024. The Commission was very supportive of the treatments proposed by the applicant to increase longevity of the John Galen Howard House, and granted approval of the SAP at that meeting. The only work proposed in the schedule that was not included in the SAP application is the replacement of the concrete perimeter retaining wall along Le Roy Avenue and Rose Street, which may possibly be exempt from a further SAP as "ordinary maintenance and repair" in the Landmarks Preservation Ordinance (Berkeley Municipal Code Section 3.24.260). Based on the work plan included in the Mills Act application (Attachment 2), it does not appear that a new Structural Alteration Permit would be necessary beyond the approval already obtained by the applicant. If any future work is proposed to go beyond the scope of "ordinary maintenance and repair," it would be subject to prior approval by the Commission.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, the work plan would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed work plan items represent improvements that are consistent with the requirements of the Mills Act.

IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will reinvest a significant portion of the property tax savings resulting from the Contract into preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is provided in Attachment 2, and summarized in Table 1 below.

Table 1. Summary of Rehabilitation Schedule & Recommended Treatments

Feature	Treatment (as recommended by historic resource consultant)	Estimated Year of completion
Redwood shake siding	Replace in kind with custom milled redwood shakes treated with a fire retardant	2025
Wood Windows	Replace dry-rotted windows with custom redwood trim to match and new double-paned glazing	2025
Leaded Glass Windows and Door	Restore, rehabilitate, and reinstall	2025
New standing seam metal roof	Remove tar and gravel roof, replace with standing seam metal roof with insulation, fire sheathing, and	2025
Library balcony	Repair and structurally reinforce balcony, and replace non-original railing	2025
Landscape retaining wall	Replace concrete perimeter retaining wall along Le Roy Avenue and Rose Street	2030

Per the applicant's calculations in Attachments 2 and 3, the owner's work plan represents a three-fold (348%) reinvestment of the savings into the property. In other words, the owner would spend $1,571,410 on the 10-year work plan, while saving $450,684 in property tax reduction over the 10-year period.

V. Recommendation

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance", and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

Attachments:

1. Mills Act Application for 1401 Le Roy Avenue – Historic Architectural Summary, dated June 1, 2024 (including the designation record, 1977)
2. Mills Act Application for 1401 Le Roy Avenue – Rehabilitation Plan, dated June 25, 2024
3. Mills Act Application for 1401 Le Roy Avenue – Financial Analysis Spreadsheet, dated June 25, 2024
4. Notice of Decision – Structural Alteration Permit #LMSAP2024-0002

Prepared by: Reina Kapadia, AICP, Senior Planner; rkapadia@berkeleyca.gov (510) 981-7485
Reviewed by: Fatema Crane, Principal Planner/LPC Secretary; fcrane@berkeleyca.gov (510) 981-7410

26

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Mills Act Contract – 60 Panoramic Way

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Jordan Kanarek and Gabrielle Goldstein for the City Structure of Merit property at 60 Panoramic Way.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Structure of Merit property at 60 Panoramic Way would reduce the property tax bills for the owners by approximately $31,400 in year one, about 30% of which ($9,400) would be diverted from Berkeley's tax revenue. Final amounts are determined by Alameda County after contract execution. This will be an annual impact to the City's tax revenue, as the contract runs for ten years, in comparable annual amounts, and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2025-2026 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On June 1, 2023, the property at 60 Panoramic Way was designated as a City of Berkeley Structure of Merit, making the property owner eligible to take advantage of the Mills Act (see Attachment 2).

On August 1, 2024, the Landmarks Preservation Commission (LPC) reviewed the proposal by Jordan Kanarek and Gabrielle Goldstein to enter into a Mills Act contract for 60 Panoramic Way, including a proposed scope of work and maintenance schedule, and voted 5-0-0-3 to recommend approval of the Mills Act Contract application to City Council [Moved/Second Crandall/Enchill; Yes: Enchill, Finacom, Crandall, Montgomery, Orbuch; No: none; Abstain: none; Absent: Leuschner, Schwartz, Twu (due to recusal)].

BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City, in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions, in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S., which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 60 Panoramic Way is eligible for the Mills Act contract because it is a Berkeley Structure of Merit. The contract template has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owner has agreed to complete within the first ten-year contract period (see Attachment 3) and that provides for the property “use, maintenance and restoration as to retain its

characteristics as property of historical significance." The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS
Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED
The Council could deny the application if it found that it did not satisfy the requirements of the Act.

CONTACT PERSON
Jordan Klein, Director, Planning and Development Department, 510-981-7534
Fatema Crane, Principal Planner/LPC Secretary, 510-981-7413

Attachments:
1. Draft City Council Resolution
2. Notice of Decision, Structure of Merit Designation for 60 Panoramic Way, date effective November 15, 2023
3. Rehabilitation Plan, dated June 14, 2024
4. LPC Staff Report August 1, 2024

Attachment 1

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH JORDAN KANAREK AND GABRIELLE GOLDSTEIN, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 60 PANORAMIC WAY, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on June 1, 2023, 60 Panoramic Way was designated as a City of Berkeley Structure of Merit, which renders it eligible to take advantage of the Mills Act; and

WHEREAS, on August 1, 2024, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 60 Panoramic Way, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract would be consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Jordan Kanarek and Gabrielle Goldstein for the maintenance and restoration of the historic property located at 60 Panoramic Way and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk-Recorder.

LANDMARKS PRESERVATION COMMISSION

NOTICE OF DECISION

DATE OF BOARD DECISION: June 1, 2023
DATE NOTICE MAILED: ~~August 28, 2023~~October 30, 2023
APPEAL PERIOD EXPIRATION: ~~September 12, 2023~~November 14, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): ~~September 13, 2023~~November 15, 2023[1]

60 Panoramic Way – William J. Moore House

Landmark application #LMIN2023-0001 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1913 that is a Contributing Property to the Panoramic Hill National Register Historic District – APN 55-1853-15

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structure of Merit designation**

APPLICANT: Jordan Kanarek and Gabrielle Goldstein
60 Panoramic Way
Berkeley, CA 94704

ZONING DISTRICT: Environmental Safety-Residential (ES-R)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under the California Environmental Quality Act Guidelines, Section 15061(b)(3).

1 Pursuant to BMC Chapter 3.24, the City Council may "certify" any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

The application materials for this project is available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

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FINDINGS FOR FINAL ACTION AND APPLICATION ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 8-0-0-1

YES: ADAMS, CRANDALL, ENCHILL, FINACOM, LEUSCHNER, MONTGOMERY, SCHWARTZ, TWU

NO: NONE

ABSTAIN: NONE

ABSENT: LINVILL

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
    a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
    a. The basic fee for persons other than the applicant is $500. This fee may be reduced to $100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

   b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is $500, which may not be reduced.
   c. The fee for all appeals by Applicants is $2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structure of Merit designation will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision 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 Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Reina Kapadia, at (510) 981-7410 or rkapadia@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings for Final Action
2. Landmark Application for 60 Panoramic Way, prepared by Jordan Kanarek (property owner); received March 9, 2023



ATTEST: _____
Fatema Crane, Secretary
Landmarks Preservation Commission

cc: City Clerk
Applicant and Property Owner: Jordan Kanarek and Gabrielle Goldstein, 60 Panoramic Way, Berkeley, CA 94704

ATTACHMENT 1

FINDINGS

JULY 6, 2023

60 Panoramic Way – William J. Moore House

Landmark application #LMIN2023-0001 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1913 that is a Contributing Property to the Panoramic Hill National Register Historic District – APN 55-1853-15

PROJECT DESCRIPTION

Structure of Merit designation of the property at 60 Panoramic Way, William J. Moore House.

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORIDNANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.B.2(d) of the Landmarks Preservation Ordinance, the Commission finds that the subject property meets the designation criteria for Structure of Merit (SOM) status because the structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings as a good example of the First Bay Tradition style of architecture, and as a contributor to the Panoramic Hill National Register Historic District. The building retains integrity of location, materials, feeling, association, setting, workmanship, and design throughout its street-facing (primary) elevation, despite some exterior alterations on the side and rear elevations. Through these qualities, it conveys its associations with its period of construction (1913) and has historic significance to the City, neighborhood (Panoramic Hill), block, and group of buildings in the historic district in which it is located.

FEATURES TO BE PRESERVED

1. This Structure of Merit designation shall apply to the subject property and the following distinguishing features of the main building and site shall be preserved:

Setting

- Its location in the Panoramic Hill residential neighborhood amongst the grouping of single-family residences built between 1901 – 1950 in various examples of the First Bay Tradition of architecture (National Register Historic District)

Overall Visual Aspects

- Two-and-a-half story over basement height of structure
- Natural, unpainted, wood-shingled exterior wall cladding throughout
- Those aspects of its design and materials associated with its First Bay Tradition style of architecture

West Elevation (Primary/Front)

Floor 1

- Inset entry porch
- Wooden entry door with inset panel and two flanking sidelights
- Wooden French doors with divided light panels
- A square bay covered with wood shingle cladding and:
    - Two double-hung wooden sash windows (8/1)
    - One center double-hung wooden sash window (10/1)

Floor 2

- Two secondary hip roof overhangs between each floor with exposed rafter tails
- Two three-part projecting bay windows with three double-hung wood sash windows in each:
    - Two 1/1 windows in the central bays
    - Four 6/1 windows on side bays
- Two casement windows with valance grid mullions (4/1)

Floor 3 (Attic)

- Single double-hung wood sash window (1/0)

Basement

East Elevation (Rear)

- Wooden double undivided casement window
- Wooden French doors with divided light panels

North Elevation (Side)

Floor 1

- One double-hung wood sash window (10/1)
- Three double-hung wood sash bay windows (1/1) underneath a hip roof overhang
- Two double-hung wood sash windows (towards the rear)

Floor 2

- Two double-hung wood sash windows (10/1)

South Elevation (Side)

Floor 2

- Four divided (3/1) picture windows
- Two divided (5/1) picture windows

Roof

- Front-facing gable roofline with exposed wooden roof beams with pyramidal rafter tail end
- Clinker brick chimney
- Beadboard soffits

Site Features

- Rhyolite (local volcanic) stone retaining walls and pilasters along the front property line and the south side property line as it returns into the sloped front yard
- Rhyolite (local volcanic) stone staircase (single flight) at the front property line leading up to the residence
- Rhyolite (local volcanic) stone planter beds in the sloped front yard

Planning and Development Department
Land Use Planning Division

City of Berkeley
Ordinance #4694 N.S.
LANDMARK APPLICATION

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1. **Street Address** 60
   City Berkeley
   County Alameda
   Zip 947

2. **Assessor's Parcel Number:** 55-185
   Block and Lot: Lot 13, "University Terrace", filed
   Tract: August 14, 1999 in Book 10 of Maps,

   Dimensions: Lot

   Cross Streets: Panoramic Way

3. **Is property on the State Historic Resource Inventory?** N
   Form #

   Is property on the Berkeley Urban Conservation Survey? N
   Form #

4. **Application for Landmark includes:**
   a. Building: ✓ **Garden:** **Other features:**
   b. Landscape or Open Space: **Natural** **Designed** **Other**
   c. Historic Site:
   d. District:
   e. Other: Stone

5. **Historic Name:** 60
   Commonly Known Name: 60

6. **Date of Construction:**
   a. Factual: 1913 **b. Approximate:**
   Source of Information: National Register Designation

7. **Architect:**

8. **Builder:** Henry

9. **Style:** First Bay

10. Original Owners: William J.
Original Use: Residential

11. Present Owners: Gabrielle Goldstein and

12. Present Use:

Residential:	**Single Family**		**Duplex**	
Multiple				
Commercial:	**Office**	**Store**	**Industrial**	**Hotel**
Institutional:	**School**		**Hospital**	**Other**

Current Zoning: ES
Adjacent Property Zoning: ES

13. Present Condition of Property:

Exterior:	**Excellent**	**Good**	**Fair**	**Poor**
Interior:	**Excellent**	**Good**	**Fair**	**Poor**
Grounds:	**Excellent**	**Good**	**Fair**	**Poor**

Has the property's exterior been altered?
Structural support piers were added in the front, north, and rear sides of the home.
Non-original stained glass windows at the front and north sides of the home.
Windows at the front and rear of the attic not original.
Windows and door at the rear of the home on the first floor are

14. Description: See site features and description in attached document.

15. History:

This property is a contributor to the Panoramic Hill Historic District. This District is historically significant in the area of architecture as a neighborhood that

16. Significance: The significance of 60 Panoramic Way is evident in its exemplary architectural design and listing on the National Register. Pursuant to Berkeley Municipal Code

Historic Value:

National	State	County	City	Neighborhood

Architectural Value:

National	State	County	City	Neighborhood
		N		

17. Is the property endangered?

18. Photographs: Date: 12/15/ **Repository:** N/
Photographer: Jordan

19. Bibliography: National Register Designation #05000424 for the

20. Recorder: Janice Thomas & **Date:** 200
Organization: Berkeley Architectural Heritage Association, submitted and certified

60 Panoramic Way Description + Building/Site Features

Description

In 2005 this home, and several other neighboring homes, was placed on the National Register of Historic Places (National Register Designation #05000424). The house at 60 Panoramic Way was designed and built by Henry Rowe, who purchased several contiguous lots on the hill and built five houses, including this one. The five houses, all Craftsman-styled, are distinct from each other, and this particular house was built in 1913.

The two and a half story single-family dwelling is situated on the uphill side of Panoramic Way, close to the first hairpin turn. The exterior of the house is covered in natural wood shingles, with a front gabled roof that has overhanging eaves supported by exposed roof beams. The chimney is constructed of clinker brick. The first story of the western facade includes a square bay with three double-hung windows and an inset entry porch. The front door has a vertical inset panel flanked by side lites of non-original diamond-paned leaded glass. The second story features a pair of three-sided bay windows under a secondary hip-roof overhang. A stone retaining wall, made of local volcanic rhyolite and about four feet in height, wraps around the property line at the street, adjoining the retaining wall at 62 Panoramic Way. A flight of steep stone steps leads to the wooden entry porch.

Over the years, this house has undergone several renovations and additions. In 1962, a basement apartment and bathroom were added, and it appears that this is when structural support piers and casement windows were installed at the front of the home. In 1980, a kitchen addition extended the rear first floor into a roughly 5’x5’ portion of the rear patio to make room for a breakfast nook. In 1984, a multilevel garden designed by Jonathan Plant was constructed, and a redwood bridge was installed to create access to the garden from the second floor of the house. This design further enhances the house's connection to nature. Jonathan's work demonstrates the power of thoughtful landscape design in creating a harmonious living environment with this historic home.

In 2004, an attic conversion was completed, and skylights were added to the home, further enhancing its charm and livability.

Overall, this house is an excellent example of the Craftsman style and has undergone several renovations and additions that have enhanced its livability without compromising its historic character.

Site features

* = historic feature to be preserved

- Rhyolite stone retaining walls and staircase*
- Rhyolite stone planter beds*
- Decorative hand railing on stairs
- Timber retaining wall street-level at 58 Panoramic Way
- Fence and retaining wall at the south side of the property
- Terraced garden and patio at the rear of property

General building features

- Two Clinker brick chimneys*
- Blue painted window trim
- Wood shingles*

Western facade / Front features

Floor 1:

- A square bay consisting of
    - Two double-hung divided windows (8/0)*
    - One double-hung divided window (10/0) *
- Inset entry porch*
- Handrails
- Stained glass sidelight panels at both sides of door at entry porch
- French doors with divided panels*
- Two medium sized divided (4/1) picture windows*

Floor 2:

- Two double hung windows*
- Four divided (6/0) double hung windows*
- Secondary hip-roof overhang *

Floor 3/Attic:

- Double hung window*

Basement:

- Two sets of casement windows
- Structural support piers

Eastern facade/ Rear features

Floor 1:

- Exterior utility/storage closet with double doors.*
- Glass door
- Double hung window
- French doors with divided panels*
- One casement window*

Floor 2:

- Bridge connecting bedroom to second level of backyard
- Double hung window
- Door with divided windows
- Two divided sidelights (5) on either side of the patio door

Floor 3/Attic:

- Double hung window

Northern facade features

Floor 1:

- One large double hung divided window (10/0)*
- Three double-hung window bay underneath a hip-roof overhang*
- Two double hung windows at rear*

Floor 2:

- Two large, double hung windows *
- One small, frosted, double hung divided (4/0) window
- One small, frosted, double hung window

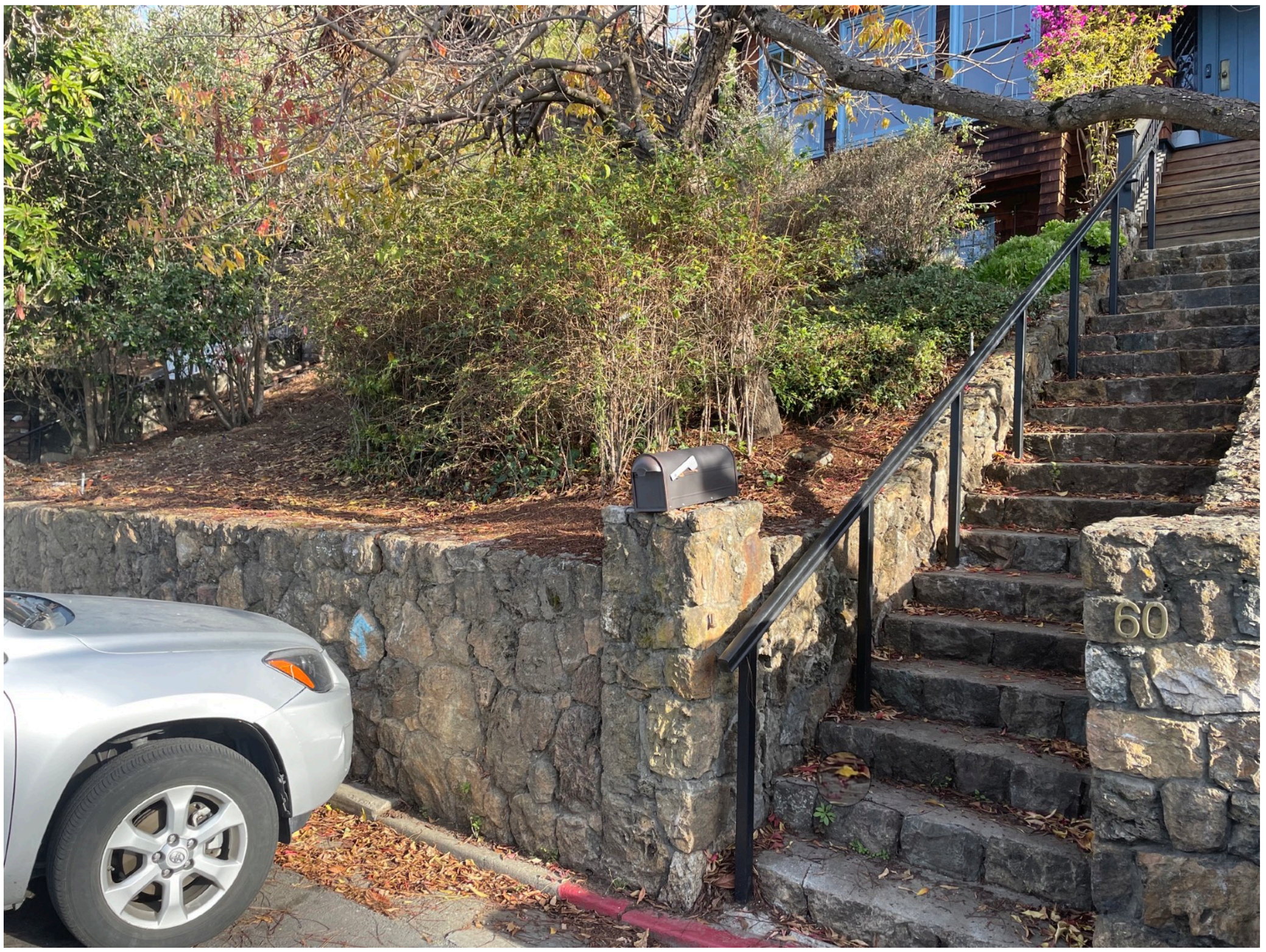
Southern Facade features

Floor 1:

- Three double casement windows in a bay with divided panels under hip-roof overhang
- Two single casement windows with divided panels

Floor 2:

- Four divided (3/0) picture windows*
- Two divided (5/0) picture windows*



Stone retaining wall at the front of 60 Panoramic Way.



Front of 60 Panoramic Way.



North side of 60 Panoramic Way.



South side of 60 Panoramic Way.



South west corner, including bridge to patio.



North west corner, including bridge to patio.

NPS Form 10-900
(Oct.1990)

OMB No. 1024-0018
124

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

7

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Panoramic Hill

other names/site number University Terrace, University Hill

2. Location

street & number Panoramic Wy,Canyon Rd,Mosswood, Orchard Ln, Arden Rd. ☐ not for publication

city or town Berkeley ☐ vicinity

state California code CA county Alameda code 001 zip code 94704

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this ☒ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☒ meets ☐ does not meet the National Register Criteria. I recommend that this property be considered significant ☐ nationally ☐ statewide ☒ locally. (☐ See continuation sheet for additional comments.)

Michael Wayne Burke 28 MARCH 2005
Signature of certifying official/Title Date

California Office of Historic Preservation
State or Federal agency and bureau

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. (☐ See continuation sheet for additional comments.)

Signature of commenting or other official Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that this property is:

☒ entered in the National Register
☐ See continuation sheet.
☐ determined eligible for the National Register
☐ See continuation sheet.
☐ determined not eligible for the National Register
☐ removed from the National Register
☐ other (explain): _____

Signature of the Keeper — Date of Action

10/21/05

Panoramic Hill
Name of Property

Alameda, California
County and State

5. Classification

Ownership of Property
(Check as many boxes as apply)

- ☒ private
- ☒ public-local
- ☐ public-State
- ☐ public-Federal

Category of Property
(Check only one box)

AUG 11 2005

- ☐ building(s)
- ☒ district
- ☐ site
- ☐ structure
- ☐ object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
61	18	buildings
		sites
14 (roads, paths,walls)	1 (wall)	structures
1 (fountain)		objects
76	19	Total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

6. Function or Use

Historic Functions
(Enter categories from instructions)

Domestic – single and multiple dwellings

Current Functions
(Enter categories from instructions)

Domestic – single and multiple dwellings

7. Description

Architectural Classification
(Enter categories from instructions)

Shingle; Bungalow/Craftsman; Mission/Spanish

Colonial Revival; Beaux-Arts

Materials
(Enter categories from instructions)

foundation Earth, concrete

roof Shingle; Terra Cotta; Concrete

walls Shingle; Brick; Granite; Stucco; Concrete; Fabricrete

other Brick; Iron; Copper; Ceramic Tile; Glass; Concrete; Fabricrete

Narrative Description
(Describe the historic and current condition of the property on one or more continuation sheets.)

See Continuation Sheets

Panoramic Hill
Name of Property

Alameda, California
County and State

8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- ☐ A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations
(Mark "X" in all the boxes that apply.)

Property is:

- ☐ A owned by a religious institution or used for religious purposes.
- ☐ B removed from its original location.
- ☐ C a birthplace or a grave.
- ☐ D a cemetery.
- ☐ E a reconstructed building, object, or structure.
- ☐ F a commemorative property.
- ☐ G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance
(Enter categories from instructions)
Architecture

Period of Significance
1901-1950

Significant Dates

Significant Person
(Complete if Criterion B is marked above)

Cultural Affiliation

Architect/Builder
Bernard, Maybeck; Coxhead, Ernest; Morgan, Julia; Steilberg, Walter; Ratcliff, Walter H., Jr.; Thomas, John Hudson; Wright, Frank Lloyd; Atkins, Henry; Paine, Robert; Ratcliff, Robert; Wurster, William.

Narrative Statement of Significance
(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):
- ☐ preliminary determination of individual listing (36 CFR 67) has been requested.
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____

Primary Location of Additional Data
- ☐ State Historic Preservation Office
- ☐ Other State agency
- ☐ Federal agency
- ☒ Local government
- ☒ University
- ☒ Other

Name of repository:
See Continuation Sheet

Panoramic Hill
Name of Property

Alameda, California
County and State

10. Geographical Data

Acreage of Property: 12.3 acres

UTM References
(Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing		Zone	Easting	Northing
1	10	666060	4191480	3	10	666360	4191360
2	10	660250	4191600	4	10	666170	4191210
				5	10	666100	4191300

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Janice Thomas & Fredrica Drotos

organization Berkeley Architectural Heritage Association date November 8, 2004

street & number 37 Mosswood Road telephone (510) 549-1171

city or town Berkeley state CA zip code 94704

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional items
(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name

street & number telephone

city or town state zip code

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*).
Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.0. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC. 20503.

NPS Form 10-900-a
(8-86)

OMB Approval No. 1024-0018

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

A two story, single family, wood shingle clad structure with a low-raking gable roof, broad eaves and projecting end beams atop a concrete foundation, follows an L-shaped plan. The home was built into a triangular lot inside the first hair-pin turn on Panoramic Way, with a very shallow setback on the uphill side and nestled in among redwood trees. Steilberg composed the home to conform to the setting so that the southern wall is angled away from what is now a tree stump but would have been a mature tree when the house was designed. On the western facade a second redwood was used in place of a decorative pillar holding up a trellis over the half round portico containing a rooftop terrace. A stone retaining wall combines with a concrete retaining wall covered with wooden lattice curved to follow the contour of the hillside. Above the retaining wall is a terrace. A pergola gateway with wooden columns, tapering from bottom to top with hand carved cross braces, marks the entrance from the eastern side. The second story was designed in 1954 by architect Howard Moise although visual inspection does not reveal where the addition begins and ends. The house was later subdivided into two apartments with the entryway to one apartment on the eastern (uphill) side of the lot. The entryway is inset with a substantial wooden lintel where the original street number (#71) is carved. To the left of the entry is a window screened by six green glazed perforated Oriental tiles. Additional fenestration includes two-lite casement windows placed asymmetrically. A north-east corner window configuration groups three windows per side separated by natural redwood vertical supports and two incised horizontal bands at the top. A large, mullioned bay window dominates the south-facing elevation. A red brick chimney is prominent on the northwest elevation. A single-car wood frame garage is wedged into the narrowest part of the lot at Panoramic Way's first hairpin turn. Lattice work overlapping in squares atop wood siding gives the garage the appearance of an over-sized Japanese jewel box; the effect is enhanced by ochre glazed perforated Oriental tiles on the eastern side and similar tiles glazed "Steilberg-green" on the western side.

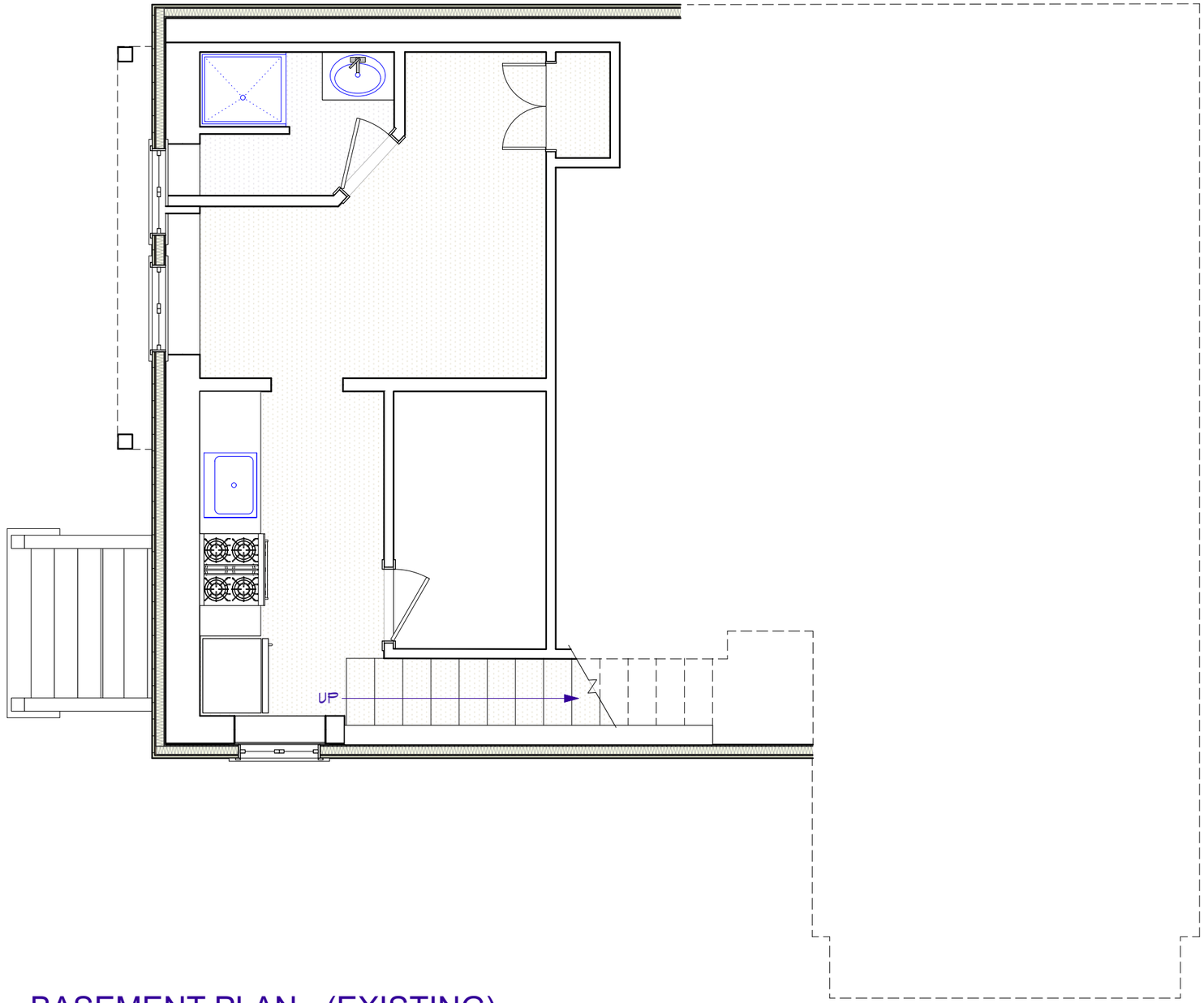
12. 60 Panoramic Way – TWO CONTRIBUTING: house
retaining wall (a)

Year built: 1913
Contractor: Rowe, Henry
Original owner: Moore, William J.

This two and one half story single-family dwelling is built on the uphill side of Panoramic Way near the first hairpin turn. The exterior is clad in natural wood shingle and topped by a front gabled roof with overhanging eaves which are supported by exposed roof beams. The chimney is clinker brick. On the first story of the western façade is a square bay with three double-hung windows consisting of multiple lites and an inset entry porch. The front door has a vertical inset panel flanked by side lites of diamond-paned leaded glass. The second story contains a pair of three-sided bay windows under a secondary hip-roof overhang. A stone retaining wall of local volcanic rhyolite about 4 feet in height wraps around the property line at the street, adjoining the retaining wall at 62 Panoramic Way. A flight of steep stone steps leads to the wooden entry porch.


PANORAMIC WAY
ORCHARD LN
HILLSIDE CT
HILLSIDE AVE
ARDEN RD
SMYTH RD
Fire Zone 3
Fire Zone 2
ES-R
R-3H
R-2H
R-2AH
1
3
101
19
59
107
109
111
77
5
7
9
11
74
9
265
62
260
240
50
222
255
40
208
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18
2411
2401
2405
2407
2415
2337
2347
2355
2399
2401
2405
2402
2939
2400
2425

Parcel Map



1 BASEMENT PLAN - (EXISTING)
1/4" = 1'-0"

Architect:
Guy Lubroth, Architect
1912 Vine Steet
Berkeley, CA 94709
guylubrotharchitect.com
Tel/Fax (510) 528-6368
Cell (510) 912-6931
glubroth@earthlink.net

Title:
BASEMENT PLAN (EXISTING)

Project:
REMODEL
Goldstein / Kanarek
60 Panoramic Way
Berlkeley, CA 94704

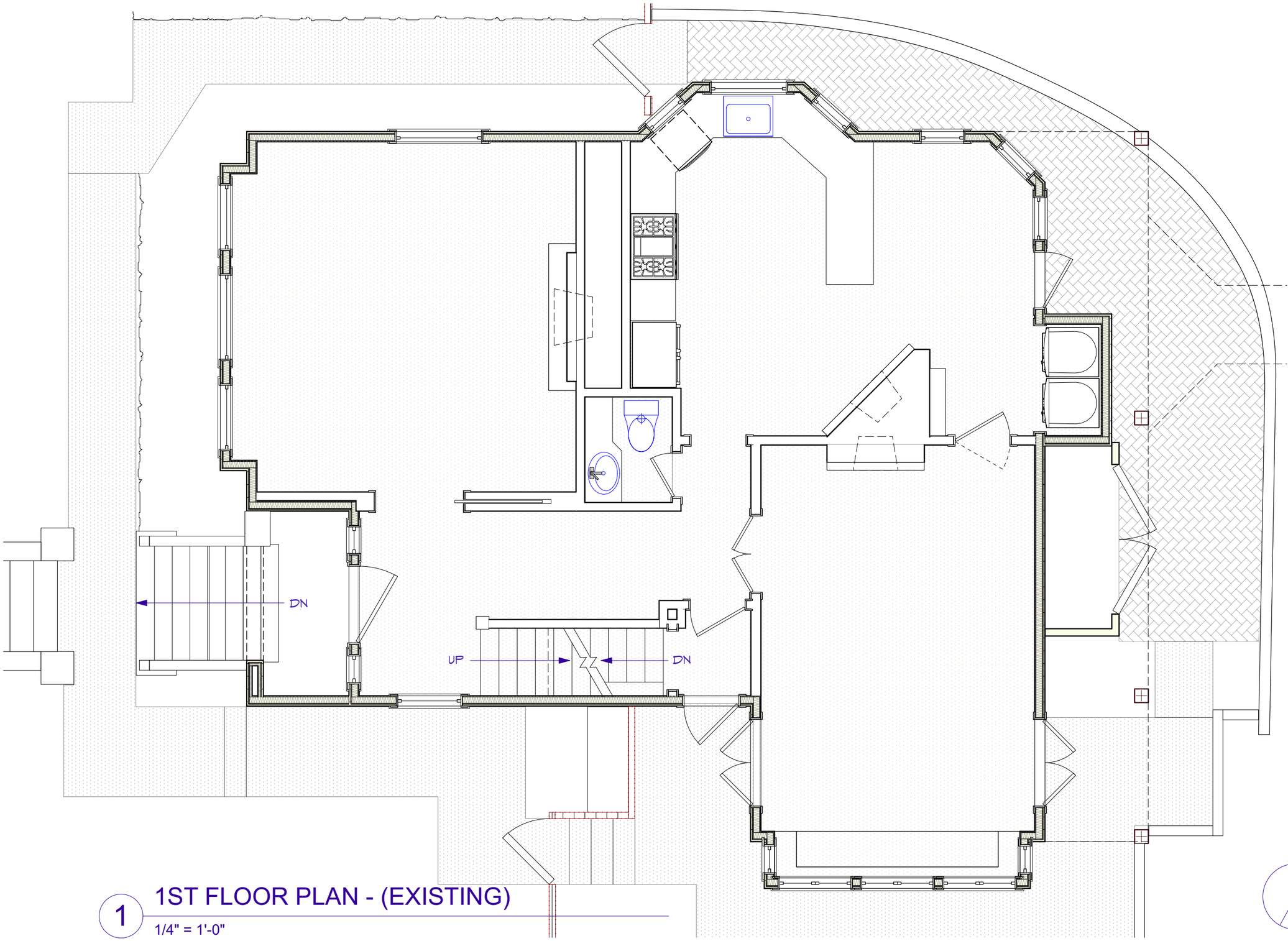
20'
10'
5'
0'

Revisions:

Date: 4/27/22
Scale: 3/16"=1'-0"

PROGRESS PRINT

Sk 1



1 1ST FLOOR PLAN - (EXISTING)

1/4" = 1'-0"

Architect:
Guy Lubroth, Architect
1912 Vine Steet
Berkeley, CA 94709
guylubrotharchitect.com
Tel/Fax (510) 528-6368
Cell (510) 912-6931
glubroth@earthlink.net

Title: 1ST FLOOR PLAN (EXISTING)

Project: REMODEL
Goldstein / Kanarek
60 Panoramic Way
Berlkeley, CA 94704

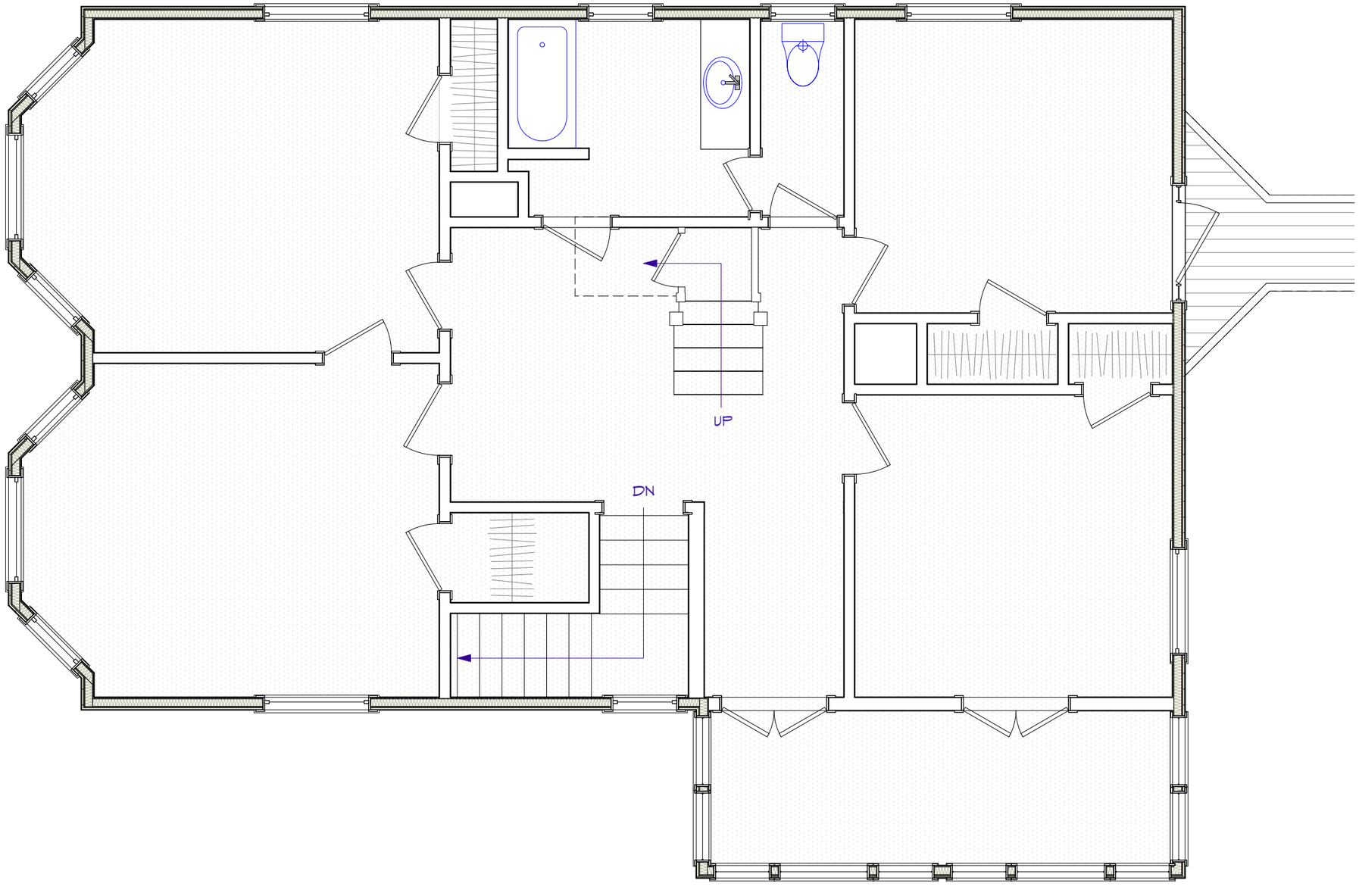
Revisions:

Date: 4/27/22

Scale: 1/4"=1'-0"

PROGRESS PRINT

Sk 2



1 2ND FLOOR PLAN - (EXISTING)

1/4" = 1'-0"

Architect:
Guy Lubroth, Architect
1912 Vine Steet
Berkeley, CA 94709
guylubrotharchitect.com
Tel/Fax (510) 528-6368
Cell (510) 912-6931
glubroth@earthlink.net

Title:
2ND FLOOR PLAN (EXISTING)

Project:
REMODEL
Goldstein / Kanarek
60 Panoramic Way
Berlkeley, CA 94704

20'
10'
5'
0'

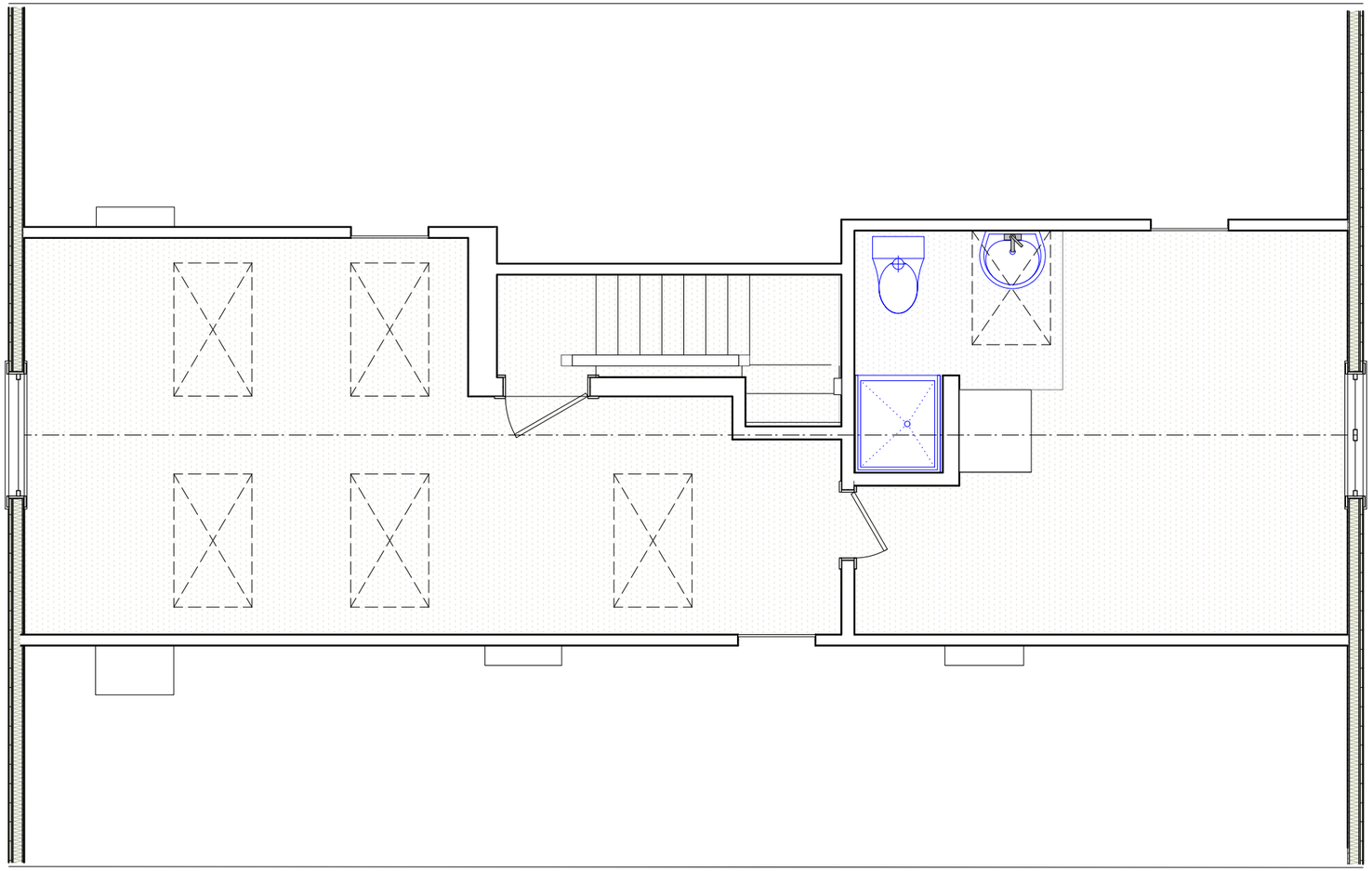
Revisions:

Date: 4/27/22

Scale: 3/16"=1'-0"

PROGRESS PRINT

Sk 3



1 ATTIC FLOOR PLAN - (EXISTING)
1/4" = 1'-0"

Architect:
Guy Lubroth, Architect
1912 Vine Steet
Berkeley, CA 94709
guylubrotharchitect.com
Tel/Fax (510) 528-6368
Cell (510) 912-6931
glubroth@earthlink.net

Title:
ATTIC FLOOR PLAN (EXISTING)

Project:
REMODEL
Goldstein / Kanarek
60 Panoramic Way
Berlkeley, CA 94704

Revisions:

Date: 4/27/22

Scale: 3/16"=1'-0"

PROGRESS PRINT

Sk 4

20' 10' 5' 0'

FINANCIAL ANALYSIS FOR MILLS ACT CONTRACT

Sandhya Sood, Principal
accent architecture+design
info@accentarchitecture.com
510-541-8845

60 PANORAMIC WAY, BERKELEY, CA 94704

6/14/2024

REVENUES		2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2024-35
1) Monthly Rental Income		$ 8,000										
2) Annual Rental Income	3%	$ 96,000	$ 98,880	$ 101,846	$ 104,902	$ 108,049	$ 111,290	$ 114,629	$ 118,068	$ 121,610	$ 125,258	$ 129,016
ANNUAL EXPENSES												
3) Insurance	8%	$ 7,680	$ 7,910	$ 8,148	$ 8,392	$ 8,644	$ 8,903	$ 9,170	$ 9,445	$ 9,729	$ 10,021	$ 10,321
4) Utilities	5%	$ 4,800	$ 4,944	$ 5,092	$ 5,245	$ 5,402	$ 5,565	$ 5,731	$ 5,903	$ 6,080	$ 6,263	$ 6,451
5) Maintenance	5%	$ 4,800	$ 4,944	$ 5,092	$ 5,245	$ 5,402	$ 5,565	$ 5,731	$ 5,903	$ 6,080	$ 6,263	$ 6,451
6) Management	5%	$ 4,800	$ 4,944	$ 5,092	$ 5,245	$ 5,402	$ 5,565	$ 5,731	$ 5,903	$ 6,080	$ 6,263	$ 6,451
7) Other	5%	$ 4,800	$ 4,944	$ 5,092	$ 5,245	$ 5,402	$ 5,565	$ 5,731	$ 5,903	$ 6,080	$ 6,263	$ 6,451
8) Total expenses	28%	$ 26,880	$ 27,686	$ 28,517	$ 29,373	$ 30,254	$ 31,161	$ 32,096	$ 33,059	$ 34,051	$ 35,072	$ 36,124
(Sum Line 3-7)												
NET OPERATING INCOME		$ 69,120	$ 71,194	$ 73,329	$ 75,529	$ 77,795	$ 80,129	$ 82,533	$ 85,009	$ 87,559	$ 90,186	$ 92,892
(Line 2 Minus 8)												

CAPITALIZATION RATE	
9) Interest Component	7.25%
10) Historic Property Risk Component	4.00%
(2% for comm.&apts, or 4% for SFD & Condos)	
11) Property Tax Component	1.21%
12) Amortization Component	2.50%
13) Capitalization Rate	14.96%
(Sum Line 9-12)	

TAXES												
14) Mills Act Assessment		$ 462,032	$ 475,893	$ 490,170	$ 504,875	$ 520,021	$ 535,622	$ 551,690	$ 568,241	$ 585,288	$ 602,847	$ 620,932
(Net Operating Income/Line13)												
15) Tax under Mills Act		$ 5,591	$ 5,758	$ 5,931	$ 6,109	$ 6,292	$ 6,481	$ 6,675	$ 6,876	$ 7,082	$ 7,294	$ 7,513
(Line 14 X 1.21%)												
16) Current Tax		37,038	37,038	37,038	37,038	37,038	37,038	37,038	37,038	37,038	37,038	37,038
17) Tax Savings		$ 31,447	$ 31,280	$ 31,107	$ 30,929	$ 30,746	$ 30,557	$ 30,363	$ 30,162	$ 29,956	$ 29,744	$ 29,525
(Line 16-Line 15)												

18) **ANNUAL COST TO THE CITY**		Current	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
(Line 17 x 16%)		$ 9,434	$ 9,384	$ 9,332	$ 9,279	$ 9,224	$ 9,167	$ 9,109	$ 9,049	$ 8,987	$ 8,923	$ 8,857

Sandhya Sood, Principal
accent architecture+design
info@accentarchitecture.com
510-541-8845

6/14/2024

MILLS ACT

EXTERIOR REHABILITATION SCHEDULE

60 PANORAMIC WAY, BERKELEY, CA 94704

Feature	Character Defining?	Condition	Recommended Treatment	Schedule (Estimated)	10-Year Budget (Estimated)	Notes
EXTERIOR						
Wood Shingle Siding	Yes	Fair-Poor	Repair & Replace	Repair 2026;Replace by 2031	120,000	1
Wood Windows	Yes	Good	Repair & Maintain	Repair 2025; maintain 2026-2035	15,000	2
Roofing, Flashing Drainage Assemblies	Yes	Fair	Replace	2028	40,000	3
Painting & Finishing	Yes	Fair	Repair & Paint	2025	37,000	4
STRUCTURAL STRENGTHENING & REPAIR						
Foundation	Yes	Fair-Poor	Repair & Replace	Repair 2025; Replace by 2031	212,000	5
Wood Posts	No	Poor	Repair & Replace	2026	12,000	5
SITE						
Retaining Walls	Yes	Fair-Poor	Repair & Strengthen	Replace 2025; Repair by 2030	82,000	6
Site Drainage	Yes	Fair-Poor	Install storm drains	2027	25,000	7
Walkway	Yes	Good-Fair	Repair & Maintain	Repair 2025; maintain 2026-2035	11,000	8
				Estimated Budget	554000	

Note: Cost for budget allocations are based on rehabilitation/ construction estimates provided by building contractors

NOTES FOR EXTERIOR REHABILITATION PLAN: 60, PANORAMIC WAY, BERKELEY CA 94704

Date: 06/14/2024; Coordinate notes and work with drawings, specifications, engineers/architect/owners and contractors as necessary.

1. Wood Shingle Siding: Repair shingles in very poor condition with a plan to replace all shingles at the same time to allow for consistency in natural appearance. To replace shingles, remove electrical, plumbing conduits currently attached to exterior of shingles. Remove and replace plywood. Relocate electrical and plumbing pipes inside the wall as feasible. Install natural wood shingles with thin, matching color nails, followed by waterproof stain, keeping color and finish consistent on all walls. Maintain waterproof coating by reapplying at regular intervals to extend life of exterior natural wood siding.

2. Wood Windows: Replace cracked and broken glass panes with new single pane glass, to match existing.

3. Roofing, Flashing & Drainage Assemblies: Install composite roofing, gutters and downspouts after reviewing roof load. Inspect clinker brick chimney for structural integrity. Install sheathing /roof decking for structural reinforcement, as required. Attach new gutters to downspouts that lead to storm drains.

4. Painting & Finishing: Sand and repair wood sills, fascia, trim, aprons, extended rafters, beams and all previously painted exterior wood elements. Refinish wood steps, balusters, railings and posts at wood stair. Repair or replace damaged wood. Apply new paint.

5. **Foundation**: Review structural loads to identify areas of foundation that require strengthening. Continue work on strengthening inadequate foundations. Replace existing foundation at front (west) and on (north) side, where it wraps from the front and shows cracks. Add new foundation under south side of house. Provide drainage for water to flow away from foundation and house exterior. Add wood blocking under first floor structure. Remove trees that threaten structural integrity of building/retaining walls. Repair or replace and reinforce wood posts at rear of building. Wood posts clad in wood shingles supporting the cantilevered portion of the house at the rear (photo on page number 22 of the LPO report) to be repaired, and dry rot removed, to sustain the structural integrity of the historic building. Remove wood box planters adjacent to these posts to avoid water infiltration.

6. Retaining Walls: Replace inadequate retaining wall on south edge of site, currently located under the concrete walkway adjacent to the bay window. New retaining wall to support exterior wall along south aspect of house. Add new reinforced concrete retaining wall and French drain behind south section of Rhyolite stone wall to support section of wall that is leaning and has parted from the stone pilaster.

7. Site Drainage: Continue work on providing drainage for storm water from site run-off. Drain downspouts so as to direct water away from foundations and exterior walls of house. Add French drain behind front (west) section of Rhyolite stone wall for water drainage.

8. Walkways: Repair and maintain brick paved walkways with herringbone pattern at front and rear of the house. Repair uneven concrete walkway (not historic) at front of house for safety and maintenance of the aesthetic qualities of the historic building.

Sandhya Sood, Principal
accent architecture+design

LANDMARKS PRESERVATION COMMISSION

STAFF REPORT

FOR COMMISSION ACTION
AUGUST 1, 2024

60 Panoramic Way – William J. Moore House

Mills Act Contract Application (#LMMA2023-0001) for a residential property and City of Berkeley Landmark.

I. Application Basics

Parties Involved:

Property Owner:	Jordan Kanarek and Gabrielle Goldstein 60 Panoramic Way Berkeley, CA 94704
Historic Consultant:	Sandhya Sood, Historic Architect accent architecture + design Berkeley, CA
Recommendation:	Approve the proposed rehabilitation schedule and recommend favorable action to City Council.

Figure 1: Vicinity Map showing nearby City Landmarks & Districts

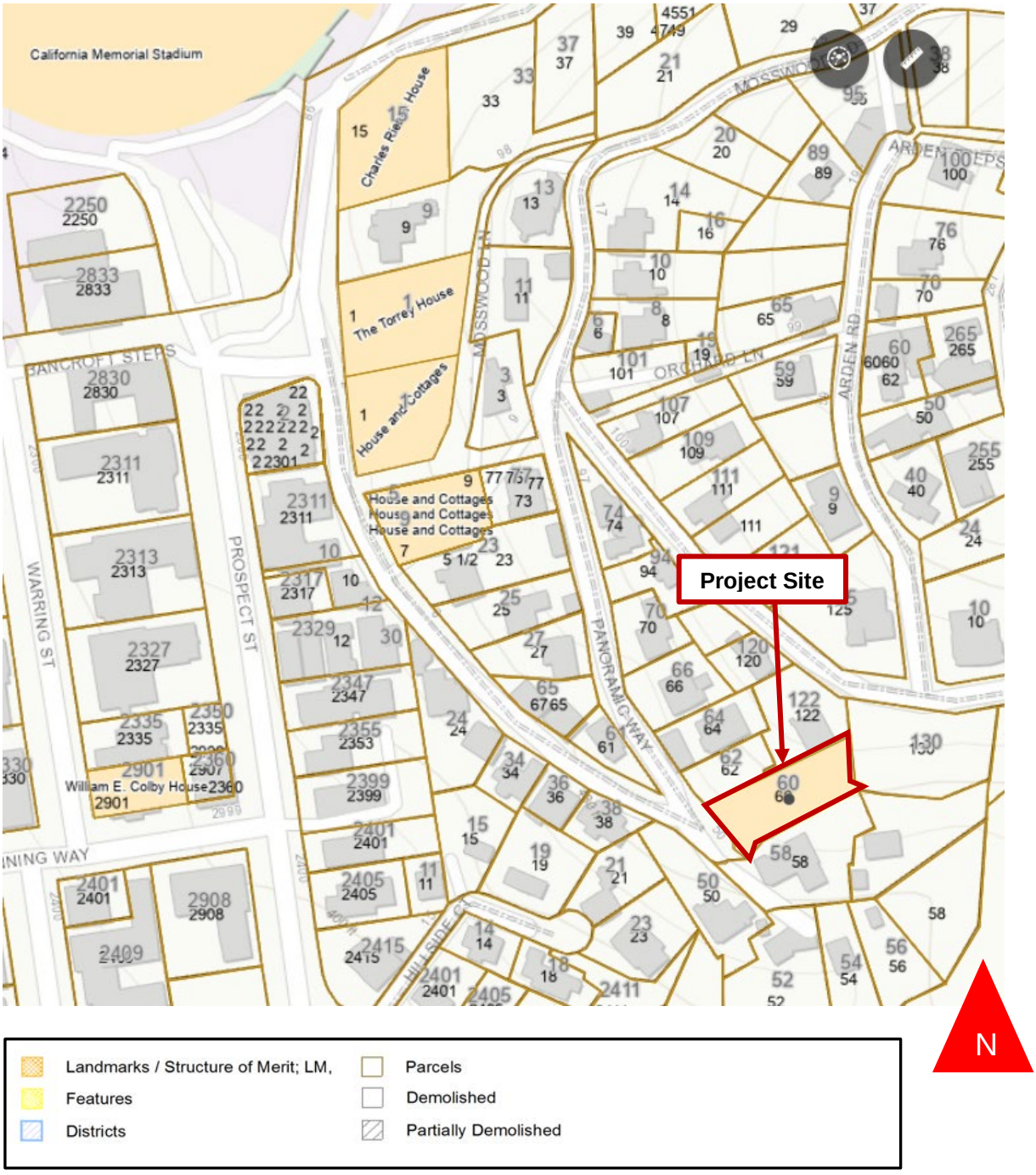


Figure 2: Existing Site Conditions – Primary Façade in 2022 (Jordan Kanarek)



Figure 3: Existing Site Conditions – North Elevation in 2022 (Jordan Kanarek)



Figure 5: Existing Site Conditions – South and West Elevations in 2022 (Jordan Kanarek)



II. Background

The residence at 60 Panoramic Way was constructed in 1913 for owner William J. Moore by designer/builder Henry Rowe. The main residence is a two-and-a-half story Craftsman-style residence, specifically in the First Bay Tradition idiom. The most prominent character-defining feature of the building are the natural brown wood shingles that clad all of the exterior elevations. The building is capped with a front gable roof, with overhanging eaves that feature exposed rafter tails. The fenestration on the primary (front) façade features two, three-part bay windows (upper floor) over three double-hung windows (main floor) over two double hung windows (basement). The windows are typically made of wood, and most feature a multi-part divided lite sash over an undivided lite sash. As the house is elevated from the street level, the entry to the residence is located up a stone staircase that leads to a wooden staircase and within a recessed wooden porch entry. The front door is a single panel, solid (with inset panel detail) painted wood door with two diamond-paned leaded glass windows on either side (non-original). A clinker brick chimney pierces through the middle of the roof ridge.

The other contributing structure on the site is the stone retaining wall which serves as a perimeter barrier at the front and eastern side property lines leading up to the residence. The wall is approximately four feet in height and is made of local volcanic rhyolite. Further architectural details can be found in Attachment 1a.

The subject property is including the Panoramic Hill National Register Historic District and was designated as a Structure of Merit by the Landmarks Preservation Commission on July 6, 2023; see the Notice of Decision in Attachment 1b of this report.

A Mills Act application was submitted by the property owner on May 15, 2023, prior to local register designation. After receiving staff's feedback on the initial submittal, the property owner submitted a revised Mills Act Contract Application for this City Landmark property on June 15, 2024, that was prepared in consultation with a qualified historic consultant, accent architecture + design [*sic*].

III. Issues and Analysis

The applicant's historic architect, who is also serving as the historic resource consultant, prepared the Mills Act submittal in line with the City's program requirements.

The Mills Act application includes the following components:

1) A Historic Architectural Summary for the subject property (Attachment 1a), which includes the list of Character-Defining Features of the William J. Moore House.
2) A financial analysis spreadsheet (Attachment 1c) for estimating the potential Mills Act tax savings for this request, based on property-specific figures calculated using standard formulas; and

3) An Exterior Rehabilitation Schedule (Attachment 1d), which outlines the projects identified for restoration, rehabilitation, and maintenance of the property over the ten-year contract period.

The purpose of this review is to confirm the eligibility of the property to participate in the program and verify the validity of the identified work plan items. Should the City enter into a Mills Act Contract with the property owner, the Alameda County Assessor's Office will be responsible for verifying the figures provided by the applicant, conducting calculations, and applying actual property tax reductions on future tax bills beginning in 2025.

All improvements included in the Rehabilitation Plan (Attachment 1d) relate to restoring the historic, character defining features of the building and site, or extending the Structure of Merit's useful life. Based on the rehabilitation plan included in the Mills Act application (Attachment 1d), all of the proposed work items can be considered "ordinary maintenance and repair" since they do not include a change to the character of any of the exterior features, and therefore, would be exempt from the requirements of a Structural Alteration Permit (SAP), pursuant to the Landmarks Preservation Ordinance (Berkeley Municipal Code Section 3.24.260). If any future work is proposed to go beyond the scope of "ordinary maintenance and repair," it would be subject to prior approval by the Commission.

The work plan items are justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, the work plan will provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed work plan items represent improvements that are consistent with the requirements of the Mills Act.

IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will reinvest a significant portion of the property tax savings resulting from the Contract into preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is provided in Attachment 1d, and summarized in Table 1 below.

Table 1. Summary of Rehabilitation Schedule & Recommended Treatments

Location	Feature	Recommended Treatment	Estimated Year of completion
Exterior	Wood Shingle Siding	Repair	2026
		Replace segments as needed	2031
	Wood Windows	Repair & replace glazing	2025
		Maintenance	2026-2035
	Roofing, Flashing Drainage Assemblies	Replace	2028
	Painting and Finishing	Repair & paint	2025
Structural Strengthening & Repair	Foundation	Repair	2025
		Replace	2031
	Wood Posts	Repair & replace portions as needed	2026
Site	Retaining Walls (rhyolite and concrete)	Repair portions as needed	2025
		Strengthen (remaining portions)	2030
	Site Drainage	Install storm drains	2027
	Walkway	Repair & replace as needed	2025
		Maintenance	2026-2035

Per the applicant's calculations in Attachment 1c, the owner's work plan represents a full reinvestment of the savings into the property (i.e. spending $554,000 on the 10-year work plan, while saving $304,369 in property tax reduction over the 10-year period).

V. Recommendation

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance", and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

Attachments:

1. Mills Act Application for 60 Panoramic Way, dated June 14, 2024, including:
   a) Historic Architectural Summary by accent architecture + design
   b) Notice of Decision – Structure of Merit designation for 60 Panoramic Way #LMIN2023-0001, date effective November 15, 2023
   c) Mills Act Application for 60 Panoramic Way – Financial Analysis Spreadsheet, dated June 14, 2024
   d) Mills Act Application for 60 Panoramic Way – Rehabilitation Plan and Notes, dated June 14, 2024

Prepared by: Reina Kapadia, AICP, Senior Planner; rkapadia@berkeleyca.gov (510) 981-7485
Reviewed by: Fatema Crane, Principal Planner/LPC Secretary; fcrane@berkeleyca.gov (510) 981-7410

27

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

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

Subject: Mills Act Contract – 7 Greenwood Common

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Anne and Michael Ray for the City Landmark property at 7 Greenwood Common.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Landmark property at 7 Greenwood Common would reduce the property tax bills for the owners by approximately $23,800 in year one, about 30% of which ($7,100) would be diverted from Berkeley's tax revenue. Final amounts are determined by Alameda County after contract execution. This will be an annual impact to the City's tax revenue, as the contract runs for ten years, in comparable annual amounts, and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2025-2026 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On March 19, 1990, the property at 7 Greenwood Common was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act (see Attachment 2).

On August 1, 2024, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, Edith Hofmeister, Trustee of the Edith M. Hofmeister Trust, to enter into a Mills Act contract for 7 Greenwood Common, including a proposed scope of work and maintenance schedule, and voted 6-0-0-2 to recommend approval of the Mills Act Contract application to City Council (Moved/Second Crandall/Enchill; Yes: Enchill, Finacom, Crandall, Twu, Montgomery, Orbuch; No: none; Abstain: none; Absent: Leuschner, Schwartz).

BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City, in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions, in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S., which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 7 Greenwood Common is eligible for the Mills Act contract because it is a Berkeley Landmark. The contract template has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owner has agreed to complete within the first ten-year contract period (see Attachment 3) and that provides for the property “use, maintenance and restoration as to retain its

characteristics as property of historical significance." The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS
Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED
The Council could deny the application if it found that it did not satisfy the requirements of the Act.

CONTACT PERSON
Jordan Klein, Director, Planning and Development Department, 510-981-7534
Fatema Crane, Principal Planner/LPC Secretary, 510-981-7413

Attachments:
1. Draft City Council Resolution
2. Notice of Decision, Landmark Designation for 7 Greenwood Common, dated March 19, 1990
3. Exterior Rehabilitation Schedule, dated May 31, 2024
4. LPC Staff Report August 1, 2024

Attachment 1

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH EDITH M. HOFMEISTER, TRUSTEE, OF THE EDITH M. HOFMEISTER TRUST, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 7 GREENWOOD COMMON, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on March 19, 1990, 7 Greenwood Common was designated as a City of Berkeley Landmark, which renders it eligible to take advantage of the Mills Act; and

WHEREAS, on August 1, 2024, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 7 Greenwood Common, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Edith M. Hofmeister, Trustee of the Edith M. Hofmeister Trust for the maintenance and restoration of the historic property located at 7 Greenwood Common and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk- Recorder.

DEPARTMENT ...MENT

CURRENT PLANNING DEC 2? 1988 12/29/89

6C3 12C

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

Ordinance 4694-N.S. (Individual Landmark $50.00) Historical Dist. $100.0(

1. Name of Property GREENWOOD COMMON Survey Code No. 2244
2. Building ____ Site ✓ Open Space ____
3. County ALAMEDA 4. City BERKELEY
5. Street Nos. 1, 2, 3, 4, 7, 8, 9, +10 GREENWOOD COMMON (and enclosed common garden space)
6. Vicinity (if rural) ____
7. Present Occupant Nos 1, 2, 3, 4, 7, 8, 9, +10 GREENWOOD COMMON (See attached)
8. Present Owner See attached
9. Original Owner (if known) See attached
10. Date of Construction See attached 11. Style See attached - Post WW II BAYAREA MODE
12. Architect/Builder See attached 13. Original Use RESIDENTIAL
14. Historic Value: national ___ state ✓ county ✓ city ✓ neighborhood ✓ none ___
15. Architectural Value: national ___ state ✓ county ✓ city ✓ neighborhood ✓ none ___
16. Notable Garden or Landscaping: yes ✓ no ___
17. Photographs: contemporary See attached historical See attached
dates ____ dates ____
photographer ____ photographer ____
repository ____ repository ____
18. Bibliography: Published Sources State of CALIFORNIA
Public Records HISTORIC RESOURCES INV. (8) 2244
Interviews ____
Other SEE ATTACHED
19. Block Number 5.6 20. Lot No. 13.14 21. Lot Size: Frontage 320
Depth 240
22. Current Zoning Status R-1H 23. Adjacent Property Zoning Status R-1H
Present Use: residential (single family ✓ multiple ___) office ___
store ___ public ___ other ___ specify ____
Adjacent Property Use (check all that apply): residential (single family ✓ multiple ___) office ___ store ___ public ___
other ___ specify ____

6C3

Assessed Property Value: current n/a 5 yrs. ago n/a 10 yrs. ago n/a

Present Condition of Property: exterior: excellent ✓ good ___ fair ___ poor
interior: excellent ✓ good ___ fair ___ poor
grounds: excellent ✓ good ___ fair ___ poor

29. Property Endangered: yes ✓ no ___ source, if yes DEVELOPMENT POTENTIAL; DISFIGUROTH SECOND STORY ADDITIONS

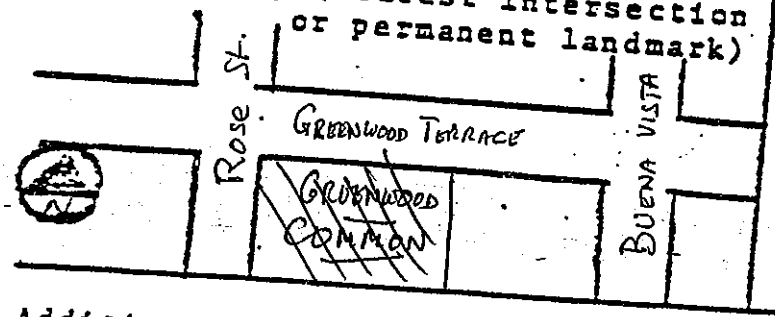
30. History: Briefly descirbe the historical significance of this proper

SEE ATTACHED

31. Architecture: Briefly describe the appearance of this structure. Indicate notable features as well as later alterations and changes. Include notable landscaping or natural features.

SEE ATTACHED

32. Location Map (nearest intersection or permanent landmark)



33. Photograph (Contact print fr
35mm black and white phot

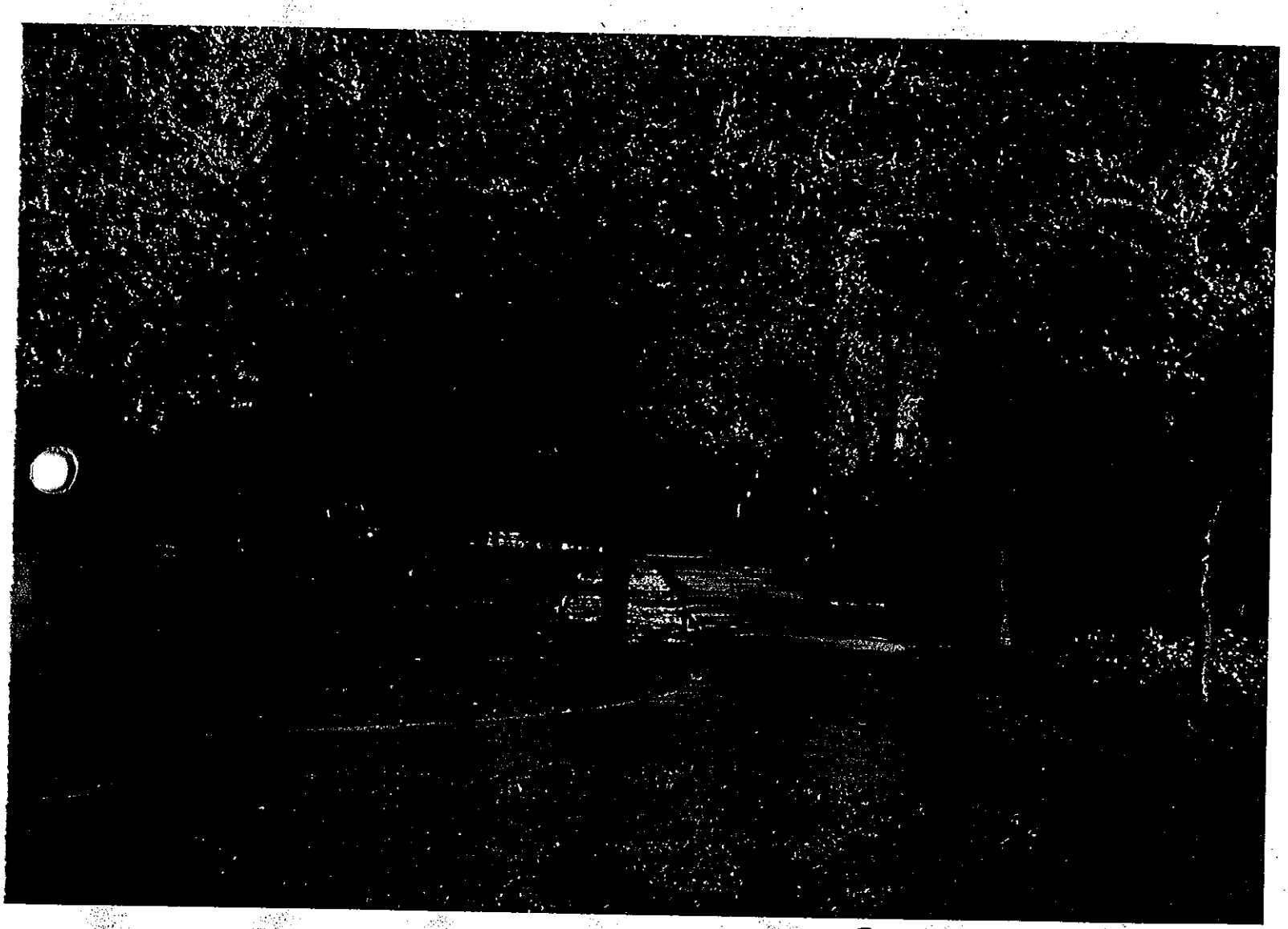
34. Additional Comments or Continuation of Previous Answers

SEE ATTACHED

Recorder: Name _____
Address _____ Title _____
Date _____



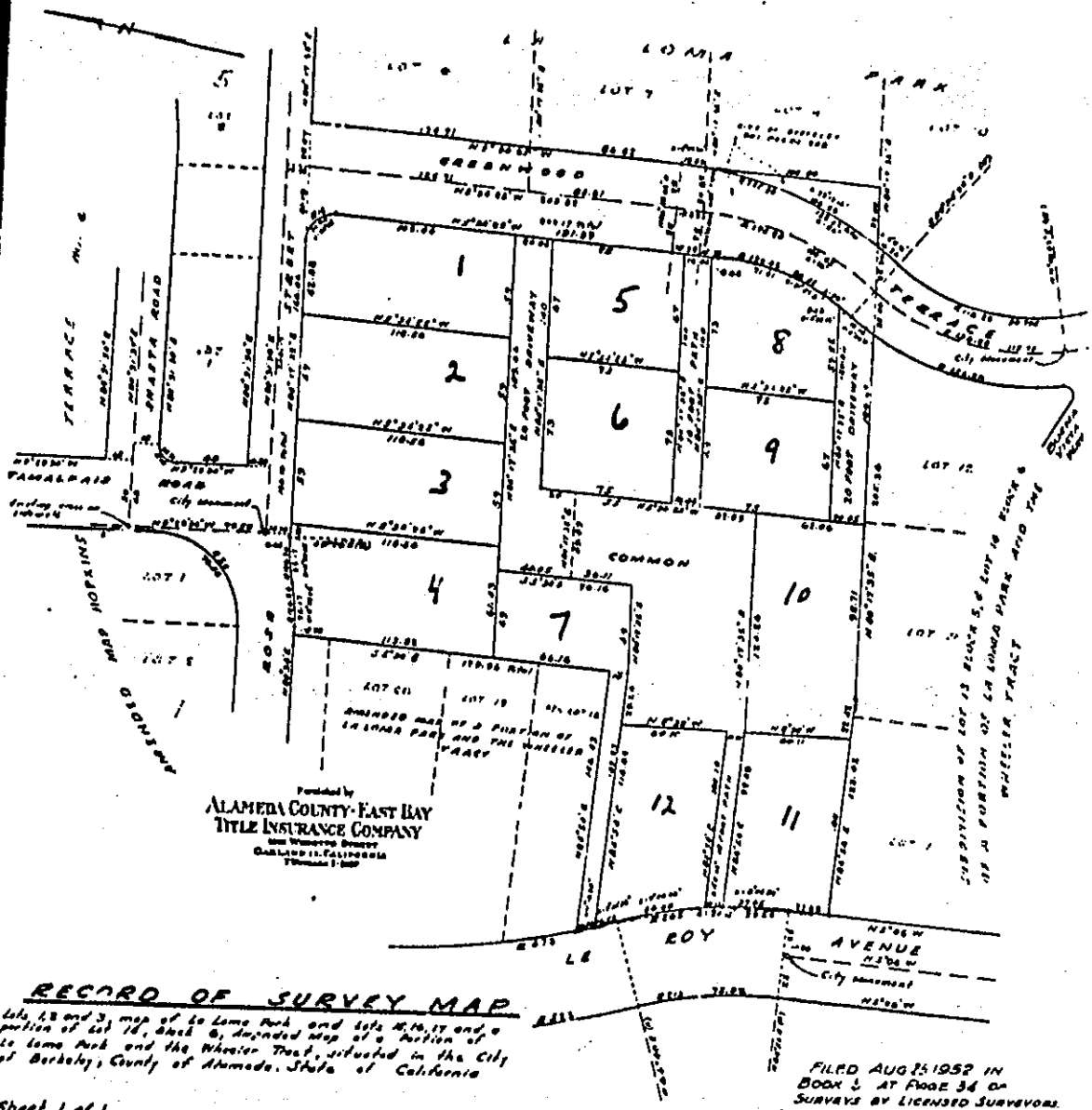
Greenwood Common



Greenwood Common

11- 40024

RE: 4746 PG: 509



RECORD OF SURVEY MAP

Lots 1, 2 and 3, map of La Loma Park and Lots 16, 17 and a portion of Lot 18, Block 6, Amended Map of a Portion of La Loma Park and the Wheeler Tract, situated in the City of Berkeley, County of Alameda, State of California

FILED AUG 7 1952 IN BOOK 5 AT PAGE 34 OF SURVEYS BY LICENSED SURVEYORS ALAMEDA COUNTY RECORDS

Sheet 1 of 1

This diagram is prepared from data appearing in the county records, but constitutes no part of any report or policy of title insurance to which it is attached; and the company does not insure against any differences in the location and dimensions delineated thereon that an accurate field survey of the real property may disclose.

FORM 116 REV 8 8 ALAMEDA COUNTY-EAST BAY TITLE INSURANCE COMPANY

17

Answer to Question No.7

Present Occupants:

1	Greenwood Common	Ann and Robert W. Birge
2	Greenwood Common	Phyllis and Samuel Schaaf
3	Greenwood Common	Katinka and Frederick S. Wyle
4	Greenwood Common	S.B. Master and James Symons
7	Greenwood Common	Joan and Richard McDonough
8	Greenwood Common	Elliot E.Porter and Iris Weiner
9	Greenwood Common	Diane and David Weber Shapiro
10	Greenwood Common	Anna Maenchen

Answer to Question No. 8

Present owners: See answer to question No. 7.
The present occupants are the present owners.

Answer to Question No.9

Original Owners: Greenwood Common
#1 Ann and Robert W. Birge
#2 Phyllis and Samuel Schaaf
#3 Mr. and Mrs. J. Ackerman
#4 Mr. and Mrs. Frederick Duhring
#7 Mr. Warren Gregory /Mr. W.W. Wurster
#8 Mrs. W.W. Douglas
#9 Mr. and Mrs. Thomas Blaisdell
10 Mr. and Mrs. Maenchen

Answer to Questions No. 10 and No. 12

Date of Construction and Architect/Builder

1 Greenwood Common	1955	Donald Olsen
2 Greenwood Common	1957	
3 Greenwood Common	1954	Joseph Esherick
4 Greenwood Common	1954	Harwell Hamilton Harris
7 Greenwood Common	c. 1920;	R.M.Schindler
8 Greenwood Common	1953	Howard Moise
9 Greenwood Common	1954	Henry Hill
10 Greenwood Common	1952	John Funk

The planning of Greenwood Common was a joint effort of William W. Wurster and landscape architect Lawrence Halprin,who designed the communally owned central park as well as two of the private gardens, namely that of No. 7 and No. 3 Greenwood Common.

THE GUIDE TO

ARCHITECTURE IN SAN FRANCISCO AND NORTHERN CALIFORNIA

Revised edition by
David Gebhard
Eric Sandweiss
Robert Winter

David Gebhard
Roger Montgomery
Robert Winter
John Woodbridge
Sally Woodbridge

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Salt Lake City
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AUTHORS

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Greenwood Common L. Halprin, land. arch.

No. 1 1955; Donald Olsen
No. 3 1954; Joseph Esherick
No. 4 1954; Harwell Hamilton Harris
No. 7 c.1920; R. M. Schindler
No. 8 1953; Howard Moise
No. 9 1954; Henry Hill
No. 10 1952; John Funk

Designed as a country retreat from San Francisco.

/for year-round living, but conserves a rustic character.

/William Wilson Wurster, famous Bay Region architect and former Dean of the College of Environmental Design, subdivided the property on the flat meadowland

/into seven sites around a grassy common. The architects of the Greenwood Common houses, though not all of the same school, held compatible design philosophies which insured a harmonious relation of place and part.



13. House

14. Rowell House 1915; John Hudson Thomas
Rem. 1921 149 Tamalpais Rd.
Thomas' great house in the Craftsman Style expresses a personal handling of masonry and half-timber.

15. Manchester House 1911; Williamson & Winterburn. Rem. by Bernard Maybeck
2645 Shasta Rd.
Once a cottage on the edge of a canyon, Maybeck "Chalet-ed" it into an imposing house of three stories on the canyon side. The two porches on the road have typical Maybeckian wood joinery.

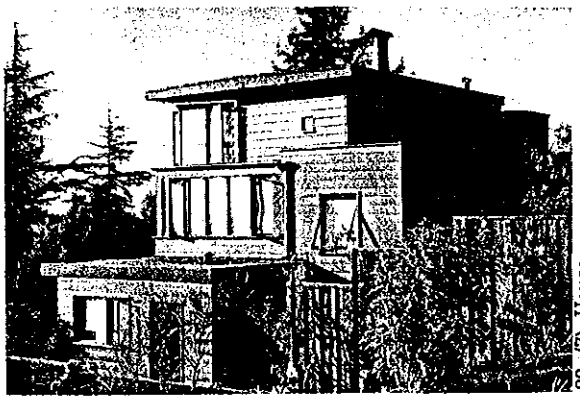
16. House 1959; Charles Warren Callister
2625 Rose St.
House 1958; Charles Warren Callister
2637 Rose St.
Two houses by an influential Bay Area architect. The upper one presents a formal, closed aspect to the street while the lower one is nearly submerged in the hillside. They are more visible from Shasta Rd.

17. Warren Gregory House 1903-06; John Galen Howard
1459 Greenwood Terr.
Designed as a country retreat from San Francisco, this house was enlarged after the 1906 earthquake for year-round living, but conserves a rustic character. For over 20 years it was the home of William Wilson Wurster, famous Bay Region architect and former Dean of the College of Environmental Design, who subdivided the property on the flat meadowland opposite the house into seven sites around a grassy common. The architects of the Greenwood Common houses, though not all of the same school, held compatible design philosophies which insured a harmonious relation of place and part.

18. Two cottages 1955; Wurster, Bernardi & Emmons
1405 & 1425 Greenwood Terrace
A pair of small shingle cottages, one of which has been considerably added to in recent years.

19. House c.1950; Winfield Scott Wellington
1471 Greenwood Terr.

20. Greenwood Commons L. Halprin, land. arch.
No. 1 1955; Donald Olsen
No. 3 1954; Joseph Esherick
No. 4 1954; Harwell Hamilton Harris
No. 7 c.1920; R. M. Schindler
No. 8 1953; Howard Moise
No. 9 1954; Henry Hill
No. 10 1952; John Funk



20. (7) House

21. Francis Gregory House 1907; Bernard Maybeck
1476 Greenwood Terr.
A restrained and elegant box whose roof line echoes the slope on which it perches. The handcrafted, somewhat whimsical aspect of the houses up Buena Vista Way is absent here.

22. Warren Gregory House 1912; John G. Howard
1486 Greenwood Terr.
Howard's essay in the Maybeckian Craftsman mode.

23. Jackson House 1939; Michael Goodman
2626 Buena Vista Way
A characteristic stripped-down Regency design of the 1930s.

Over the crossroads of La Loma and Buena Vista hangs an imaginary sign saying "Abandon 20th century hang-ups, all ye who enter here!" This is Maybeck country, a land of invention coupling experimental materials and craft tradition. The houses listed below present a vocabulary of Maybeck's design ideas; from cutaway eaves as in 2704; to the use of "bubble-crete" dipped sacks for siding as in 2711; to steep-pitched, shingle roofs, polychromy, and industrial sash in 2733. Maybeck lived in 2711, and designed some of the other houses for members of his family and close friends. Far from being a pure designer, he did a large part of the construction himself and particularly enjoyed hand-finishing the interiors.

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BUILDINGS OF THE BAY AREA

A Guide to the Architecture of the San Francisco Bay Region

By John and Sally Woodbridge

For the sightseer no less than the architectural student, this book offers a unique guide to the architectural riches of one of the few flourishing regional styles in America. In the San Francisco Bay Area, history, site, and climate have combined to produce one of the pioneer regions in the development of modern architecture, an architecture that is peculiarly American, comparable only to the brilliant but short-lived flowering of Chicago at the end of the last century.

The visitor to the city who wants to enjoy the surprises offered by San Francisco's local architecture will find this guidebook invaluable. It is designed primarily for *use*: carefully indexed for easy reference, it is organized by areas, each with an individual map closely keyed to the hundreds of buildings described and illustrated. A tour to the outlying areas is mapped out for the motorist interested in the numerous contemporary houses that dot the hillsides around the bay, and the armchair tourist, looking for a survey of the architectural history of the Bay Area, will delight in the pictorial view of a spectacularly endowed region.

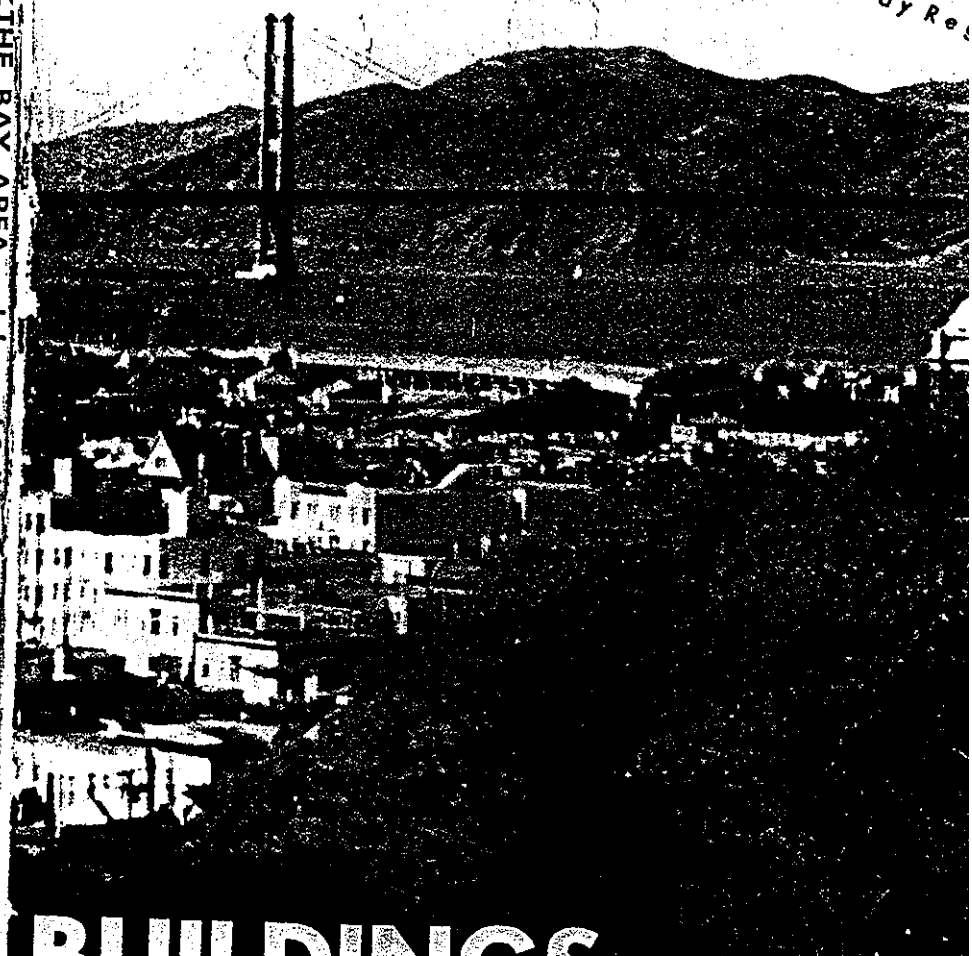
JOHN MARSHALL WOODBRIDGE, the book's author and photographer, is a working architect who has been associated with architectural firms in New York, Washington, D.C., and San Francisco. His wife, SALLY BYRNE WOODBRIDGE, who did the research for the guide, majored in art history at Duke University. PHILIP THIEL, the designer of the book, is a graduate of Massachusetts Institute of Technology who has been engaged in visual design in the San Francisco area. The sketches are by RAI OKAMOTO.

Cover design by Philip Thiel / Photo by John Woodbridge

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EVERGREEN BOOKS LTD. • 17 Sackville Street, London, W.1
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compiled by ***John Marshall Woodbridge***

and ***Sally Byrne Woodbridge***

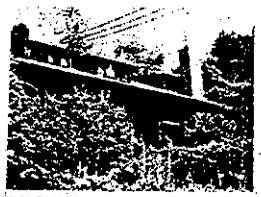
sketches by ***Rai Yukio Okamoto***

designed by ***Philip Thiel***

BUILDINGS OF THE BAY AREA

Produced with the assistance of a special committee of the Northern California chapter of the American Institute of Architects

Grove Press, Inc. **New York**



c



e No. 7

a **Residence**
1486 Greenwood Terrace
John Galen Howard 1912

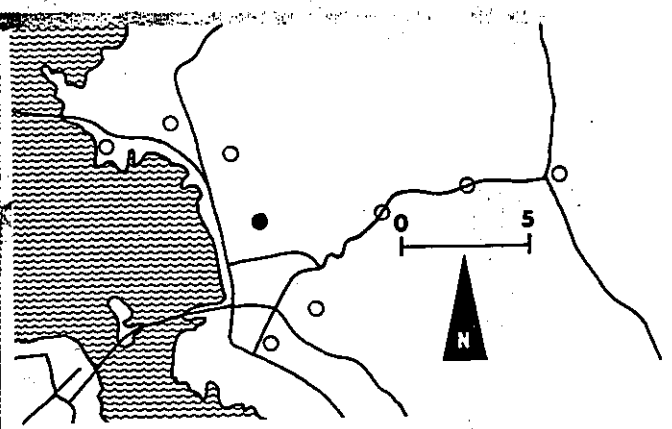
b **Residence**
1401 Greenwood Terrace
Roger Lee 1955

c **Residence (formerly Gregory res.)**
1459 Greenwood Terrace
John Galen Howard 1903-06

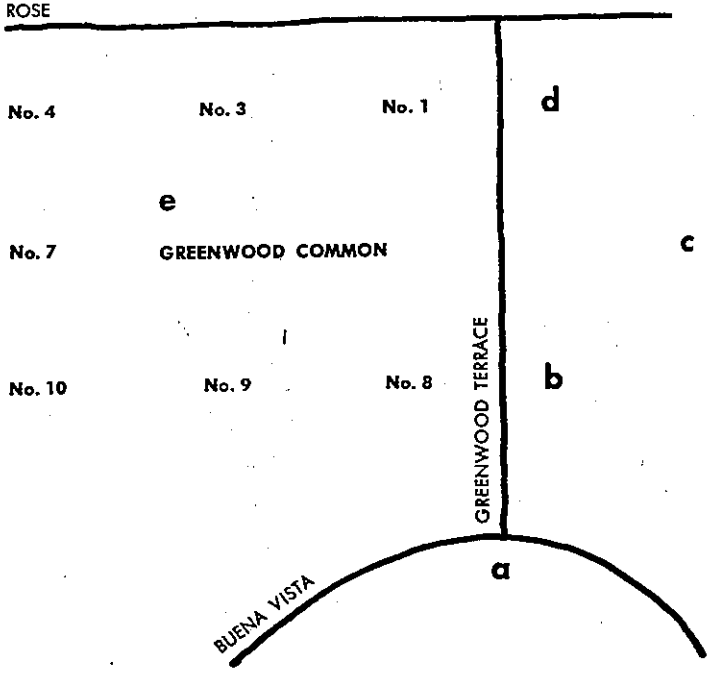
d **Two Cottages**
1425-1437 Greenwood Terrace
Wurster, Bernardi & Emmons 1955

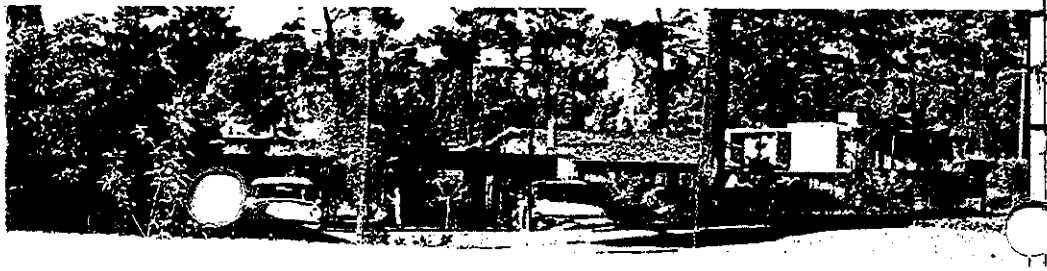
e **Greenwood Common**
No. 1—Donald Olsen 1955
No. 3—Joseph Esherick 1954
No. 4—Harwell H. Harris 1954
No. 7—R. M. Schindler c. 1932
No. 10—John Funk 1952
No. 9—Henry Hill 1954
No. 8—Howard Moise 1953

Greenwood Common is an example both of private community planning and a group of houses by well-known architects. The land originally formed the grounds of the Gregory house above the common and was divided to leave a square in the center of the group to be owned and landscaped in common. The most interesting houses of the group are the Gregory house above, which displays all the fine qualities of the early Bay Region style, and the Schindler house at the foot, which shows the peculiarly cubistic quality that distinguishes his work.



GREENWOOD COMMON **12 EB**





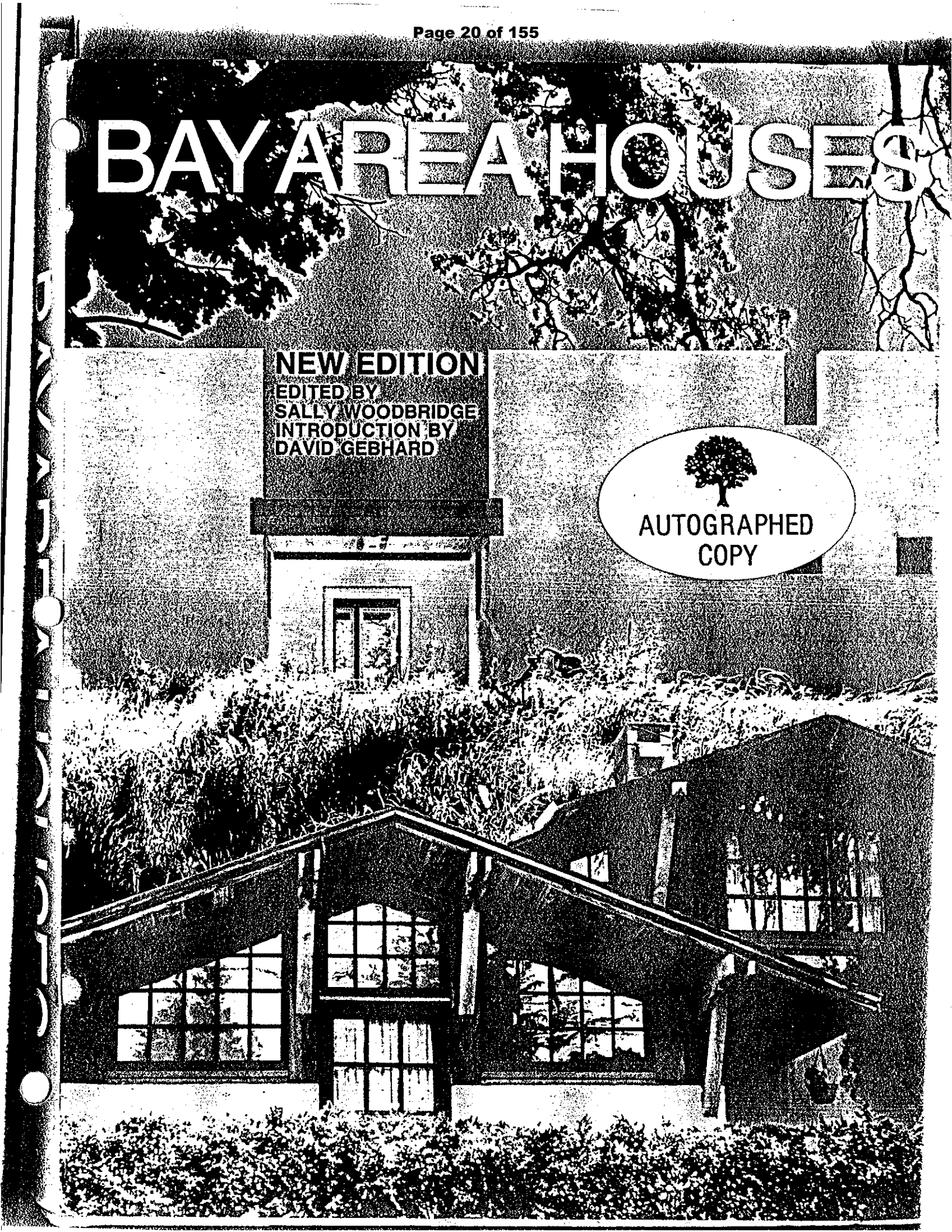


BAY AREA HOUSES

NEW EDITION

EDITED BY
SALLY WOODBRIDGE
INTRODUCTION BY
DAVID GEBHARD

AUTOGRAPHED
COPY



Bay Area Houses

NEW EDITION

Edited by
SALLY WOODBRIDGE

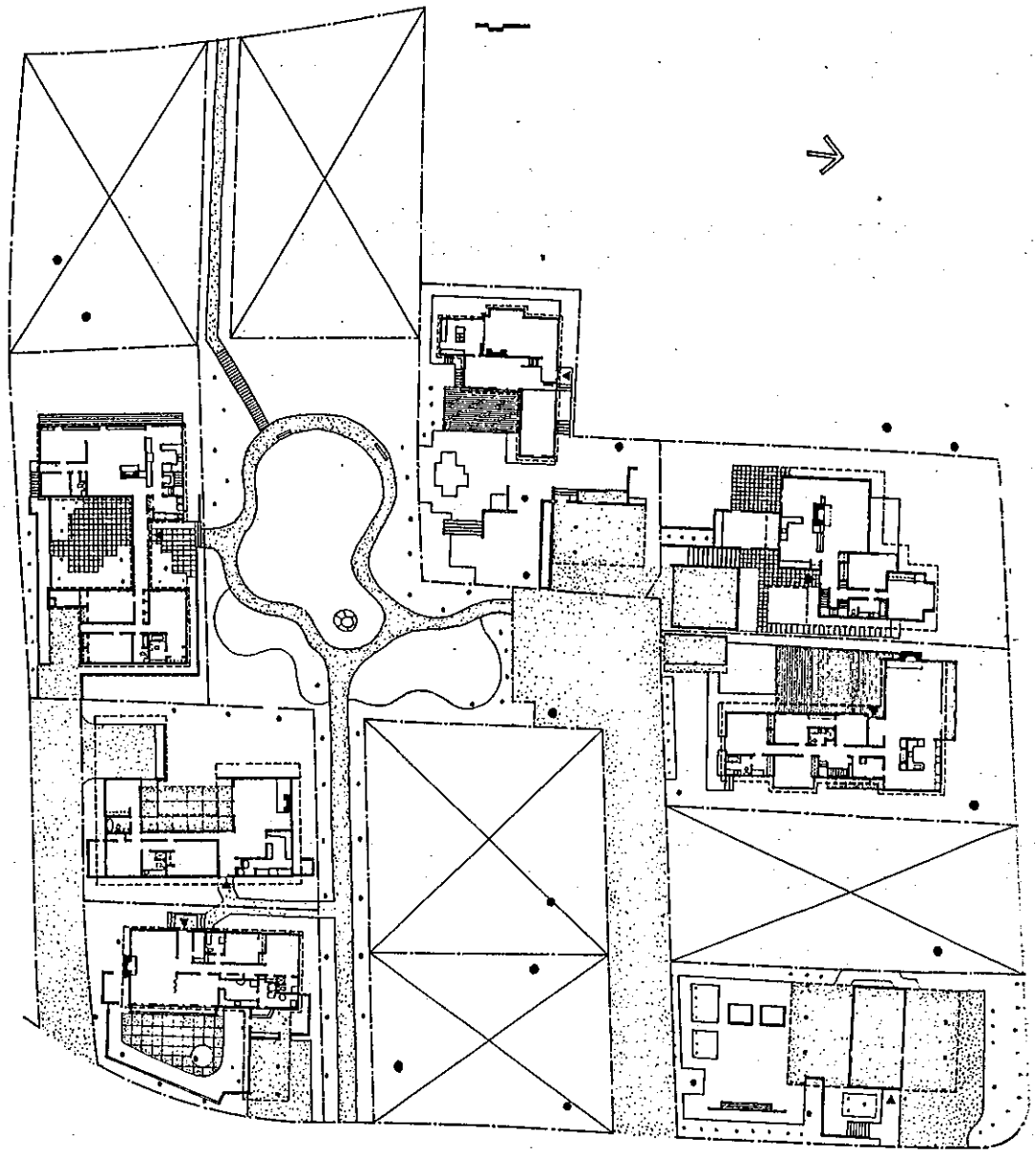
Introduction and Foreword by
DAVID GEBHARD

Photographs by
MORLEY BAER, ROGER STURTEVANT,
and
OTHERS

Architectural drawings by
RANDOLPH MEADORS
and
FLOYD CAMPBELL

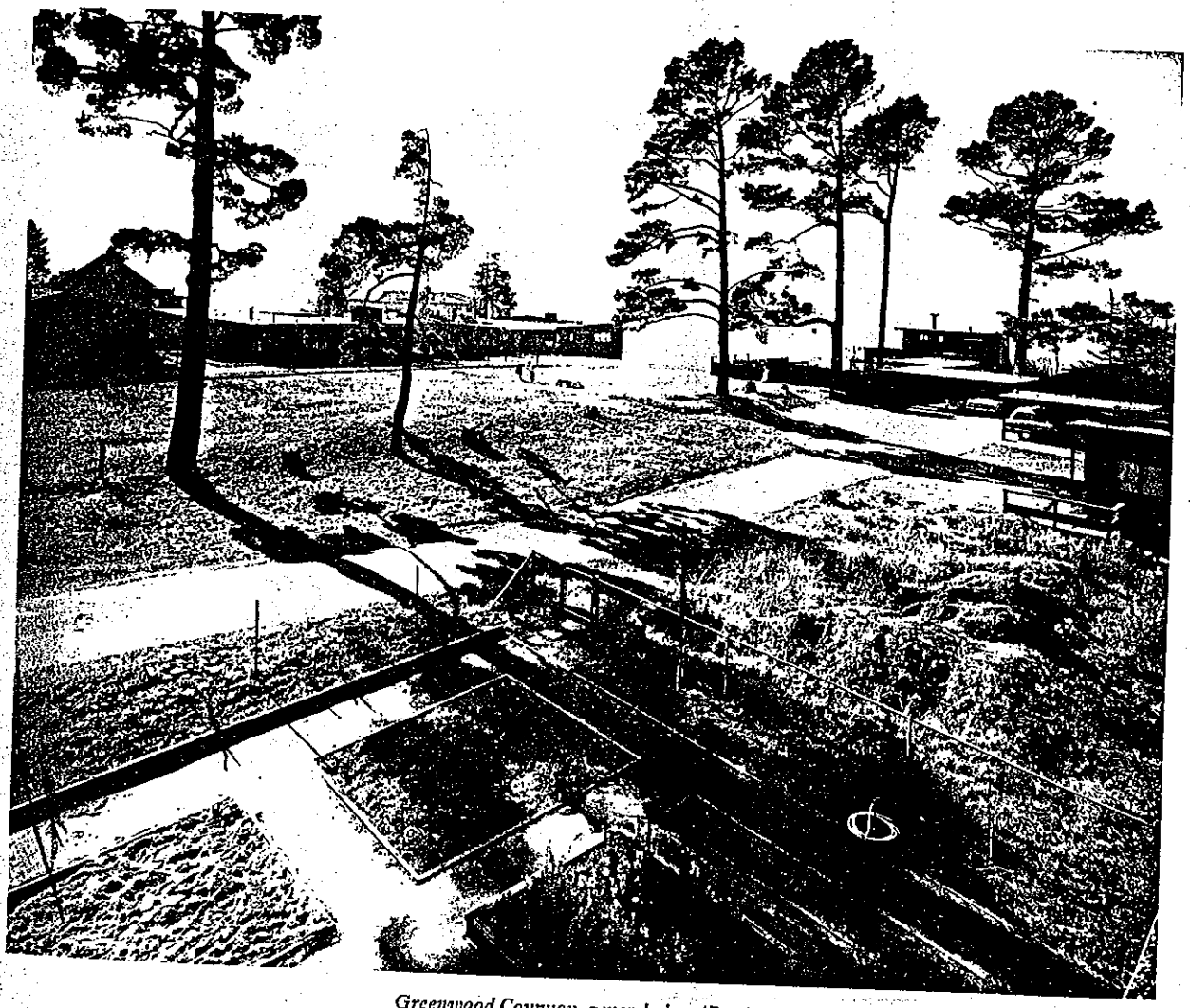


PEREGRINE SMITH BOOKS
SALT LAKE CITY



HALPRIN, *Greenwood Common, Berkeley, site plan, c. 1950*

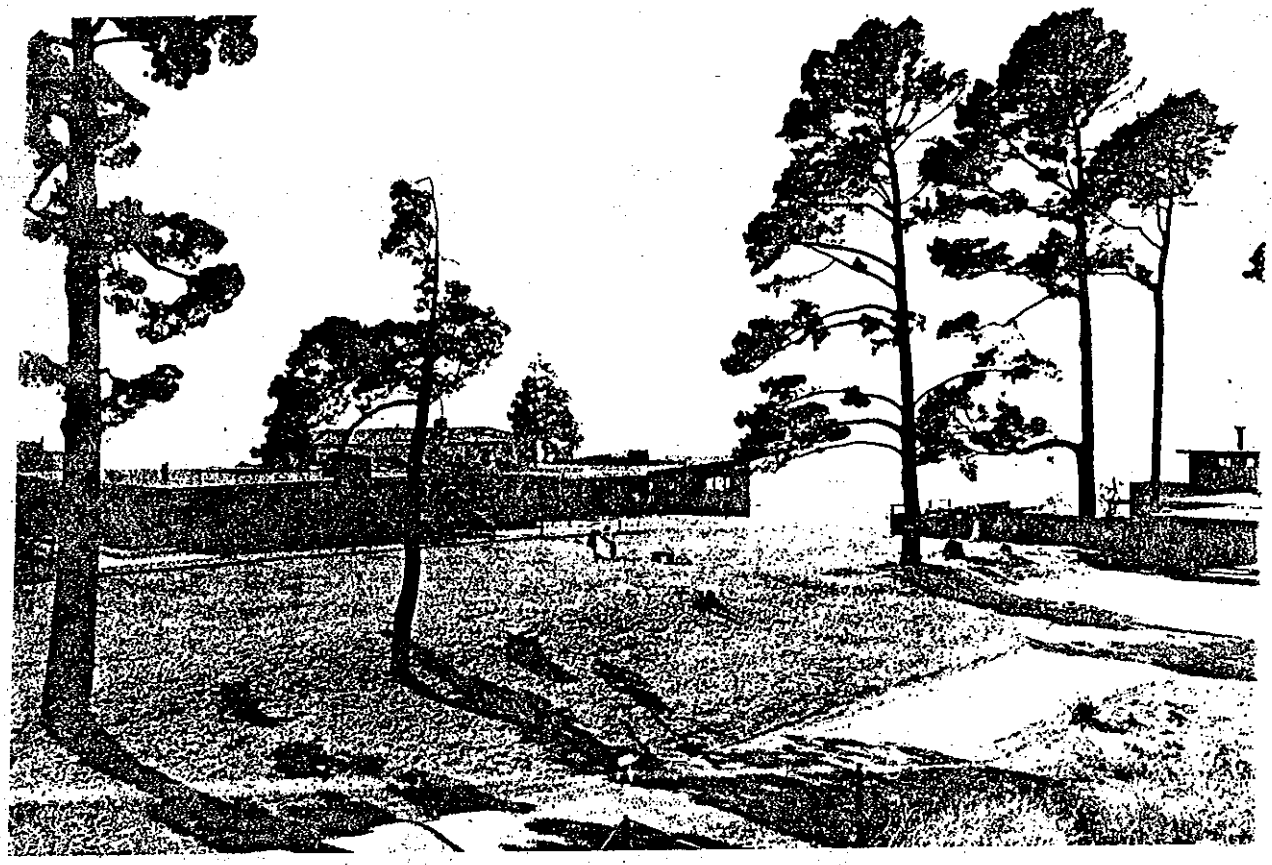
Homes in Los Angeles. Best known and most complete among Bay Area examples is Ladera on the San Francisco Peninsula. Here John Funk, who did considerable war housing work in addition to his wide custom-house practice, Joseph Stein, who had a reputation as a particularly political type among designers in the mid-forties, and the widely experienced social housing landscape architect Garrett Eckbo planned an ideal residential community. A significant f ment of this community actually got built before postwar housing boom, inflation, lending instit hostility, and a decline in utopian optimism conse to halt development. Interestingly, Joseph Eic the great mass-producer of pure 1950's style Area design, would partly finish the project a de later. Ladera remains one of the few palpable im



Greenwood Common, general view (Baer)

tions of the special spirit that informed mass housing as the Second World War closed.

Much less idealistic, more pragmatic, somewhat later, and more conventionally architectural rather than social, another project of the postwar era, Greenwood Common, merits special mention. About 1950 William W. Wurster inherited the opportunity to buy the Gregory property in Berkeley, a small estate owned by his and John Galen Howards's patron, Mrs. Warren Gregory. Wurster subdivided the land in a very special way. Instead of covering the area with lots, he made a ring of relatively small sites around a central, communally held park. The resulting cluster plan became a milestone in group housing design, in a sense the first of the planned unit developments (PUDS) that by the 1970's would dominate



Completed Common *will have two additional houses in open area at left. Proposed planting will include more pine and plum trees.*

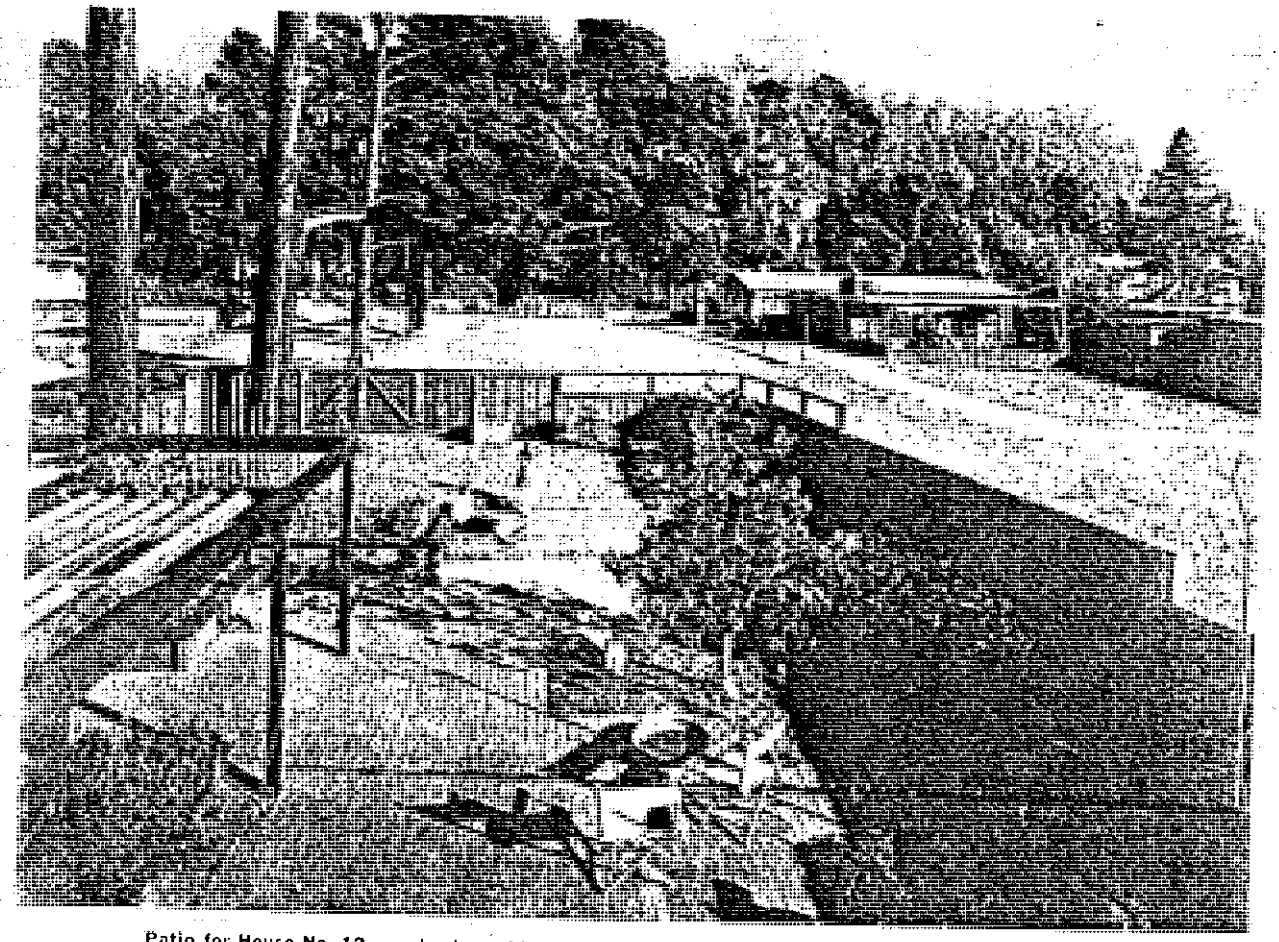
. . . and a big view across the bay

Photos: Morley Baer



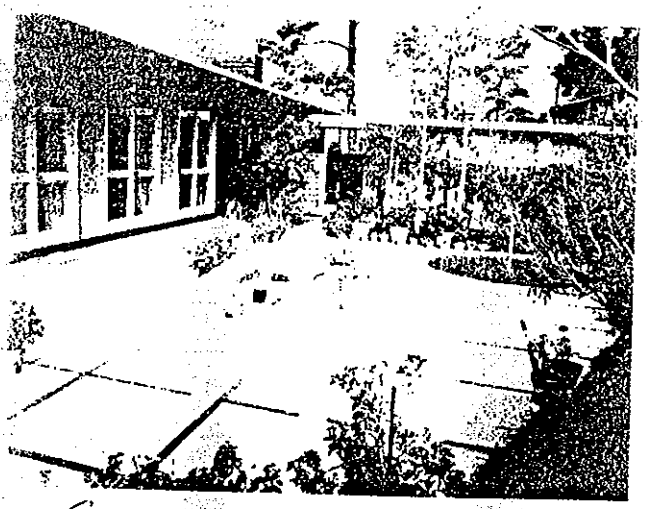
Greenwood Common

BY-PASSED LAND *(cont. and d.)*



Patio for House No. 12 *was also designed by Lawrence Halprin and Associates.*

Every house has its own private outdoor space



Greenwood Common

All houses have private outdoor areas. Still they're

That's not to say that the lots are small. Yet the entire development has more than enough open space for everyone. And everybody.

Each private outdoor space is really one of these indoor rooms—screened off and the hedges trimmed as necessary, paved, landscaped, turned sod and occupied over shower. These outdoor rooms are the scene of entertaining friends, sunning, [illegible] to play without [illegible] indoor areas are real patios in the traditional sense.

What's more, they are very spacious [illegible] pictures show. And each was designed for [illegible] privacy and minimum upkeep.

Patio for House No. 7 *[illegible] by Lawrence Halprin and Associates.*

Answer to Question No. 18

Published Sources: (partial list)

1. The Guide to Architecture in San Francisco and Northern California, Revised Edition by David Gebhard, Eric Sandweiss, Robert Winter, Peregrine Smith Books, Salt Lake City, 1985

2. Bay Area Houses, New Edition, edited by Sally Woodbridge, Peregrine Smith Books, Salt Lake City

3. Buildings of the Bay Area; A Guide to Architecture of the San Francisco Bay Region, by John Marshall Woodbridge, Grove Press Inc. New York

Articles about the Common or individual houses were published for example in:

- Architectural Design, September 1955, p. X 19
- House and Home, February 1957
- The New York Times, Sunday, August 8, 1965
- San Francisco Chronicle, February 27, 1955, p. 4
- Oakland Shopping News, May 19, 1955





Greenwood Common





Greenwood Common





Greenwood Common





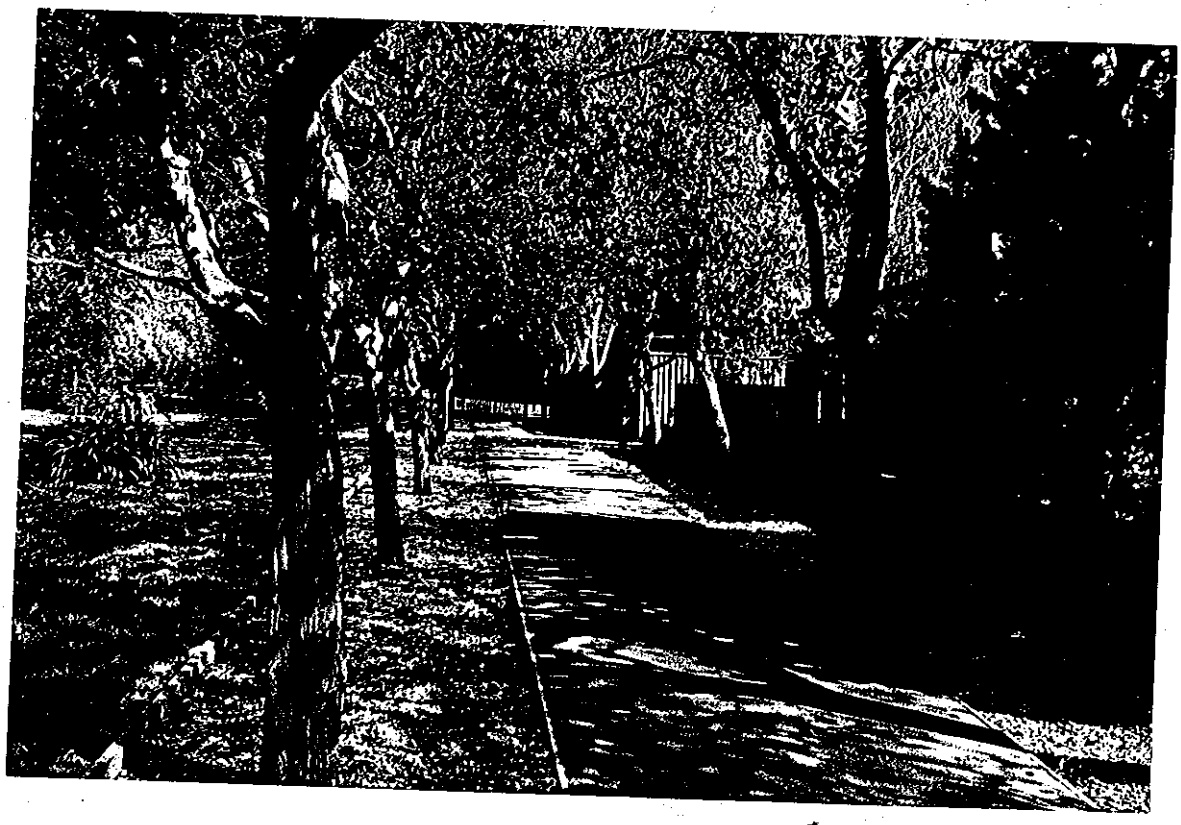
Greenwood Common





Greenwood Common





Greenwood Common

Answer to Question No. 28

Greenwood Common is one of the fore-runners and models of the post-World War II planned community developments in the US. Designed by the Dean of the College of Environmental Design, University of California Berkeley, William W. Wurster, it consists of a plot of land in Berkeley, subdivided so that there is a ring of houses carefully planned around a central, communally held park.

Eight houses were built around the periphery in the fifties, and the whole development was laid out by Laurence Halprin, the famous landscape architect, working cooperatively with William Wurster and the eight architects.

Their product, Greenwood Common, combines a rare harmonious visual style with a rural feel. On the high (South) side of the Common, there are three one-story houses, close to the common walk way lined with flowering plum treesThe light and sun comes over their roofs to the rest of the development.The central portion is the park-like area, the equivalent of about 30% of the total area. On the downward sloping lower side (the North side) of the Common are four houses of two stories, with the lower story on the down slope, towards Rose Street.

For approximately thirty years, the Common remained as first designed and built. In the last few years, as owners have begun to change, a threat has slowly developed, and in 1989, it became acute. This is a threat of maximum expansion of zoning space, by erecting second stories on the high (South) side of the Common, blocking out the sun and light, crowding more square footage onto very small lots, blocking the view, creating a risk of damaging or even killing some of the plum trees, and changing the entire nature and architectural integrity of the Common.

The Common has become a regular stop on architectural tours and study trips. It is in fact an informal landmark in Berkeley already, featured in most or all architecture books of the Bay Area (see samples attached). The threat is very real, as one new owner, even before moving in , filed plans in August of 1989 for adding a second story higher than the existing first story, with disastrous potential consequences for the Common. Only quick and determined opposition prevented those plans from going into effect (see Application No.B0420, dated , no date; proposed date of decision, August 14, 1989; and community letters in opposition , in the Office of Zoning and Planning , City of Berkeley. For convenience sake, copies of some of those letters are attached).

The owner of one of the other small houses on the high (South) side has also communicated his plan to add a second story, and the risk of a wall of second stories along the South side of the Common , blocking sun and light, threatening trees, and oppressively crowding the Common, is now very real. The historical, if informal,landmark quality of this site would be clearly ruined by such a series of second stories or other expansion. The new owner of NO. 9 Greenwood Common is continuing his conversations with the Berkeley Zoning officials about his plans for a second story, without the necessity of any zoning department permit or neighbors' consent. We therefore believe that community action is necessary.

Lawrence Halprin

444 Brannan
San Francisco, California 94107
Telephone: (415) 546-1952

30 August 1989

Vivian Kahn
Current Planning Officer
Zoning Dept., City of Berkeley
Berkeley, Calif. 94704

Re: Greenwood Commons

Dear Vivian Kahn:

I have recently been told that there are changes underway regarding this project which I worked on in 1955.

As with all of my projects, I remain concerned and interested in their continued well-being.

The Greenwood Commons project was a unique and avant garde project for it's time. There was a wonderful collaboration of landscape and architecture. It was evidenced by the congruence of the modest, elegant architecture which was all of a Bay Area Modern style -- all in scale and built around a common area.

All of this has given the project a unique quality for which it has become widely known. It therefore seems important to maintain this remarkable quality, and not alter it.

Sincerely,

Lawrence Halprin

CURRENT PLANNING
AUG 14 1989

2599 Buena Vista Way
Berkeley, California 94708
August 14, 1989

Ms. Vivian Kahn, Zoning Officer
c/o Current Planning Division
2180 Milvia
Berkeley, California 94704

Dear Ms. Kahn:

Although our entrance is on Buena Vista Way, our house is located on the promontory of which Greenwood Common is the central part. We are directly beside No. 10 and adjoin No. 9 on a diagonal. We were therefore deeply concerned when we learned of the proposed addition of a twenty foot second story to the latter.

Greenwood Common is unquestionably one of the most remarkable architectural inventions in Berkeley. Starting with a spectacular site, William Wurster, then Dean of the School of Architecture at Cal, envisioned a graceful arc of houses around a central common, reminiscent of the town greens he had known in Massachusetts when he was at MIT. Each house would have its own architect and individual character, but roof lines, landscaping and driveway access would be coordinated in such a way that visual harmony and, in this case, a totally modern sense of community would be created. Outstanding architects were chosen by the individual owners. Wurster's unique concept was realized, crowned by the allée of plum trees on the south side and the towering Monterey pines that the frame the area. It is a remarkable moment in the architecture of the Bay Area and a monument to Bill Wurster's genius. All of this would be destroyed by the current proposal. With the roof lines no longer coordinated, the visual balance would be lost, the harmony of scale shattered.

We hope that the planning officers will consider these aesthetic and historical values as well as any possible legal rôle to be played by the Common's neighborhood association and/or specific covenants attached to the various properties. We respectfully urge the city not to approve the proposed second story.

Sincerely yours,

John and Mary Lee Noonan

John T. Noonan, Jr.
Mary Lee Noonan

CURRENT PLANNING
AUG 1 1 1989

1491 Greenwood Terrace
Berkeley, CA. 94708

August 12, 1989

Zoning Officer
c/- Current Planning Division
2180 Milvia Street,
Berkeley, CA. 94704

Dear Sir/Madam.

We understand that a permit has been requested to build a second story onto the existing structure at 9 Greenwood Common, Berkeley. We wish to lodge a formal objection to this variation in the present environmental status of the Greenwood Common area.

This very special place is an architectural heritage for Berkeley developed with professional foresight by the great U.C. Berkeley architect Professor Wurster.

Home owners in the area have bought their properties well aware of the history and landscape balance. The homogeneity, integration, scale and line of sight vistas should be preserved.

A unique open area such as Greenwood Common, adds considerably to Berkeley's architectural charm. There are many other places where two-story houses with larger floor areas are appropriate.

We request that the permit be denied.

Yours sincerely,

Bruce C. Bolt

Beverley Bolt

CURRENT PLANNING
AUG 14 1989

19 Tamalpais Road
Berkeley, CA 94708
August, 13, 1989

Current Planning Division
2180 Milvia Street
Berkeley, CA 94708

Dear Officer Kahn:

We are writing concerning use permit no. B0420. This permit describes plans for addition of a second story to a height of twenty feet and rear yard set back of 6 feet 6 inches to the home of David Weber Shapiro at 9 Greenwood Common. We strongly oppose an addition to that house or any other house on Greenwood Common. The Common was designed years ago by William Wuster, a well known architect, and it has become an historic spot of beauty in Berkeley. An addition to that house would drastically change the intended design for small homes along the Common. As long term residents of the neighborhood we object to any change in the architectural or landscape design of Greenwood Common.

Sincerely,
Melinda and Bob Buchanan
Melinda and Bob Buchanan

LARRY FOURNIER
2535 Hawthorne Terrace
Berkeley, California 94708
Telephone: 548-7186

September 7, 1989

Ms. Vivian Kahn
Zoning Officer
Current Planning Division
City of Berkeley
2180 Milvia Street
Berkeley, CA 94740

Subject: Use Permit Application B0420

Dear Ms. Kahn:

I am writing to you in regards to an application for a second story addition to an existing single story house at 9 Greenwood Commons. I take a special interest in this application for a number of reasons:

1) I have resided a half block away at 2535 Hawthorne Terrace for the last ten years and quite often choose the Commons as a destination for a short uphill walk. It is especially magnificent in the spring when the cherry tree walkway is in full bloom and a beautiful spot any other time of the year. The proposed additon will have a major negative impact on the fragile beauty of the cherry tree walkway and the general sense of openess.

2) For five years I worked as a personal assistant to Lawrence Halprin, the landscape designer, for the Commons. The Commons as it exists now is of major significance as statement of the Northern California residential design aesthetic of the mid-50's. Having been raised in New Orleans where preservation of the architectural heritage is a major concern, I can only think of the term "tout ensemble" to describe how important it is to our Bay Area heritage to maintain the Commons in its entirety.

   Several years ago the City allowed an addition to one of two matching William Wurster buildings at the east edge of the Commons. The results of was an unmitigated disaster. The addition being larger in size than the original, of greater height, and of absolutely no architectural merit. Once these mistakes are done they can never be undone. I don't think the City of Berkeley would allow the owner of a Maybeck, a Morgan, or any other of the City's early twentieth centurty architectural masterpieces to destroy the character of these homes with grotesquely out of character and out of scale additions.

3) At another level, the concept of the Commons reflects an awareness and sense of cooperation between neighbors to the betterment of the community which typifies Berkeley socially and politically. The egotistical and disruptive attitude displayed by the applicant over the objections of neighbors runs counter to the essence of what makes Berkeley a city in which its citizens are proud to claim residence. To my understanding, the owner is a contractor with a record of buying properties for resale and has no intention of residing at the house; hence the lack of concern for the history of the Commons and the legitimate needs and concerns of the neighbors.

On all these grounds, I strongly urge that you deny the use permit application.

Sincerely,

Larry Fournier

Larry Fournier

Greenwood Common
Berkeley, California
94708
12 August 1989

City of Berkeley
Zoning Officer
Current Planning Division
2180 Milvia
Berkeley, California
94704

Dear Zoning Officer;

This letter relates to your proposed zoning decision on application number B0420, a second story proposed for #9 Greenwood Common.

We the neighbors on Greenwood Common have a number of concerns regarding this proposal.

The "Common" is a central, communally owned piece of land around which our houses are all built and which serves as our common garden. It is our communal entrance to all our houses. Thus here, more than in most locations, the actions of any one of us affect the lives of all.

Our specific concerns are as follows:

1) Greenwood Common is an area of special architectural interest, included in all the guidebooks and prominently featured in Sally Woodbridge's Bay Area Architecture as "a milestone in group housing design", "the first of the planned unit developments". As such, Greenwood Common became a model for many communities in California and around the world, as a way to maximize open green space and harmonize the built environment.

   Each house was designed independently by a different architect, but the architects consulted with each other and took care in the matter of the proportion, height, building materials, colors, etc. they employed, in order to achieve a harmonious and coherent

whole. Based on the many architecture classes and buffs who come walking here to look, we think the original plan must be judged a great success. Architects whose work is represented here include Joseph Esherick, Henry Hills, and R N Schindler. The developer was William Wurster.

The proposed second story at #9 Greenwood Common is the first major addition to this "group housing design", our neighborhood, since it was conceived (except for an addition at #7, which is set back, over the crest of the hill, and does not abut the Common). The proposed addition would be located in an extremely prominent place, at the high side of the Common, directly abutting it, and just in the center, so it has a particularly great impact. There is no set back from the Common at #9.

For all these reasons, we feel the proposed addition would change the character and proportions of this special architectural area, which have been so well respected and preserved until now, in a significant and detrimental way.

2) We are also concerned about the double row of cherry trees which the proposed addition would touch and overshadow. This lane was planted by Larry Halprin, the well-known landscape designer and space planner of the Common, and is enjoyed by ourselves and by our neighbors, who come in Spring to walk under the flowering branches toward the Bay view at the Western end. The proposed addition encroaches so closely on these trees that some branches would almost certainly be damaged or need to be cut; more significantly, the light to at least two of these trees will be limited to such an extent that we fear they will die.

3) The proposed second story is very tall in proportion to the existing house and the size of the lot. In the model shown us by Mr Shapiro, the house looks top heavy and unbalanced. The existing house, by the famous Bay Area architect Henry Hill, is particularly sleek and low, which would exacerbate the looming effect of the proposed addition. The existing house is already on the highest part of the Common, further exaggerating the height effect of the proposed second story.

4) The height of the proposed second story will cut down on light to the Common, and cast a deep shadow where now we enjoy dappled sun. #9 Greenwood Common is just along the flat part of the

Common, where children play; this will now be in shade at times of the day when it is now in sun.

5) This same height will also prevent us from looking across the Common and seeing the cherry trees silhouetted against the sky. With the addition, we would see only a dark mass of building.

6) Finally, we are concerned about the process regarding the proposed zoning decision. Each of us had one conversation with Mr Shapiro, and were told by him that he was legally entitled to do what he was proposing, that he was within zoning regulations, and that in effect we had no basis for objecting to his plans. Our clear impression was that he was talking with us out of "courtesy", not because we were part of any process, or had any potential "say" in what was going to happen. Perhaps based on this impression that we couldn't do anything anyway, we did not vehemently object to his plans.

On calling the Zoning Department, we learned that Mr Shapiro had told the Zoning Department that "no one had any problems with his proposals". This is incorrect, as outlined above. We did not wish, nor did we authorize Mr Shapiro, to make such representations on our behalf. To the extent that we have the right to object to the proposed addition, we specifically do so in this letter as stated above.

Yours sincerely,

B Master
4 Greenwood Common

Anna Maenchen
10 Greenwood Common

James Lyle

Frederick S. Lyle
(FREDERICK S. LYLE) 4 GREENWOOD COMMON

3 GREENWOOD COMMON

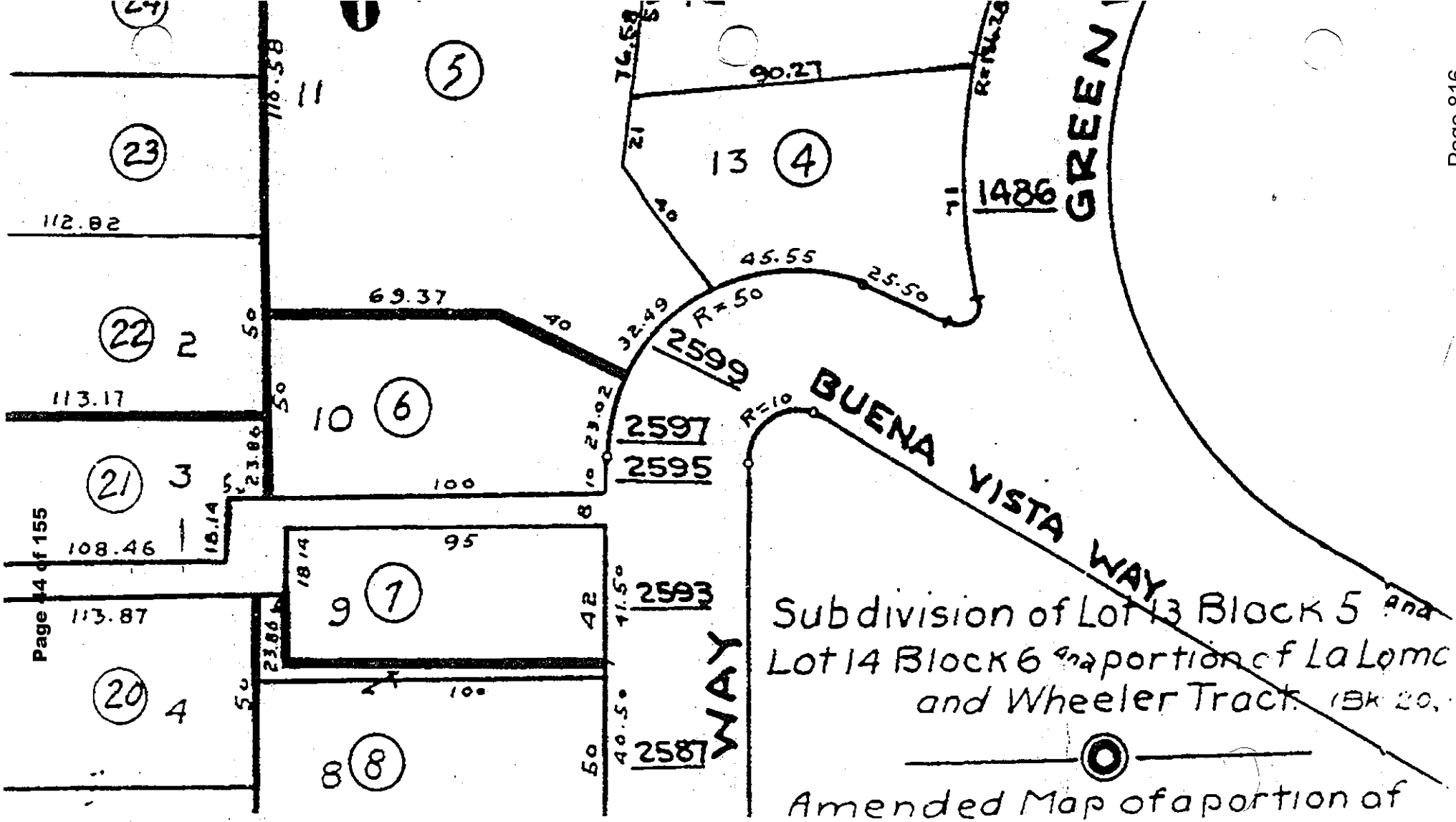
John Richael McDonough
7 Greenwood Common

Samuel A Schaaf
Phyllis B Schaaf
2 GREENWOOD COMMON

Answer to Question NO. 30

quoted from the State of California Historic Resources Inventory, (8) 2244, VTM W/565220/4192000, page 2, No.20. Significance:

"The natural meadow was subdivided by William Wurster shortly after he bought the Warren Gregory house and property in 1954. He wanted to create a cluster of houses by the best Bay Area residential architects of the day around a communally owned space. Though not all of the same school, the architects held compatible design philosophies which insured a harmonious relation of place and part. One house, #7, was designed by R. M. Schindler about 1920, yet looks as modern as the others. They are #1 (1955) by Donald Olson: #3 (1954) by Joseph Esherick; #4 (1954)Harwell Hamilton Harris; #8 (1953) Howard Moise; #9 (1954) by Henry Hill; #10 (1952) John Funk. These are some of the most prestigious addresses in Berkeley. "

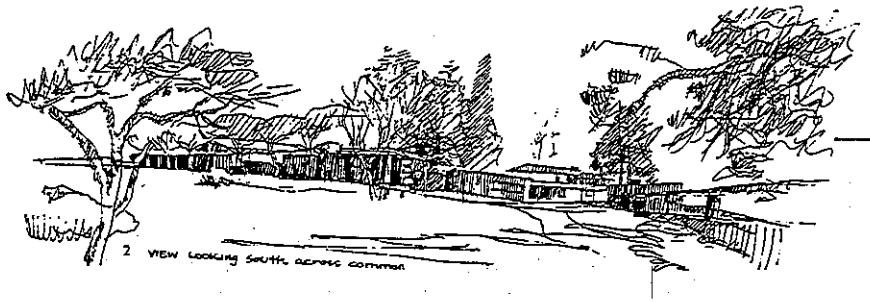

GREEN
1486
BUENA VISTA WAY
2599
2597
2595
2593
2587
WAY
Subdivision of Lot 13 Block 5 and
Lot 14 Block 6 and a portion of La Loma
and Wheeler Tract. Bk 20.
Amended Map of a portion of
90.27
45.55
25.50
69.37
32.49
R=50
R=10
113.17
108.46
113.87
112.82
95
100
42
40
23.02
23.86
18.14
118.38
76.54
R=114.29
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40
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1

Answer to Question No.31

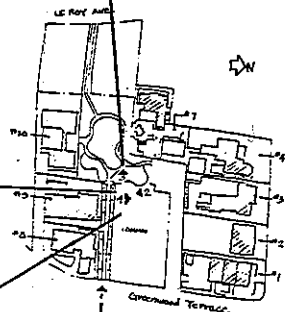
See attachment for question No. 28



3 View looking west towards bay



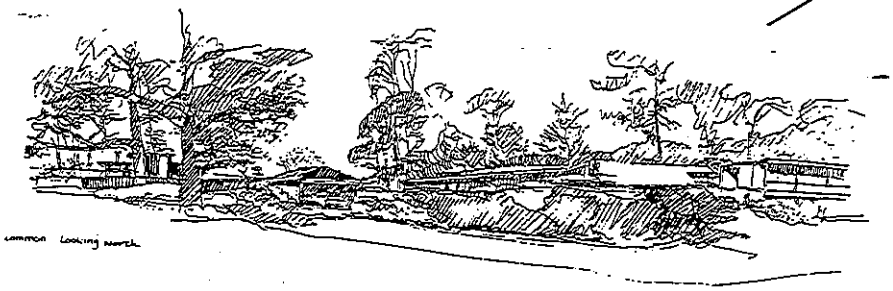
2 View looking south across common



Site Plan Greenwood Common
View Locations



1 Entrance to Greenwood Common



4 View from common looking north

GREENWOOD COMMON LANDMARK PRESERVATION APPLICATION

VISUAL SURVEY : BUILDINGS/OPEN SPACE RELATIONSHIP

CURRENT PLANNING
FEB 20 1990

#1,3,4,7 Greenwood Common
Berkeley, CA 94708

Landmarks Preservation Commission
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

February 18, 1990

Dear Commissioners :

In accordance with the request of the Commission at the public hearing of January 29, 1990, we enclose herewith supplemental materials in support of the three initiations of landmarking for Greenwood Common, that is, the application of December 1, 1989 (the "owners' application"); the application of December 30, 1989 (the "Berkeley residents' application") and the initiation by the Landmarks Preservation Commission itself on December 18, 1989, all for landmark status for Greenwood Common as described in those applications and in the State Historic Resource Inventory ((8)2244).

We believe that the substance of the Commission's request is provided herewith. We have had the invaluable assistance of our authority and consultant on the historical and architectural contents of this submission, Elisabeth Kendall Thompson, FAIA, architectural historian; Senior Editor, Architectural Record, retired; and Editor, Sept/October issue of Architecture California. Ms. Thompson resides at 2877 Shasta Road, Berkeley, CA 94708. The authors of various sections of this submission are identified in the Table of Contents.

We have not accomplished a complete reorganization of the original applications in the time available, but we believe that the material herewith submitted will serve as a self-contained supplement on the history and architectural significance of the Common, a description of its architects and houses and how their work fit into the times and style of its creation, and the legal methods involved.

The questions in the "application requesting designation for landmark status" to which these supplemental materials are directed are principally Questions # 7-18, and #30-31, as more fully discussed in the Commission's "HISTORIC/ARCHITECTURAL SURVEY INSTRUCTIONS".

If you have any further questions, please advise any of the undersigned.

Yours very truly,

Joan P. McDonough #7

T.S. #4 & Marston #4

Richard B. Thompson #7

Roderick C. Lyle #3

Martin Bo. McCabe #3

Greenwood Common

(Supplemental Materials For Answers to Questions #7-18 and 30-31 of Application of Dec 1, 1989, and Dec 30, 1989, and in Support of Initiation by Landmark Commission of Dec 18, 1989)

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February 18, 1990

(1)

Greenwood Common

I. Early History

Joan McDonough
and
Katinka Wyle

Feb 18, 1990

(2)

Greenwood Common : Early History

One of the most striking features of Greenwood Common is its magnificent stand of Monterey Pines. These were planted over 100 years ago in the mid-1870's by Captain Thomas, a former cavalry officer who first arrived in San Francisco in 1863. After several business ventures in San Francisco, Captain Thomas in 1867 moved his Standard Soap Company to Berkeley, where he built a large factory at a site bounded by Addison Street, Allston Way, Second and Third Streets. He prospered, became the president of the California National Bank of San Francisco and the owner of the Berkeley Ferry Boat Line, and sometime after 1867 purchased 14 acres in the Berkeley Hills which he called "La Loma."

Some years later he added 18 more acres. His combined 32 acre estate, including the current Greenwood Common, was bounded on the south by Cedar Street, on the north by Rose Street, on the west by LeRoy Ave, and on the east by Buena Vista Way. He built his residence just east of the present Greenwood Terrace. He also constructed a log house, a barn, and several farm buildings on the property. On the crest of the hill overlooking the current Common he built "Fort La Loma", from which on holidays he fired a cannon in celebration. He planted an orchard, some grapevines, and the impressive Monterey Pines which continue to give the area its characteristic rustic appearance.

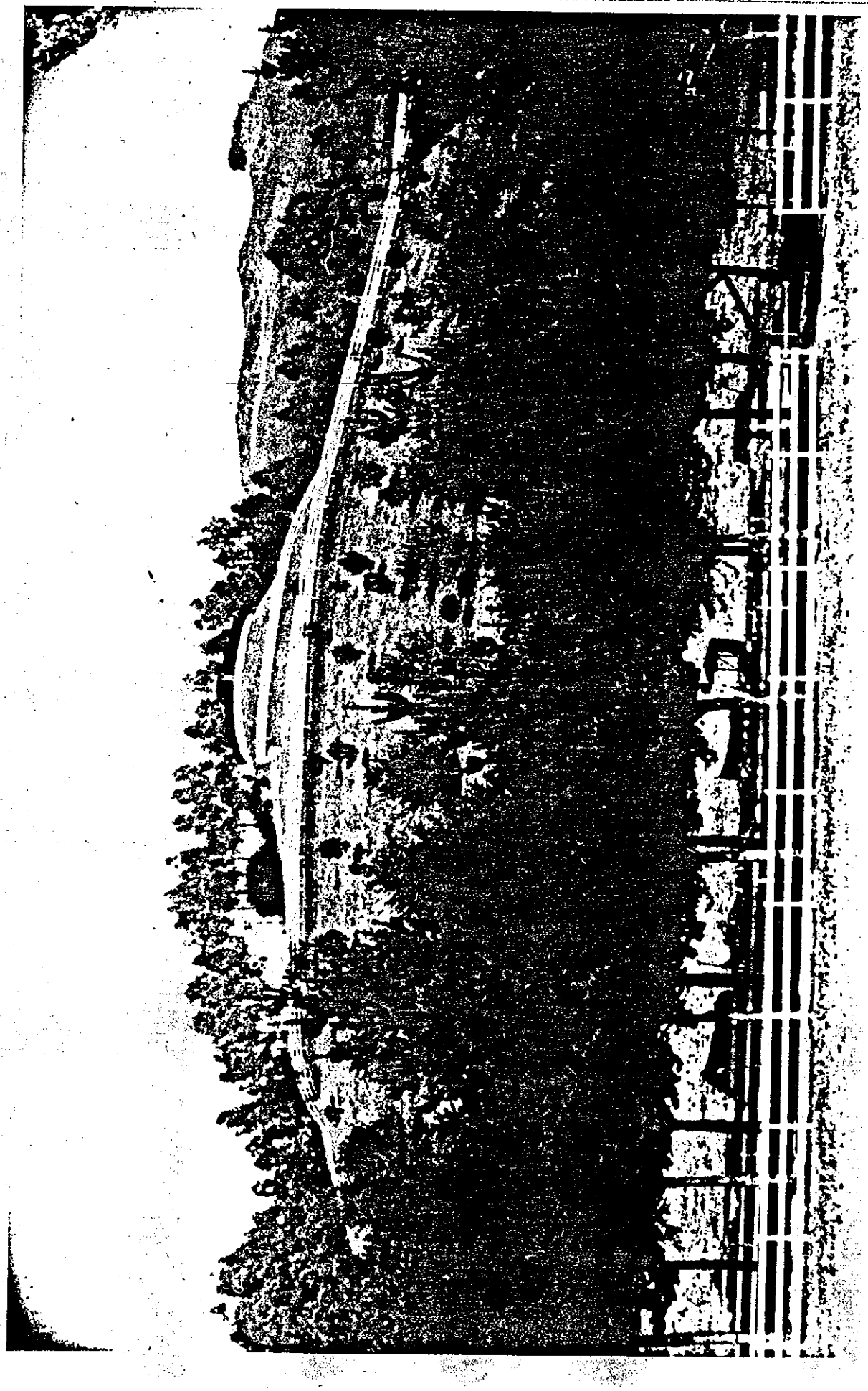
Captain Thomas died on May 28, 1990, and a portion of the property including Greenwood Common was acquired in 1903 by Warren Gregory, a prominent San Francisco lawyer and one of the founders of the Sierra Club. In 1903 Mr. Gregory commissioned John Galen Howard to build a substantial country home in the Berkeley Hills, on the property which included the current Greenwood Common and several lots on Greenwood Terrace. In 1906 - after the San Francisco earthquake and fire - the Gregorys moved to Berkeley and made 1459 Greenwood Terrace their permanent home.

During this period, both John Galen Howard and Bernard Maybeck built other houses for Gregory family members in the immediate vicinity. Daniel Gregory, Warren Gregory's grandson, remembers many interesting gatherings in the Gregory home, at the famous "La Loma salons" presided over by Mr. & Mrs. Gregory.

Warren Gregory died in 1927. Mrs. Gregory continued to live on Greenwood Terrace and to maintain the "La Loma salons" for many years. A few years before 1952 Mrs. Gregory returned to live in San Francisco, and a friend, Elizabeth Ellis, resided in the Gregory home and carried on the tradition.

When Mrs. Ellis died in 1952, William Wurster, a close family friend of the Gregorys, offered to purchase the property and

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Greenwood Common

II Architectural History and Significance

Elisabeth Kendall Thompson

Feb 18, 1990

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Greenwood Common: Its Architectural History and Significance

Greenwood Common is a neighborhood, consciously designed as such, and conscientiously held to a neighborhood scale in a plan that derives from that used in New England villages, where the "common" -an open space for the common use of all- is an important part of the pattern of life of the residents. Such an arrangement had other, more recent, precedents, though the scale was larger: Radburn in New Jersey was one famous city plan based on commonly enjoyed open space. Here in Berkeley, Rose Walk and Orchard Lane had common walkways, and were conscious proposals for planning in other than the usual layout of houses, open areas, and streets.

Greenwood Common's derivation differs, however, in that it is small. An open space, undefined, has no particular form. It is the houses that surround the Common that define and give form to this exceptional and unusual planned development. There are eight, all built within four years, with the exception of #7 on the "point", which had been built some 18 years before William Wurster's concept of Greenwood Common became possible of implementation.

As a young student of architecture at the University, Wurster had visited the hill north of the University campus on his rambles through what no doubt seemed an incredible place to the boy from flat, dry, hot Stockton, where he had been born and grown up.

"Gee, who can live in such beauty as that?", Wurster later remembered saying to himself when he saw the noble pines, and the large open space in front of Warren Gregory's house (Exhibit A). And, he says, he never forgot it.

He could not know then that, some thirty years later, he would own that beautiful place, would live in the old house on the hill, and would be able to share the beauty with colleagues of like mind and spirit.

The site had long been coveted by many who knew it, among them Robert Gordon Sproul who became president of the University and lived on nearby Tamalpais Road, and Ernest O. Lawrence, the great physicist, who also lived nearby; and numerous young architects eager for a dramatic site on which to place the house they burned to design. But neither the old house, nor the land across the road, was for sale - until, in 1951 Bill Wurster, by then dean of the School of Architecture at the University, broached the subject to Mrs. Gregory, who suggested an appraisal of the property preliminary to any discussion of the possibility. It turned out that the house was so in need of repair that its value was nothing; the land however was "very valuable". In Wurster's account of the event, Mrs Gregory said to her son

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group met. This priceless asset now is held as open space by the group, enlarging the Common to approximately twice its original size, and enhancing the role of the common open space.

Wurster seems to have made no formal restrictions for the design of the houses on the Common, but, in his memo to participants of April 24, 1952, he indicated his preference for dark colored houses, gently sloping or flat roofs, and single story houses on the flat area, so that "the project would appear more spacious." (Exhibit C). Wurster believed in the people who had bought the lots; he bilieved as well and as thoroughly in the architects chosen by the lot owners to design the houses, and what he believed was that they would share his concept of the Common - a neighborhood of people with similar values and intentions to make a community in the fullest sense of the word, to respect each other and the inherent beauty of the place with a will to create something beyond the usual use of land. And owners and architects understood his concept, concurred in it, saw his vision, and found it well pleasing. Written rules were not necessary in such a climate of mutual sensibility.

Wurster had in mind that the houses would be designed by distinguished architects and again he rested his trust in the owners who picked young architects who had already made their mark, locally and in most cases, nationally. Most later achieved international reputations, and were published in many parts of the world in architectural publications - books, magazines, newspapers. Each of the seven houses built between 1952 and 1957 was designed by a different architect. Bill Wurster proud and delighted that it worked out that way, calling it "an alphabet of architecture." The variety of architectural approach and the recognizable common thread of design principles discernible in each house made the group of exceptional interest to students in architecture, professors of architecture, architectural historians, writers, editors, and others, who flocked to see the Common, or called or wrote Wurster - "all the time" - to ask "how it can be duplicated in another place."

The houses, like the owners and the architects, are individual solutions, each in a "style" of its own but all in the Bay Area tradition. What that tradition is sometimes is debated, but there is certainly much that is intangible, stemming from topography, climate, easily available materials, but underscored always by the great sense of freedom, as Wurster himself pointed out in an essay, "A Personal View" (Exhibit D): freedom from the past, from old custom, from accepted convention, freedom to respond to the "immensity of the scene."

The Bay Area Tradition has been characterized as having several periods of development: the Greenwood Common area

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Excerpts from

Transcript of Oral History:

William Wilson Wurster; College of Environmental Design, University of California, Campus Planning and Architectural Pratice; An Interview Conducted by Suzanne B. Riess, Berkeley, 1964 Bancroft Library.

p. 252 Riess: How do you come to live in this house (1459 Greenwood Terrace)? Would you tell the story of that?

Wurster: Well, in 1913 I was a freshman, just came from Stockton, which has flat country. I lived south of the campus, and I walked up north and came on this little road with all these pine trees and thought, "Gee, who can live in such beauty as that?"And I never forgot it.....

p.257 Riess: When you returned from Cambridge where did you live before you moved here?

Wurster: In 1950 we took the Max Radin house....Then we bought the little house out on the point here [7 Greenwood Common, by R.M. Schindler, ca. 1932, below the present home]. Then I organized a group which bought Greenwood Common and divided that up, made an interesting neighborhood plan so that the center lot is owned by everybody and nobody can build on it unless there is complete approval.The houses in the Common are all done by famous architects. Howard Moise's staff did Helen Douglas's little house. Henry Hill did the [Thomas C.] Blaisdell. John Funk did the [otto] Maenchen. Harwell Harris of Texas and Southern California did Mrs. Duhring's, and Joe Esherick did Jim Ackerman's. And Don Olson did the [Robert W]Birge house. It's an alphabet of modern architects. ....

p.259 ...., it's been a great success, so much so that I get letters all the time from people asking how it can be duplicated in another place.

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TO: Participants in Greenwood Common

FROM: William W. Wurster

DATE: 24 April 1952

SUBJECT: Notes

As you know it is thought best not to become entangled in restrictions, yet certain things have been mentioned which might be listed in order to have a harmonious project with minimum disappointment or friction. Most of these have been stated in conversation and can be clarified at our meeting in May.

1. Television antennae might be limited to the normal size (not permitting 30' extensions, etc.). Is there a way to have a central antenna at the east of the property?

2. Dark colored houses (either natural woods or paint) will cause the project to appear more spacious.

3. Gently sloping or flat Haydite or gravel roofs will tend to increase the view for everyone and be less insistent.

4. Lots #10 and #11 to have a height restriction which will protect the clear sweep from the Common and from Lot #9.

5. Trees on Lots #10 and #11 may be topped by anyone on the project if they pay on same. (Some such rule might be applied to all trees on all properties?)

6. It is hoped to retain as many pine trees as possible.

7. All decisions such as steps to LeRoy, fencing of Common, etc., will await action of Board after its election. At the same time there could be consideration in regard to the possible adoption of some uniform fencing for the project.

8. It is hoped that great consideration will be given to the height of all the houses on the flat area (Lots #5, #6, #7, #8 and #9), for if they were to be only one-story above the Common the project would appear more spacious. (This is written as a suggestion only and not to be construed as a mandate or restriction.)

9. If the houses on Rose Street (Lots #1, #2, #3 and #4) are kept at the north end of the lot, each house will have a sheltered south garden and it will add to the unity of the project. (This is written as a suggestion only and not to be construed as a mandate or restriction.)

10. In the third interim report I called attention in Item #4 to the approximate character of the plot plan. For instance, if the hedge is on the Greenwood Common property on the south side (adjacent to Jenkins) it may be advisable to widen the access lane to 18' or 20' in order to save the hedge. This would decrease the width of the walk-in-vista which is now shown as 20'.

I send these at this time before we are started and there should be free and open discussion at our meeting on these or other points.

cc: Mr. Newman
Mr. Steigelman
Mr. Howard Wayne
Mrs. Warren Gregory

W. W. W.

EXHIBIT C (II)

P. 2 William W. Wurster, A Personal View

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it was soon translated to access so a person could not only see the out-of-doors but could walk into it and become a part of it. Of course, the climate played a part in this as did the lack of bugs and insects. But it took someone to perceive this, and the imaginative group of men I have mentioned gave a foundation for all of us who have come later. In the beginning it might have needed flamboyant sites to free the designers from convention but now the obvious advantages of this freedom mean that even the most prosaic locations have a share in this viewpoint. The Berkeley fire of 1923, which destroyed sixty blocks north of the Campus, swept away much of the very thing I have described. With trees destroyed as well as structures there was small incentive to attempt the same venture again.

California in some degree shares the quality of the desert light of Arizona, which has ever stressed distance rather than the near-at-hand. This explains why delicacy of detail in California seems trivial compared to its real use and need in New England, where the air is hazier and the immediate surroundings are filled with the green of leaves. This means there is every inclination to examine the flutings on the fireplace, which are not unlike the very blades of grass in the foreground. The long dry season in California, from May until November, leaves its mark on life and so, in turn, on the design — no need of shelter from summer rains and great need of ground areas covered with gravel or brick, which do not need water.

There is no recipe in which one can place all these ingredients and foresee a result. But I do think in analyzing the vitality of the work of this area it is necessary to list some of these differences from other places, not only to star the results as a Baedecker, but to help find why they are so.

The West has still a pioneer society. An element of gambling, of taking a chance, exists still, and this goes into the lives so that *who* you are is not so important as *what* you are. This is quickly translated into the houses, and there is not such a fetish of permanence or tradition.

The hills and great bay, which can be shared by so many homes, have always brought the emphasis on what you look *at*, not what you live *in*. This is added to the other reasons for the lack of minute decoration.

Take-a-chance clients, mild, even climate, no insects or bugs, a long dry season and, above and over all, the immensity of the scene — all have had their share in shaping the design. Is it small wonder to find the vitality of architecture with these as the starting point?

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of materials and forms: that it had a place for personalities as different as Maybeck and Dailey and Wurster and Kump. What seemed to me admirable in the style that had developed during the last half century was that it was a steady organic growth, producing modern forms accepted as natural and appropriate by both client and architect. Even the speculative suburban house in the Bay Region, during the last fifteen years, has not been untouched by this movement. But in perspective, the work of this style was part of a worldwide movement: a movement in which no single country can claim pre-eminence. To identify the modern in architecture with the work of Le Corbusier and his followers seems to me to betray a provincial misunderstanding of both architecture and history; while to attempt, as some Eastern critics have done, to disparage the work in the Bay Region by referring to it as the "redwood cottage style" is to display an ignorance of its varied resources and achievements.

For the most part, this organic architecture seems to have come about through an unforced personal growth: at the beginning Maybeck and Gill acclimated to California the seedlings that had been planted East of the Mississippi by Richardson, Sullivan, Wright, and their followers. The ideas behind this Bay Region movement were not perhaps formulated to the point of finding literary expression; yet one must not perhaps attribute too much intellectual innocence to this movement, merely because it was conspicuously lacking in manifestoes. I am sure the leaders of this school knew what they were doing and why, even if they did not explain themselves in print.

There comes a point in every human development, however, where further growth is impossible without achieving a certain degree of self-consciousness; and it is useless to complain, as a Bay Region patriot did a little while ago in the *Architectural Review* of London that the Bay Region architects didn't want to be "discovered" and theorized over by officious Eastern critics. Such self-consciousness, such critical revaluation, is the price of maturity; indeed, it was from the autobiographic observations of one of the best of the Bay Region school, as we drove around Berkeley in 1941, that I first was able to trace, from the inside, the origins and continuities of this vital modern tradition. Standing in front of Maybeck's Christian Science Church, I learned from William Wurster's lips the direct effect of Maybeck's poetic architectural imagination on his own work, while still a student at Berkeley.

The problem of modern architecture is no longer to escape the burdens of imitating or adapting dead historic forms: only in such moribund departments of architecture as the design of college buildings is architecture any longer under such restraints; and even in a conservative part of the country like the Southeast, the proposal to design Wake Forest College in "Georgian" awakened a scandalized protest on the part of the local architectural profession. The main problem of architecture today is to reconcile the universal and the regional, the mechanical and the human, the cosmopolitan and the indigenous. No manner of building that exaggerates the local at the expense of the universal can possibly answer to the needs of our time; and if the Bay Region work were so singular and so confined, it would hardly be worth critical recognition at this late day. Is is for just the opposite reason that the best Bay Region architecture is significant. Here the architects have absorbed the universal lessons of science and the machine, and have reconciled them with human wants and human desires, with full regard for the setting of nature, the climate and topography and vegetation, with all those regional qualities whose importance Frederick Law Olmstead wisely stressed two generations ago in his exemplary program for the development of Stanford University.

Bay Region architecture both belongs to the region and transcends the region: it embraces the machine and it transcends the machine. It does not ignore particular needs, customs, conditions, but translates them into the common form of our civilization. These qualities are what makes the work of the Bay Region architects so significant — both as achievement and as promise.

EXHIBIT E -2 (II)

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Greenwood Common

II (continued) Bibliography

Elisabeth Kendall Thompson

Feb 18, 1990

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Greenwood Common

III. The Houses of Greenwood Common (General)

Elisabeth Kendall Thompson

Feb 18, 1990

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The Houses of Greenwood Common

An alphabet of architecture, Bill Wurster called this collection of eight houses around the Common, with the 1905 house for the Warren Gregorys across the road and up the hill to represent the earlier period, often called Bay Tradition #1, when the then-contemporary names of distinguished architects were John Galen Howard, Ernest Coxhead, Julia Morgan, Bernard Maybeck. When Wurster added two small rental units on Greenwood terrace, the alphabet was well represented.

The houses around the Common, with one exception, were all designed and built in the 1950's, a period that could be called Bay Tradition II. The exception is the house by R.M. Schindler, once thought to have been designed and built in 1920, but later fixed by Wurster himself as "circa 1932". The Schindler house is not part of the Bay Tradition, either I or II; it derives from Schindler's European origins, although it shows the influence of the special qualities of its California location. Many alterations through the years have taken from it whatever purity it once had, and yet through all the remodelings and additions, Schindler's strong forms and his convictions on design are still there.

Of the 1950 houses, it can be said that they, like earlier and some later houses, are in the genealogy of a Bay Area tradition based in simplicity, honesty and an esthetic of beauty that climate, topography and the great Bay have engendered.

Each house is individual, each is what its architect would design because of himself - his backround, his education and training, his particular sensitivity to the elements of design. That they are part of a "Style" cannot be argued. That they have *style* is self-evident. These architects were affronted when an English magazine picked up a comment by Lewis Mumford that they were exemplars of the Bay Region Style. Their outcry became a *cause celebre*, clarified only through the catalog essay by Mumford in 1949 in connection with the exhibition at the San Francisco Museum of Art. (Exhibit A).

In describing these houses we have not repeated comments as to the place of each in regard to Bay Traditions I and II. Suffice it to say here that they represent what each of these architects was doing in that period of his architectural life, and if "Tradition II" covers their vitality, their individuality and their excellence, that is a satisfactory chronological categorization.

The principal things to remember about the architecture of the Bay Region, especially as shown in architect designed houses, are these:

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From Lewis Mumford: "Bay Region architecture both belongs to and transcends the region...It does not ignore particular needs, customs, conditions, but translates them into the common form of our civilization." (Exhibit B).

From William Wurster: "The hills and great Bay, which can be shared by so many homes, have always brought the emphasis on what you look *at*, not what you live *in*...The West has still a pioneer society. An elememt of gambling, of taking a chanoe, exists still, and this goes into the lives so that *who* you are is not so important as *what* you are. This is quickly translated into the houses, and there is not such a fetish of permanence or tradition." (Exhibit C).

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A symposium for architects was held in the Auditorium of the Museum of Modern Art on the evening of February 11, 1948. The discussion was based on an excerpt from the Skyline by Lewis Mumford in The New Yorker, *October 11, 1947, which follows:**

Meanwhile, new winds are beginning to blow, and presently they may hit even backward old New York. The very critics, such as Henry-Russell Hitchcock, who twenty years ago were identifying the "modern" in architecture with Cubism in painting and with a general glorification of the mechanical and the impersonal and aesthetically puritanic have become advocates of the personalism of Frank Lloyd Wright. Certainly Le Corbusier's dictum of the twenties—that the modern house is a machine for living in—has become old hat. The modern accent is on living, not on the machine. (This change must hit hardest those academic American modernists who imitated Le Corbusier and Mies van der Rohe and Gropius, as their fathers imitated the reigning lights of the Ecole des Beaux-Arts.) Sigfried Giedion, once a leader of the mechanical rigorists, has come out for the monumental and the symbolic, and among the younger people an inclination to play with the "feeling" elements in design—with color, texture, even painting and sculpture—has become insuppressible. "Functionalism," writes a rather pained critic in a recent issue of the *Architectural Review* of London, "the only real aesthetic faith to which the modern architect could lay claim in the inter-war years, is now, if not repudiated, certainly called into question . . . by those who were formerly its most illustrious supporters."

We are bound to hear more of this development during the next decade, but I am not alarmed by the prospect. What was called functionalism was a one-sided interpretation of function, and it was an interpretation that Louis Sullivan, who popularized the slogan "Form follows function," never subscribed to. The rigorists placed the mechanical functions of a building above its human functions; they neglected the feelings, the sentiments, and the interests of the person who was to occupy it. Instead of regarding engineering as a foundation for form, they treated it as an end. This kind of architectural onesidedness was not confined to the more arid practitioners. Frank Lloyd Wright, it is said, once turned upon a client—let's call him John Smith—who had added a few pleasant rugs and comfortable Aalto chairs to Mr. Wright's furnishings, and exclaimed, "You have ruined this place completely, and you have disgraced *me*. This is no longer a Frank Lloyd Wright house. It is a John Smith house now."

Well, it was time that some of our architects remembered the non-mechanical and non-formal elements in architecture, and that they remembered what a building says as well as what it does. A house, as the Uruguayan architect Julio Vilamajó has put it, should be as personal as one's clothes and should fit the family life just as well. This is not a new doctrine in the United States. People like Bernhard Maybeck and William Wilson Wurster, in California, always practiced it, and they took good care that their houses did not resemble factories or museums. So I don't propose to join the solemn gentlemen who, aware of this natural reaction against a sterile and abstract modernism, are predicting a return to the graceful stereotypes of the eighteenth century. Rather, I look for the continued spread, to every part of the country, of that native and humane form of modernism one might call the Bay Region style, a free yet unobtrusive expression of the terrain, the climate, and the way of life on the Coast. That style took root about fifty years ago in Berkeley, California, in the early work of John Galen Howard and Maybeck, and by now, on the Coast, it is simply taken for granted; no one out there is foolish enough to imagine that there is any other proper way of building in our time. The style is actually a product of the meeting of Oriental and Occidental architectural traditions, and it is far more truly a universal style than the so-called international style of the nineteen-thirties, since it permits regional adaptations and modifications. Some of the best examples of this at once native and universal tradition are being built in New England. The change that is now going on in both Europe and America means only that modern architecture is past its adolescent period, with its quixotic purities, its awkward self-consciousness, its assertive dogmatism. The good young architects today are familiar enough with the machine and its products and processes to take them for granted, and so they are ready to relax and enjoy themselves a little. That will be better for all of us.

LEWIS MUMFORD

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The Museum of Modern Art Bulletin, Spring 1948: Vol. XV, No. 3

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Exhibit A (III)

Domestic Architecture of the San Francisco Bay Region Catalog of exhibition at the San Francisco Museum of Art, Sept. 16 to Oct. 30 1949.

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Lewis Mumford

THE ARCHITECTURE OF THE BAY REGION

THIS EXHIBITION repairs a serious omission in the existing histories of American architecture: it establishes the existence of a vigorous tradition of modern building, which took root in California some half a century ago. Apart from the buildings of Irving Gill and the Brothers Greene, some of the best examples of this work were produced in the Bay Region area; and the early work shows qualities of boldness, directness, and human sensitivity, combined with a certain quiet restraint, that seem embedded in the very character of the region. The Bay Region architects have given form to their very informality.

Apart from a few illustrations in Talbot Hamlin's *Pageant of American Architecture* (1926), the existing histories of American architecture pay no attention to this remarkable tradition: even the revised edition of Tallmadge's history (1936) included no example. That singular omission will probably be duly remedied in Professor Hugh Morrison's forthcoming history of American architecture; but it stands as a reproach to those who have cultivated the field. Yet perhaps the architects of the Bay Region are themselves partly to blame for this neglect: but for Bernard Maybeck's fine reticence, his work would have been hailed long ago as the West Coast counterpart to Wright's prairie architecture. Yet the impulse to bury their lights under a bushel, so foreign to our usual American tendency to over-expose, over-publicize, over-claim, was a highly honorable one: that example of humility and self-respect makes the older architects of the Bay Region school worthy leaders of the new generation.

At the time of writing *Sticks and Stones* in 1924, I was as ignorant of the Bay Region school as my later successors. When I published *The Brown Decades* in 1931, however, I went out of my way to mention the work of Gill and Maybeck, though it did not fall directly within my purview; and since that time I have buttonholed every promising young scholar I could find, begging him or her to explore in detail the work of the early Bay Region school. None of these efforts bore any visible fruit, until a few years ago, by some unfortunate slip, I characterized the buildings that have been assembled for this exhibition as examples of the "Bay Region Style," and contrasted it with the restrictive and arid formulas of the so-called "International Style." That reference conjured up the proverbial (tea-with-lemon) tempest: chiefly because its basis and its applications were misunderstood. Dr. Sigfried Giedion, of Zurich, even thought for a brief moment that I was making a reactionary attack upon the whole modern movement. A symposium was conducted by the Museum of Modern Art for the purpose of clarifying the issues that had been raised.

My purposes, I would emphasize, were entirely honorable. What I was calling attention to, in the work of the Bay Region school, was the fact that, though it was thoroughly modern, it was not tied to the tags and clichés of the so-called International Style: that it made no fetish of the flat roof and did not deliberately avoid projections and overhangs: that it made no effort to symbolize the machine, through a narrow choice

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of materials and forms: that it had a place for personalities as different as Maybeck and Dailey and Wurster and Kump. What seemed to me admirable in the style that had developed during the last half century was that it was a steady organic growth, producing modern forms accepted as natural and appropriate by both client and architect. Even the speculative suburban house in the Bay Region, during the last fifteen years, has not been untouched by this movement. But in perspective, the work of this style was part of a worldwide movement; a movement in which no single country can claim pre-eminence. To identify the modern in architecture with the work of Le Corbusier and his followers seems to me to betray a provincial misunderstanding of both architecture and history; while to attempt, as some Eastern critics have done, to disparage the work in the Bay Region by referring to it as the "redwood cottage style" is to display an ignorance of its varied resources and achievements.

For the most part, this organic architecture seems to have come about through an unforced personal growth: at the beginning Maybeck and Gill acclimated to California the seedlings that had been planted East of the Mississippi by Richardson, Sullivan, Wright, and their followers. The ideas behind this Bay Region movement were not perhaps formulated to the point of finding literary expression; yet one must not perhaps attribute too much intellectual innocence to this movement, merely because it was conspicuously lacking in manifestoes. I am sure the leaders of this school knew what they were doing and why, even if they did not explain themselves in print.

There comes a point in every human development, however, where further growth is impossible without achieving a certain degree of self-consciousness; and it is useless to complain, as a Bay Region patriot did a little while ago in the *Architectural Review* of London that the Bay Region architects didn't want to be "discovered" and theorized over by officious Eastern critics. Such self-consciousness, such critical revaluation, is the price of maturity; indeed, it was from the autobiographic observations of one of the best of the Bay Region school, as we drove around Berkeley in 1941, that I first was able to trace, from the inside, the origins and continuities of this vital modern tradition. Standing in front of Maybeck's Christian Science Church, I learned from William Wurster's lips the direct effect of Maybeck's poetic architectural imagination on his own work, while still a student at Berkeley.

The problem of modern architecture is no longer to escape the burdens of imitating or adapting dead historic forms: only in such moribund departments of architecture as the design of college buildings is architecture any longer under such restraints; and even in a conservative part of the country like the Southeast, the proposal to design Wake Forest College in "Georgian" awakened a scandalized protest on the part of the local architectural profession. The main problem of architecture today is to reconcile the universal and the regional, the mechanical and the human, the cosmopolitan and the indigenous. No manner of building that exaggerates the local at the expense of the universal can possibly answer to the needs of our time; and if the Bay Region work were so singular and so confined, it would hardly be worth critical recognition at this late day. Is is for just the opposite reason that the best Bay Region architecture is significant. Here the architects have absorbed the universal lessons of science and the machine, and have reconciled them with human wants and human desires, with full regard for the setting of nature, the climate and topography and vegetation, with all those regional qualities whose importance Frederick Law Olmstead wisely stressed two generations ago in his exemplary program for the development of Stanford University.

Bay Region architecture both belongs to the region and transcends the region: it embraces the machine and it transcends the machine. It does not ignore particular needs, customs, conditions, but translates them into the common form of our civilization. These qualities are what makes the work of the Bay Region architects so significant — both as achievement and as promise.

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A PERSONAL VIEW

THE YEAR was 1913 and the impressions were those of a seventeen-year-old freshman coming from the great valley of California, coming from a conventional background to begin the study of architecture at the state university.

The moving experience of the first evening was to be repeated to a greater and lesser degree many times when one realized that here was a group of clients and architects who placed greater value on ideas and proportions than on permanency, refined detail, conformity or amount of money spent. The ascendancy of this point of view has come to mark the best domestic architecture of the area around San Francisco Bay.

It was a big room with four-foot-wide boards in panel form on the walls and ceiling. The redwood was left unfinished as it came from the tree, which takes on a pink-brown color with the years. A natural pine floor, no carpets or rugs and a fireplace with a raised hearth used for a seat the twenty-four feet of the width of the room with a flat continuous cushion on the hearth except directly in front of the fire. There was a long window seat with a similar cushion. There was a piano in one corner and a gnarled oak trunk with brown leaves standing from floor to ceiling in back of the piano. I can't recall any pictures, and there was no other furniture — no ornaments, no curtains — and spread out far below were the lights of the city.

Such a place as this doesn't need permanence or really precious materials or workmanship to make it convincing. It doesn't need the patina of age which we are so apt to over-invest with interest.

It took great skill to bring about this room. It meant giving up the idea of windows as holes in the wall, of competing with the view with the triviality of fabric, color or pattern. It meant steering free of the ruffles of existence. The gain was rewarding, for I know that many were inspired by this sort of thing, and you find it in much of the work of Schweinfurth, Coxhead, the Greenes, Polk, Howard and Maybeck. This phase of architecture was almost an anonymous one, for the architectural publishers sought in the main for the monument and heavy commercial and civic pieces. These wonderful homes were enjoyed and exclaimed over, but they defy photography. And they should, for you can seldom take a picture of space as it can only show surface at the end of space.

The magic of the room I described could never be translated to the written or picture page, for it was a way of living and the house a frame for such a life. The intertwining of the interior and the exterior might have started with the view from the window, but

Exhibit C (III)

it was soon translated to access so a person could not only see the out-of-doors but could walk into it and become a part of it. Of course, the climate played a part in this as did the lack of bugs and insects. But it took someone to perceive this, and the imaginative group of men I have mentioned gave a foundation for all of us who have come later. In the beginning it might have needed flamboyant sites to free the designers from convention but now the obvious advantages of this freedom mean that even the most prosaic locations have a share in this viewpoint. The Berkeley fire of 1923, which destroyed sixty blocks north of the Campus, swept away much of the very thing I have described. With trees destroyed as well as structures there was small incentive to attempt the same venture again.

California in some degree shares the quality of the desert light of Arizona, which has ever stressed distance rather than the near-at-hand. This explains why delicacy of detail in California seems trivial compared to its real use and need in New England, where the air is hazier and the immediate surroundings are filled with the green of leaves. This means there is every inclination to examine the flutings on the fireplace, which are not unlike the very blades of grass in the foreground. The long dry season in California, from May until November, leaves its mark on life and so, in turn, on the design — no need of shelter from summer rains and great need of ground areas covered with gravel or brick, which do not need water.

There is no recipe in which one can place all these ingredients and foresee a result. But I do think in analyzing the vitality of the work of this area it is necessary to list some of these differences from other places, not only to star the results as a Baedecker, but to help find why they are so.

The West has still a pioneer society. An element of gambling, of taking a chance, exists still, and this goes into the lives so that *who* you are is not so important as *what* you are. This is quickly translated into the houses, and there is not such a fetish of permanence or tradition.

The hills and great bay, which can be shared by so many homes, have always brought the emphasis on what you look *at*, not what you live *in*. This is added to the other reasons for the lack of minute decoration.

Take-a-chance clients, mild, even climate, no insects or bugs, a long dry season and, above and over all, the immensity of the scene — all have had their share in shaping the design. Is it small wonder to find the vitality of architecture with these as the starting point?

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Greenwood Common

III. The Houses of Greenwood Common (Continued)

A Description of Each House: Architects, Owners, Architectural Characteristics

Elisabeth Kendall Thompson, with James Symons for #4 Only

Feb 18, 1990

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1 Greenwood Common

Date of Construction: 1955

Architect: Donald E. Olsen

Donald Olsen was born in Minneapolis and graduated from the University of Minnesota with a B.A. degree in architecture in 1942. In 1945 and 1946 he attended Harvard University Graduate School of Design and graduated in 1946 with an M.A. in architecture. He opened his own office in 1953 after working in the office of Wurster, Bernardi and Emmons for three years. He has been architect for a number of residences, for several commercial buildings, and was one of the three firms selected to design Wurster Hall (College of Environmental Design) at the University of California, Berkeley. His work has brought him a number of design awards, especially in the residential field.

In addition to his architectural practice, Don Olsen is a professor of architecture at the University of California. He is a Fellow of the American Institute of Architects, the highest honor the Institute can bestow on a member.

Owners: Original and Current: Robert W. and Ann C. Birge. Dr. Robert Birge is Associate Director, Emeritus, Physics Division, of the Lawrence Berkeley Laboratory. Dr. Ann Birge is Professor of Physics at California State University, Hayward.

The Birge residence is at the corner of Greenwood Terrace and Rose Street, and occupies the site of the Gregory's former tennis court. Because of the low level of the tennis court, the architect was able to work out a two-story plan which would still keep the overall height of the house relatively low.

To enter the house from Greenwood Terrace there is a bridge to the front door; planting in this area stays green year

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round. The house is oriented due south, and its slight elevation above the roadway gives it the view to the Bay across the central Common -- an important program requirement -- from the combined living and dining room. On this same level are the bedrooms (master bedroom on west side, children's rooms on north).

With a look to the future, the architect provided for a fourth bedroom and bath within the original envelope of the house, so that no addition need be made.

This house is an Olsen interpretation of the International Style, but it is clearly transmuted by the special qualities of the Bay Region itself, by customs, values, climate, a way of life quite different from that lived anywhere else. This is a straightforward house, and its program was straightforward, says Don Olsen, the architect. But it is much more: an aesthetic that reflected the straightforwardness and simplicity and lasting search for truth and honesty that is the scientific ethic.

As a house on the Common, it offers another dimension of architectural approach. Like all the others it is a wood frame building, but here sitting on top of a stone block base. The exterior siding is wood boards, laid vertically and stained, in the natural wood color, not painted. It is a simple rectangle in form, but its interior is not dogmatic; the wood-finished living and dining rooms, the shelves of books, the comfort and simplicity clearly recognize the humane needs and the human ways, and make their satisfaction easy and natural.

"It was a joy working with Don," said the Birges in a note about their house. "What a joy it was to do the house with you," said the architect when recently he and the Birges met at a meeting. Clearly, the meeting of minds, and hearts, is the way to a good house.

#1 Greenwood Common is in very good condition. The original owners cherish their house and take good care of it. Don Olsen knew Wurster from Cambridge days and from working for him in San Francisco, and they understood each other's aims. The Birges spent an hour with Wurster, absorbing what his concept of the Common was, what he hoped each lot owner would do with his property. After that, he left the architect--and the clients--alone. He gave no specifics. He believed in the individual, and he deeply believed in young architects, especially when they had shown their potential for excellence. Those who were chosen for Greenwood Common did not let him down.

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2 Greenwood Common

Date of Construction: 1957

Architect: Robert Klemmedson, AIA. Klemmedson's work, largely residential at the time that the Schaafs chose him to design their house, found inspiration in Japanese architecture and designed several houses in the vicinity of Greenwood Common that show this influence. The Schaaf house has some of this influence as well. Klemmedson continues to practice at this date (1990) at 14 Orinda Way, Orinda, with his son Ronald.

Owners: Professor and Mrs. Samuel Schaaf. The Schaafs are the original owners. Mr. Schaaf is professor emeritus of mechanical engineering at the University.

The House at 2 Greenwood Common

The wide sweep of the pitched roof of this house shelters an open plan for the social areas of the main floor, and the glass south wall opens these rooms to the fenced garden, making this part of the house like a pavilion, and in this sense Klemmedon's pleasure in Japanese architecture is clear. The roof's rafters are open to the interior, creating exceptional spaciousness. The house is set back from the roadway which runs from Greenwood Terrace to the garage for #7, and the small parking area. This provides a sunny patio and garden (designed by landscape architect Lawrence Halprin).

Both exterior and interior walls are redwood.

The lot falls steeply from the Common to Rose Street. Bedrooms are located on the lower floor, and in the years since this and the other houses on the north side of the Common were built, a high leafy hedge of pittosporum has grown and shields these rooms from traffic on Rose Street. Although this street is a dead end at La Loma, it is one of the two ways of reaching the Common.

The house appears to be in very good condition and is well-maintained. It complements the other houses on the Common, and appropriately meets Wurster's aim of providing "an alphabet of architecture" through the varying approaches to design of the different architects.

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3 Greenwood Common

Date
of Construction: 1954

Architect:

Joseph Esherick, FAIA. The American Institute of Architects presented its Gold Medal, its highest honor for any architect in the world whose work has contributed in great measure to the field of architecture, to Esherick in 1989. In 1986, the Institute gave Esherick's firm the Firm Award, for the excellence of design and quality of practice it has shown over the years of its existence.

Joseph Esherick, founder of the firm whose present principals are, besides Esherick, George Homsey, Peter Dodge and Charles Davis, founded the firm in 1946, when he returned from service in World War II. Earlier, he had worked for Gardner Dailey, a distinguished architect whose polished designs house many of San Francisco's prominent citizens.

In 1952 Esherick was asked to lecture at the University College of Environmental Design. He subsequently became associate professor, professor, and chairman of the department of architecture (1977-81). He retired from the faculty in 1985, but continues to practice architecture at his office on Potrero Hill in San Francisco.

Bare facts do not tell the quality of his design or of his teaching. The awards attest to the respect in which his peers in the profession of architecture hold him. But to know what he is as a teacher it is necessary to talk to those who have been his students. Like Christopher Wren's works, Joe Esherick's speak for him, both in terms of physical presence--his buildings--and in terms of passing the torch--the learning experience his teaching made happen. One student said "I am an architect because of Professor

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Esherick." Another speaks of learning to "deeply respect people and cultures." Yet another, "he influenced virtually every aspect of our own work and study." And one summed it up: "Teacher of teachers, Master, Builder and Friend."

Owners:

Original: Prof. and Mrs. James Ackerman
1954 - 1960
Later: Prof. and Mrs. William Farnham
1960 - 1975
Current: Mr. and Mrs. Frederick S. Wyle
1975 -

Professor Ackerman was professor of Architectural and Art History at the University of California, Berkeley, the highly respected author of a book on the Renaissance architect Palladio (and a video tape on the same subject). He was professor of Art and Architectural History at Harvard since 1960, and retired recently; he now holds the title of professor emeritus.

Professor Farnham was professor of English at the University. Mrs. Farnham was also a professor of English, at Holy Names College.

Frederick S. Wyle is an attorney with offices in San Francisco. His wife, Katinka, is active in community and school affairs.

3 Greenwood Common is very much an Esherick house, from the siting and the approach to the entrance through a rectangular patio (actually a deck) to the high-ceilinged living room with its great-scaled windows. Esherick designed the house with two special aims in mind: to provide for the paintings that Jim Ackerman collected--it was his joy to "discover" young artists and help them on their way, artists like Paul Warner and Richard Diebenkorn--and to make a house in which Mildred, his wife, could move about easily and do all the things necessary for keeping and enjoying the house. Mildred had had polio and used a wheelchair.

The house does achieve both. There are splendid spaces where paintings can hang, in light that lets them fulfill

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their intent, on walls that make a suitable background for whatever their colors and forms and line. Joe is a magician of light: his rooms are filled with light but never with glare. How does he do this? By careful balance, by sensitive sensing of the quality of light in a particular place, and fitting the sources--with Joe, windows are never holes in the wall; they are the means to lighting appropriately. The living room in this house has this magical quality of light. Great doors, almost floor to ceiling glass, open to the patio on the south; a corner window to the west brings in sunlight filtered through pine branches, two windows to the north, tall and narrow, add cool light from the sunless north. In warm weather, the doors to the patio can stand open, and the room is less room-with-walls and more space without boundary.

When the house was designed, barrier-free architecture had not begun to be talked about, but that is what the design is really intended to provide. Many of the ways Joe accomplished this were of his own devising; there were no "standards" and no specialized equipment. The kitchen sink was set at a low height, the plumbing was installed to make it possible for a wheelchair to fit under, counters were low-set, with space for the chair, cupboards were accessible, drawers easy to open. Doorways and halls were wide enough for the chair to roll along unimpeded. Bathrooms similarly were geared to wheelchair use, with hardware now readily available, but unknown then. Joe adapted, or designed, what he saw as essential aids to living easily.

The current occupants, the Wyles, find the house right for them though these special needs are not theirs. "It's such an easy house to keep," says Mrs. Wyle. The kitchen's windows have a lovely view to the northeast and the Berkeley hills. Some minor changes were made in this area in the late 1970's, and old equipment was replaced (refrigerator, ventilator). In a recent interview, Joseph Esherick volunteered the comment that this house "is one of my favorites."

One major change was made in 1961, when the Farnhams owned the house; the bedroom nearest the living room was changed to make a dining room. The west wall was brought out two feet--which made the entry more protected--and a closet to the south was closed off. At the same time the one-car garage was enlarged to take two cars. Otherwise the house today is as originally designed.

On the lower level there is a study, a bedroom and bath, and storage space. The bedroom is used for guests, and

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though with less light than the study, is actually a "cozy place," and guests have enjoyed its quality. There are three bedrooms on the main level, one with eastern exposure, one facing south with French doors opening into a small garden, and one facing west on to the patio. The western view from the corner window in the living room, beside the fireplace, is toward the Bay and Mount Tamalpais, framed by Monterey pine branches, and the tall windows make the branches themselves something to look up to see.

The house is in excellent condition. It is a wood-framed structure, with wood floors. Window frames are also wood, painted black (a recognizable Esherick design feature). The Wyles added a hot tub at the northeast corner of the lot, removing a short concrete stair to do so.

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4 Greenwood Common

Date of Construction: 1954

Architect:

Harwell Hamilton Harris, FAIA, was born in Redlands, California in 1903 and attended Pomona College and the Otis Art Institute in Los Angeles, where he studied sculpture among other subjects. He continued his training in engineering and city planning in the offices of MT Cantell and Richard Neutra respectively. From 1930 to 1933 he collaborated with Neutra on projects for the Congres Internationale D'Architecture Moderne (CIAM) and served as Secretary of the organization.

In 1934 he started his own practice in Los Angeles. The 432 sq. ft. pavilion-like house in Fellowship Park (1935) which he built for himself drew immediate attention, and became a mecca for young architects drawn by its simplicity, and by the simplicity in lifestyle that its design demanded. The Fellowship Park house has been widely admired but has proved difficult to imitate successfully. It brought Harris not only fame but clients, many wealthy enough to want more spacious houses that have become equally famous.

In addition to practising architecture, Harris taught design at the Chouinard Art School and Art Center and at the University of Southern California, and was a visiting lecturer in architecture at schools and colleges in many parts of the U.S. In 1951, he became director of the School of Architecture at the University of Texas, Austin, leaving that position in 1955 to return to private practise. In 1961 he went to Raleigh, North Carolina as Professor of Architecture at the North Carolina State University.

Harris' work has been widely published in this country and abroad. He has received numerous awards and is the subject of a book to be published next year by Lisa Germany. In 1965, a collection of photographs of his work and selections from his writings and talks was compiled by the Student Publication of the School of Design at North Carolina State. In 1983, the University of Texas organized a travelling exhibition

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of his work and a catalog of it was compiled by Lisa Germany. A revised and updated edition is forthcoming and will carry a foreword by Harris' friend Bruno Sevi of Italy.

Harris retired from practise in 1975 and lives in the residential half of the building in Raleigh which also housed his office.

Owners:

Mr and Mrs Frederick Duhring 1954-74

Unlike most of the original owners, the Duhrings were not connected with the University. Frederick Duhring was with Mason-McDuffie, the real estate company, and may have been introduced to William Wurster in this connection. The Duhrings also knew Weston Havens, a local property owner and investment counselor with an office at the American Trust Company in Berkeley. Havens was a friend and great admirer of Harwell Hamilton Harris, by now a prominent Southern California architect, and when Mrs. Duhring asked Havens to suggest the names of architects, he referred her to Harris, reminding her that Harris had designed his own landmark house on Panoramic Way (1941) in Berkeley, with its dramatic inverted truss.

Prof and Mrs Woodbridge Bingham 1975-88

Professor Bingham was a sinologist at UC Berkeley. His wife Ursula was for many years a noted figure in civic affairs in Berkeley. She is best known for the formation of the Women's Town Council of Berkeley, founded to bring together women representatives from civic organizations and boards and commissions of the City of Berkeley. Mrs Bingham presently lives in Oakland.

SB Master and James Symons 1988-

SB Master, a graduate of UC Santa Cruz and the Harvard Business School, is President of Master-McNeil, Inc., a consulting firm. James Symons is a physicist and is presently the Director of the Nuclear Science Division at the Lawrence Berkeley Laboratory. Their son is Henry Ben, age two.

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Description of #4 Greenwood Common

The House

Harris' work demonstrates his deep interest in and concern for both the natural and the urban surroundings of his buildings and houses. He has used a variety of materials over the years with considerable success. In the Duhring house he chose shingles, which were in line with the design guidelines accepted for Greenwood Common and echoed the tradition of Berkeley's earliest houses.

The lot slopes away to the north and west and is barely visible from the access road. The Duhring's children recall their parents' respect for their new neighbor, Professor Walter Hart of the UC Berkeley English Department; the house was sited carefully by Harris to take advantage of the topography, and to avoid overlooking the patio garden of the Hart house on Leroy. (Professor Hart's house was originally designed by John Galen Howard for his own use, and Julia Morgan later added a splendid second floor library overlooking the patio.)

The Duhring lot had beautiful views toward Mount Tamalpais and the Bay in the northwest and toward the Bay Bridge and San Francisco in the southwest. Harris incorported these views, framed by windows in the corners of the living and dining rooms respectively. Between these symmetric view corners the west wall is solid. The Duhring's concern that the house should not overlook the Hart garden is probably one reason for this but an additional explanation can be found in Harris' experience with the all-glass west wall of the Havens house, which also looks due west to the view. At night the Havens view is unparalleled, but during the day the light is so strong, and the glare so severe, that the curtains must be kept drawn a good deal of the time. The Duhring house design solves this problem.

The house was designed using a 3 foot module; this is characteristic of Harris, who experimented with many different modular sizes during this period. The house has a compact plan: the living room, dining room, kitchen and two bedrooms are on the entry level. On the lower level, facing Rose Street, are a Studio (Mrs Duhring was an artist) and a third bedroom.

An interesting feature of the design is that all of the main rooms (the living room, the dining room and the studio) have french doors which open onto an adjacent patio, garden, or deck. This close relationship of indoors to outdoors, and the resulting juxtaposition of indoor and outdoor spaces, exemplifies the Second Bay Area style.

The exterior of the house is finished in shingles; the interior walls are wallboard painted white with many design elements such as light fixtures and mouldings that are consistent throughout the house. The structure is wood framed. The

interlocking, low-pitched roofs seem appropriate to their location among several tall pine trees.

Since Harris was practising in Southern California, he needed a local architect to supervise the work. For this he selected Hervey Parke Clark, an architect with offices in San Francisco. Clark was an excellent architect, well recognized as one of the Bay Area's important younger designers. He was a man of quiet temperament, but the addition of a third voice in the process may have contributed to some tension that apparently existed between the strong-willed clients and architect.

Few changes have been made since the house was built, with the exception of the kitchen which was remodelled by the present owners in 1988.

The Garden

The garage, gates and fences around the house were designed by Harris and are an integral and very successful feature of the design. Maximum use of the available space is made by dividing the garden into four distinct areas, separated by board and batten fencing. These fences are arranged in such a way that the interior of the house is entirely hidden from view as visitors enter the garden and approach the front door. The landscaping was designed by Geraldine Knight Scott, the noted Bay Area landscape designer, who was also considered as landscape designer for the Common.

The entry from the Common is particularly effective; it consists of a porch and a gently sloping brick stairway, lit by Japanese lanterns leading to a small formal garden in the Japanese style. This area features Japanese maple, sasanqua, flowering crab apple and species rhododendrons.

The patio garden outside the dining room is also in the Japanese style, but to the north of the house, the garden outside the studio is planted with California natives which fill the slope down to Rose Street and shelter the house from view.

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7 Greenwood Common

Date of Construction:	According to William Wilson Wurster, FAIA, in an interview in 1963, the house was built "c. 1932". Mr. and Mrs. Wurster lived in the house 1950-1953. According to present resident and owner, Mrs. Richard McDonough, who recently had some interior work done on the house, it is possible that an earlier house had been remodelled in 1932.
Architect:	Rudolph Schindler, a Los Angeles architect whose other work in the Bay Area is a house for Professor Kaun at Point Richmond.
Owners:	Warren Gregory, to 1950. William Wurster, 1950-1953. Dean, College of Environmental Design, University of California, Berkeley. Morley Baer, 1953-1972. Architectural photographer Addition by Henry Hill in the 1950's. David Wetle, artist, 1972-1973. Mr. Wetle died in 1973 after living a #7 for 12 to 18 months. Clifford Morse, 1974-1976. Architect Joan and Richard McDonough, 1976- Addition 1984, by Jay Claiborne Landscaping by Meacham & O'Brien Addition 1988-89 and remodeling by Gary E. Parsons, architect.

The architect for the house as it was known in 1932 has been identified by Dean Wurster as Rudolph M. Schindler, by that date a well known Southern California architect. Schindler was born in Vienna, Austria, September 5, 1887, educated at the Imperial Institute of Engineering and at th Vienna Academy of Fine Arts, and worked as an architect in Europe until 1914 when he emigrated to the United States.

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Schindler greatly admired the work of Frank Lloyd Wright (published in Germany in 1911), and it was this admiration and strong sympathy for the philosophy of Wright that drew him to the Chicago area. He became an assistant to Wright and when Wright went to Japan for the building of the Imperial Hotel, he sent Schindler (in 1920) to Los Angeles, where Wright's house for Aline Barnsdall was under construction. After Wright returned from Japan, Schindler remained in Los Angeles, where he had met many local residents and had no doubt found kindred spirits among many Europeans who had gravitated to Southern California, some to work in the film industry - artists, musicians, writers, and film directors.

Research to date has turned up very little work that Schindler did in the Bay Area. This house and a house in Point Richmond (1936) for Professor Kaun of the Slavic Languages department at the University in Berkeley, a remodeling for Prof. Mathurin Dondo, some furniture designed for a client named Perstein in 1933, are listed in the chronology of Schindler's work in the catalog for the 1967 exhibition in Los Angeles of his work.

Schindler was ahead of his time in his spatial concepts, and innovative in expressing them. While still a student, he wrote in a "manifesto": "The old problems have been solved and the styles are dead...The architect has finally discovered th medium of his art: SPACE. A new architectural problem has been born." Cezanne, Wright, Otto Wagner, Cubism, De Stihl - these fired his imagination and reinforced his developing philosophy of design, and in time became part of his work in his own individual expression. Three of his Southern California houses stand out: the Lovell Beach House at Newport Beach in 1926, the Buck House in Los Angeles in 1934, and his own house in Kings Road, Hollywood, in 1922. But there are many more in that area. The few Bay Area examples, while not outstanding as are those named, nevertheless lend luster by their origin to the Bay Area.

The many remodeling of the Greenwood Common Schindler make it difficult now to ferret cut the original. Even so, there is something individual about it, for all the ideas that have changed it through the years, and a careful study of Schindler work makes possible a good sense of the special genius of this singular and prophetic architect, to use Esther McCoy's phrase. She knew him well, having worked in his office during the war years.

Greenwood Commcn as it is in 1990 is a two story house, with three bedrooms and three baths, a study, living room, dining room and kitchen, with pantry. The entrance from the Common is from the parking area along a covered path which runs beside a small landscaped court on one side and the wall of

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one of the additions - Morley Baer's photographic darkroom and studio (added by Henry Hill), now used as a bedroom.

The small entry can be seen through a glass door, framed in wood painted black. The living room, though not especially large, seems nevertheless spacious because its spaoe flows through to the dining room, sunk below entrance level, and out beyond the house walls to a wide deck with a superb view to the Bay. Unlike the panoramic view so prized in sales talk, this view is tempered by the presence of trees which frame and enhance the beauty of the outlook. Sliding glass doors, floor almost to ceiling open the dining room to the deok.

The kitchen, added in 1988-89 by Gary Parsons, gets light from "clerestory" windows (this room is dug into the hillside), and borrows light from the large windows in the dining room. Parsons changed a short stairway in the living room to more appropriate form for the character of the room; it leads to a study, mid-level between living room and small sitting room and bedroom and bath. Above this level is another floor with two bedrooms and baths.

A walled garden juts out toward the central green, and can be reached through large-paned glass doors in the sitting room. Lawrence Halprin designed th garden during the time that the Morley Baers and their son Josh lived in the house.

This Schindler house, presumed to have been used by the Warren Gregorys as a guest house, is one of his relatively rare wood frame houses. He came to use concrete and stucco as materials that reflected and permitted more plasticity of form than wood. Windows are framed in wood (except for later additions). When the dining room was being remodelled in 1988-89, it was discovered that beneath the wood floor there had been a floor of brick. Was this once a patio? This may be one of the enigmas of architecture, unless research finds a way to discover its original intent.

In 1990, it is a house of great charm and warmth. Its recent remodelling has enhanced its character and greatly added to the comfort and enjoyment of the residents and their visitors, without changing the spaces and places of the house in more than minor ways.

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8 Greenwood Common

Date of Construction: 1953

Architect: Howard Moise, Professor of Architecture at the Department (later School) of Architecture, University of California, 1887-1965.

Howard Moise was born in New Mexico, but was not there long: his family moved to Los Angeles when he was four years old, and he was educated in that city's schools. He began his training in architecture in the office of Myron Hunt, an architect of unusual perception, who was an early exponent of modern ideas in design, and an ambassador of California's special climate and topographical assets.

He went on to study at Harvard, where he received the B.A. and M.A. degrees in architecture, was elected to Phi Beta Kappa (not often bestowed on students in architecture), was a member of the Signet Club and editor of the Harvard Lampoon.

For several years he worked in architectural offices in New York City, principally in those of James Gamble Rogers, where he was made responsible for the exterior design of the "first vertical hospital" - Columbia Presbyterian Medical Center - a high rise hospital. In 1933 he was asked to come to the University of California at Berkeley as professor of architecture, a post he occupied until retirement in 1954. He initiated a course in Planning and one in Housing, intended for non-architecture students, as a means of educating public officials in the issues and basics of those fields. An able and sensitive designer himself, he became an exceptional teacher both in those courses and in design courses for

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architecture students. Throughout his teaching career, and in line with department custom, Professor Moise maintained a small office for the practice of architecture, where he designed a number of unusually fine residences in Berkeley and Contra Costa County. One of his best known works was the remodeling and additions to the President's House on the Berkeley campus.

Moise died in 1965 at the age of 78.

Owners:

Mrs. W.W. Douglas, original

Victor and Annie Mae Jones, 1966-1985

Elliot E. Porter, 1985-

The House at 8 Greenwood Common

The house is a one story house situated on the southeast corner of Greenwood Common. The lot is small, and so is the two-bedroom house, but Moise made the most of the opportunities it offered. Unlike the other houses on the Common, its original garage opened directly off Greenwood Terrace, and shields the house to some extent from automobile traffic along this access road. (The garage was converted into a study by the Jones, and a carport next to the original garage was added, also opening directly to Greenwood Terrace.) To the south the house is bounded by the easement leading to garages for #9 and #10. On the north is a pedestrian walkway lined with flowering plum trees, one of the features of the Common. On the West was a charming entry garden, shared with #9. The current owner has enclosed it, however, with a tall wrap-around fence.

Mrs. Douglas was a widow when she built her L-shaped house. It is a "cozy", not a showy, place. It makes no strong architectural statements, but is obviously a reflection of the client and her requirements. The house has no view, but the architect's clever use of the space available provided a private patio on the sunny side of the house (which also acts as a buffer against traffic along Greenwood Terrace, the access road to the Common). The large living room encompasses a dining space which can be closed off by folding panels.

Here, and in the Blaisdell and Maenchen houses, the wood exterior boards are drop-sided to give a flush-set

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appearance - a statement of the simplicity their architects believed in and wanted to certify.

This is one of three Common houses to have a pitched roof - a perhaps less simple form than a flat roof would have provided - but suitably handled here as to scale, and appropriate to the character of the house.

The condition of the house seems good, but some of the exterior boards are beginning to buckle, on the south and west sides, where the sun strikes with the greatest fervor.

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9 Greenwood Common

Date of Construction: 1954

Architect: (Albert) Henry Hill

Born in England where his father had business, Henry Hill (called Albert in his early years) came to Berkeley at the age of 4, was educated in Berkeley schools, and lived in this city until he retired and moved to his home in Carmel in 1971. He died in Carmel at the age of 72.

After graduating from the University of California, Berkeley, with a B.A. in architecture, Hill attended Harvard University, studying with the renowned German architect, Walter Gropius, and graduated with an M.A. in architecture. Gropius and the International Style were influences on Hill's work, but he was nevertheless essentially a Bay Area architect, and his houses were internationally known for their charm and grace as well as their straightforward, open and basically simple designs. Hill was an individualist, and whatever influences he absorbed from whatever sources--the early Bay Area architects, the International Style, French Impressionist painting, music (he designed his houses to the strains of classical music)--became so much a part of him that he seemed to extract and meld into his own interpretation the significant aspects that played into each concept. He was sensitive to the elements of design, and so well trained in their architectural application, that his work shows no false moves in scale, proportion, appropriateness; his houses are restrained yet warm and inviting, simple in plan, spatial concept and flow, and rich in the experience of architecture.

He was the architect for some larger projects: the Longshoremen's Hiring

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Hall in San Francisco (1950) is a large concrete-framed, domed structure in the Fisherman's Wharf area of the waterfront. Hill won the commission in a competition held by the Union. Among his near 500 designs for houses is the large housing project for embassy employees in the Vienna Woods, just outside Vienna, Austria. In this country he had clients in Illinois, Kentucky, Connecticut, and Southern California in addition to various locations in Northern California and, of course, the Bay Area.

Henry Hill began the practice of architecture in the office of John Ekin Dinwiddie, one of the younger architects in the Bay Area and an innovative and generous architect who later became Dean of the School of Architecture at Tulane University, New Orleans. After Hill returned to the Bay Area when his service in World War II was over, he became a partner in the firm of Dinwiddie and Hill. For a brief period, the firm included the distinguished German architect Eric Mendelsohn (Dinwiddie, Mendelsohn and Hill 1946). From 1947 to 1965 he practiced as Henry Hill, Architect; in 1965 the firm became Hill and Kruse (John Kruse had been his long-time associate). After leaving Dinwiddie, the Hill offices were at 555 Clay Street, an address to which architects from many parts of the world found their way to visit and confer with Henry Hill.

Hill was not daunted by the size of a commission. He designed a house in Kensington which he called "The Peanut" because it was so small. But it was eminently liveable, and in the few times it has been on the market, has been so sought after that its price now has skyrocketed. Another small one was done for a client who said to him "Do architects design houses for clients with a total budget of $10,000?" "Of course," Hill unhesitatingly replied.

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And he did a delightful house and garden on a hilltop lot which gave joy as well as satisfaction to its owner.

Owners:

Original: Dr. and Thomas C. Blaisdell. Dr. Blaisdell was professor of political science at the University of California from 1951 until he retired. During the Truman and Roosevelt administrations he held a number of high positions, including that of Assistant Secretary of Commerce under President Truman. He was one of the major planners of the Marshall Plan. He died in December 27, 1988.

Mrs. Blaisdell was Catherine Maltby of Connecticut, a graduate of Columbia University with B.A. and M.A. degrees. She was a well-known teacher of remedial reading, at Sara Dix Hamlin School in San Francisco and at Hillside School in Berkeley. She was active in the University Y.M.C.A., League of Women Votes and the Town and Gown Club. She died at the age of 86 in 1979.

Subsequently, after Dr. Blaisdell's death, from June of 1989, Diane and David WeberShapiro. Mr. WeberShapiro is a real estate operator and builder.

The house built for the Blaisdells is small and compact, making the most of the small flat lot on the south side of the Common. The bedrooms are rooms with walls, doors and windows, but the rest of the house is "open plan," very typical of Hill's approach to design. A large plate glass fixed panel opens the living room to a grassy lawn on the west side, held in place by a low retaining wall. There are two bedrooms and a study with a small fenced garden to the south. Entrance was from a garden court shared with the house at #8; both houses gained in the arrangement. On the north the house is bounded by the allee of flowering trees that leads to the original common area and its great view to the Bay. The corner kitchen wall was made up of panels of plywood painted in soft shades of blue and rose, and of glass in the same shape which admit daylight over the sink.

Hill's houses are always a delight to be in, to live in and to use. He was an imaginative, innovative designer whose

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joy in life and thoughtful concern for others was integral with what he designed.

The condition of the house seems to be fairly good. Some interior changes have been made since June of 1989, and the exterior window space has been increased, taking the place of painted plywood panels, but otherwise it is essentially as originally designed and built.

The low profile of the house is appropriate to its location of the Common, unobtrusive visually and respectful of sun for the trees and lawn.

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10 Greenwood Common

Date of Construction: 1952

Architect: John Funk.

John Funk was born in Upland, California. He is a graduate of the University of California Berkeley (B.A. and M.A. in architecture). After graduating, Funk worked in the offices of William Wilson Wurster in San Francisco for several years, leaving to travel abroad for a year. Then he returned, opened his own office, and although more or less retired in 1990, continues as John Funk, Architect.

The 1945 publication of Built in USA by the Museum of Modern Art in New York, featured Funk's house for Marvin L. Heckendorf in Modesto on the dust jacket and in the book, and its earlier publication in Architectural Forum (March 1941) gave his practice a big boost nationally, marking him as one of important younger architects of the period, along with Hill, Esherick, Dinwiddie and, of course the older masters, William Wurster and Gardner Dailey.

The Heckendorf House (1815 Patricia Lane, Modesto) is "remarkably free of personal idiosyncracy on the part of client or architect...and has a classic dignity and restraint," said Elizabeth Mock in Built in USA. This freedom from idiosyncracy, and the classic quality of its restrain and dignity are hallmarks of Funk's work. His work--whether in houses, apartment buildings or the large School of Dentistry at the University of California in San Francisco, is clear, crisp in detail, elegantly simple.

Owners: Professor and Mrs. Otto Maenchen. Mrs. Maenchen was still living in the house in 1990. Prof. Maenchen died some

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years earlier. Prof. Maenchen was a professor of history of art at the University; Mrs. Maenchen is in fact Dr. Anna Maenchen, a psychiatrist, who until recently practiced from this house.

As of this date (February 1990), the Maenchens have been the sole owners and occupants of #10.

The Maenchen House well represents Funk's qualities as an architect. The location of the lot at the western end of the southern side of the Common gave it inherent prominence but imposed restraint in expressing that important position relative to the other houses. Funk's solution was to keep the profile of the house low, but to give it interest by designing the roof as a shallow V, a form often called "butterfly roof." This visually notable distinction recognized the important location without violating the low line of demarcation for the southern boundary of the Common which had been the Wurster concept: the roofs on the south side are at almost the same height the length of the row.

Designed as a two story house (possible because of the lot's slope to the west), the main floor was used by the owners, and Mrs. Maenchen's mother occupied the "mother-in-law apartment" on the lower level.

The H-plan of the house places bedrooms and Prof. Maenchen's study in a wing toward the east, connected by a glass-walled entrance gallery to the social rooms on the west, with a broad view of the Bay and hills of San Francisco and Marin Counties, and the Bay and Golden Gate bridges. A sunny patio makes for views on an intimate scale from master bedroom and living room. A landscaped entry court, planted simply, appropriately echoes the simple landscaping of the Common to the north.

The exterior siding, stained dark reddish brown (or brownish red), is set vertically to offset the low height of the house. Prof. Maenchen's study is finished in redwood. The house is wood framed, and has a large crawl space under the upper floor areas on the east; the lower floor is on a concrete slab.

In February 1990, the original integrity of the house has been maintained intact.

The condition of the house in February 1990 appears to be relatively poor, needing repairs. The owner has been very

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ill for some time, and is now very old, so this is not surprising. Nevertheless, what the house is remains clear and its elegance is not impaired.

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Greenwood Common

IV. The Landscape Plan

A) Design and Evolution
B) Significance

S.B. Master

Feb 18, 1990

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Greenwood Common: The Landscape Plan

(a) Landscape Plan Design and Evolution

In the book "Lawrence Halprin: Changing Places", published in conjunction with the exhibition of the same name which took place at the San Francisco Museum of Modern Art from 3 July to 24 August 1986, Mr Halprin's work on Greenwood Common is described as follows:

> On a 2.5 acre site purchased and subdivided by William Wurster into twelve individual lots and a shared open space, Halprin designs five of the private gardens and a common area as a centerpiece for the development. Addressing the idea that suburbs lack communal parks, each lot has access to the half-acre common, while each house sits on a small, private, low-maintenance lot skirting the common. The plan allows all residents to enjoy a view of San Francisco and the Golden Gate Bridge. This project will later influence Halprin's approach to The Sea Ranch by clustering houses around a shared common space. Gardens include Ackerman Garden, Baer Garden, Maenchen Garden, Schaff Garden, and Wurster Garden. Completed 1958.

That Mr Halprin was an excellent choice to provide the balance of man-made and natural that the Greenwood Common site called for is suggested by a comment of Proctor Melquist, editor of Sunset Magazine, who noted about Mr Halprin "Lawrence Halprin is concerned with every mark man makes upon the land and every move man makes across the land. If Halprin's philosophy is wide-ranging, his practice of landscape architecture and environmental planning tends to prove his point."

Another telling comment appears in critic Elin Schoen's review of Mr Halprin's book "Cities", in which Schoen notes that Halprin "makes it obvious that man-made habitats can be as pleasant to live and be in--that they are, in their way, as natural as pristine green ones."

Mr Halprin had become involved in the Common at a very early stage, as he explained in a letter to Mr Morley Baer dated 28 January 1955 (Exhibit 1). "...When the Common was first being developed, Mr Wurster asked me to come over from San Francisco and advise him on the trees to plant on either side of the walkway into the Common. This I did as a simple courtesy to him and advised the plums and their present spacing ...This is essentially all I did, although I believe I also suggested the gravel on either side of the asphalt walk, the type of toping and the width of the walk."

When it came time, several months later, for the owners to consider the overall landscape of the Common itself, as closely associated as Mr Halprin already was with Greenwood Common, his selection as landscape architect was not preordained. On 29 June 1955, 30 June 1955, and 20 August 1955 a committee of

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owners (Mr Baer, Mr Ackerman, Mrs Douglas, and Mrs Birge) interviewed Lawrence Halprin, Geraldine Scott, and Robert Tetlow for the job. Each gave different suggestions, recorded in the committee's notes (Exhibits 2, 3, 4). Mr Halprin "favored leaving the Common as simple and open as possible. He felt the most satisfactory ground cover would be grass...A large open area of this sort would truly supplement the small gardens and play areas of the individual lots...The area should function as a community center rather than as a strictly decorative piece."

Geraldine Scott "favored planting trees heavily in spots, lightly elsewhere, and leaving open space for recreation. She was not enthusiastic about the Board's desire for ground cover or tanbark (too windy), suggested pebbles or grass, preferably the later a cheapest to install (though not to maintain)."

Mr Tetlow "was concerned about a sense of entrance to the Common, both from the green path and from the north access drive. He thought the entrance to the green path from Greenwood Terrace might be enhanced, and a unified border on the north access road would help. He also expressed the need for a sense of unity for the houses facing on the Common."

By 25 September 1955, the date of a letter to Mr Halprin (Exhibit 5) , Mr Halprin had been selected. It has been suggested that this was as much for his ability to pull together the group, and his vision of touch football matches on the Common, as for the simplicity of his preliminary plan discussed with the Committee in June.

A contour map was provided Mr Halprin on 8 October 1955, prepared by Elmer F Steigelman, Consulting Engineer, for a fee of $25. Then began a series of letters and discussions between Mr Halprin and the Greenwood Common's landscape committee, based on Greenwood Common Inc's decision, at their board meeting on 5 October 1955, to proceed with the landscaping. (Exhibit 6).

Work on the preliminary plan began, and by 3 April 1956 both a preliminary cost estimate ($7402), and a Statement for the Greenwood Common Landscape Plan-upon completion of preliminaries ($250) was submitted by Mr Halprin. It is interesting to note that four benches and a cast fountain were included in these preliminary estimates. (Exhibit 7).

This estimate apparently proved rather high for the owners to undertake all at once, and Mr Halprin was asked to provide a plan for proceeding in stages. (Exhibit 8). Meanwhile, the owners reviewed Mr Halprin's preliminary plan, and provided suggestions for changes; there was much concern to eliminate any unnecessary expense, and to safeguard views by the planting of light airy trees and low shrubs.

By 14 May 1957 the plan had been agreed upon, and bids were submitted on 25 June and 3 July by Tak H Sakanashi, the landscape contractor associated with

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Halprin's firm. (Exhibits 9 & 10). On 1 May 1958 another bid was received from Mr Sakanashi for the installation of the lawns. (Exhibit 11).

Looking back on the project from the vantage point of 1989, Mr Halprin wrote the following:

> "The Greenwood Commons project was a unique and avant garde project for its time. There was a wonderful collaboration of landscape and architecture. It was evidenced by the congruence of the modest, elegant architecture which was all of a Bay Area Modern style--all in scale and built around a common area.
>
> All of this has given the project a unique quality for which it has become widely known. It therefore seems important to maintain this remarkable quality, and not alter it."

(b) Landscape Plan Significance

It is difficult, if not impossible, to evaluate the significance of Lawrence Halprin's Greenwood Common landscape plan in isolation, so intertwined is it with the design of the houses. And that, in many ways, is the basis of the Common's great success and significance; it is a finely balanced "wonderful collaboration of landscape and architecture," consciously designed, and very much an expression of the 1950's Second Bay Area Style. Fortunately for us today, the designed landscape retains its integrity of location, design intent, materials, workmanship, and overall feeling. The design of the landscape, placement of the building sites, paths, plantings, driveways, and lighting is complementary to and totally integrated with the architecture.

As such, the Greenwood Common landscape, its relation to the houses, and the houses' relation to each other, can be seen as one of, if not the, most successful expressions of "Postwar Dreams", as this aesthetic is referred to by Roger Montgomery in his essay "Mass Producing Bay Area Architecture", published in the book "Bay Area Houses", Sally Woodbridge, editor. Montgomery writes:

> Among the most interesting of these efforts at idealized postwar environments were those that the architects developed for themselves. All across the country, as the Second World War ended, architects helped bring into existence small communities that integrated more or less successfully Modern design, responsible and conservative land management, the spirit of communitarianism and cooperation, and an enlightened upper-middle-class life style. In the west, these ideals produced communities like Mutual Homes in Los Angeles. Best known and most complete among Bay Area examples is Ladera on the San Francisco peninsula...
>
> Much less idealistic, more pragmatic, somewhat later, and more conventionally architectural rather than social, another project of the postwar era, Greenwood

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Common, merits special mention...Wurster subdivided the land in a very special way...The resulting cluster plan became a milestone in group housing design, in a sense the first of the planned unit developments (PUDS) that by the 1970's would dominate Bay Area mass housing...The themes of Greenwood Common, planned unit design of dwelling groups married with an exaggerated effort to individuate each actual dwelling, led to the ubiquitous condominium vernacular of the late sixties and early seventies.

The role of Halprin's landscape plan in consummating this marriage cannot be overestimated. His retention and highlighting of the existing Monterey pines, the simple, perfectly placed plum walkway and other paths, the broad, naturalistic swath of meadow, the minimal use of showy plant materials in favor of natives and other drought tolerant selections; all reiterate and reinforce the inherent unity and unpretentiousness of Wurster's vision.

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GREENWOOD COMMON, INC.

LAWRENCE HALPRIN
landscape architect

JANUARY 28, 1955

MR. MORLEY BAER
7 GREENWOOD COMMON
BERKELEY, CALIFORNIA

DEAR MORLEY:

THANKS FOR YOUR INQUIRY ABOUT MY INTEREST IN GREENWOOD COMMON. PLEASE LET ME ANSWER AS BEST I CAN.

FIRST, I HAVE BEEN TOLD BY VARIOUS PEOPLE THAT MY PLAN FOR GREENWOOD COMMON WAS NOT ACCEPTABLE. I WOULD LIKE AT THE START TO CLEAR UP MY RELATIONSHIP TO THE COMMON AND THE PEOPLE BORDERING IT. WHEN THE COMMON WAS FIRST BEING DEVELOPED, MR. WURSTER ASKED ME TO COME OVER FROM SAN FRANCISCO AND ADVISE HIM ON THE TREES TO PLANT ON EITHER SIDE OF THE WALKWAY INTO THE COMMON. THIS I DID AS A SIMPLE COURTESY TO HIM AND ADVISED THE PLUMS AND THEIR PRESENT SPACING. THE USUAL FLOWERING STREET TREE IN BERKELEY IS PLUM OR PEACH AND THE PEACH IS SO SUBJECT TO FIRE BLIGHT (A DIFFICULT DISEASE TO CONTROL) AS TO MAKE IT, I BELIEVE, A POOR STREET TREE SELECTION. THIS IS ESSENTIALLY ALL I DID, ALTHOUGH I BELIEVE I ALSO SUGGESTED THE GRAVEL ON EITHER SIDE OF THE ASPHALT WALK, THE TYPE OF TOPPING AND THE WIDTH OF THE WALK. I MADE NO PLAN FOR THE COMMON AND REALLY COULD NOT HAVE, SINCE I KNEW NOTHING, AT THE TIME, NOR DO I NOW, OF THE USE WHICH ITS PEOPLE WANTED TO MAKE OF IT AND HAD SPOKEN TO NO ONE ABOUT IT.

THE ONLY PLAN I HAVE EVER DEVELOPED FOR YOUR AREA IS THE GARDEN I DESIGNED AND SUPERVISED FOR MR. AND MRS. MAENCHEN. IN ADDITION, MRS. DOUGLAS ASKED ME TO ADVISE HER ON HER PLANTING AND I SPENT A SHORT AND PLEASANT HOUR WITH HER ONE DAY LAST YEAR SUGGESTING PLANTS SHE MIGHT FIND REWARDING IN HER GARDEN--THOUGH THE ACTUAL PLAN OF HER OUTDOOR AREA WAS DESIGNED BY THE ARCHITECT FOR THE HOUSE, MR. MOISE.

SECOND, AS TO THE DEVELOPMENT OF PLANS FOR THE COMMON, I WOULD MAKE THE FOLLOWING SUGGESTIONS:

1. THAT A COMMITTEE OF GREENWOOD COMMONERS DETERMINE A PROGRAM FOR THE COMMON WHICH WOULD INCLUDE THE USES TO WHICH IT WOULD BE PUT, COST OF INSTALLATION, AMOUNT OF MAINTENANCE IT WOULD RECEIVE, STAGES OF DEVELOPMENT, AND THE "QUALITY" THEY WOULD LIKE TO HAVE, ETC.,ETC.

2. THAT SURVEY INFORMATION BE ORGANIZED OF THE AREA UNDER CONSIDERATION.

3. THAT THEN THE COMMITTEE DISCUSS THE DESIGN OF THE AREA WITH WHATEVER OFFICES IT DESIRES THROUGH A SERIES OF PERSONAL INTERVIEWS, PREFERABLY, TO DETERMINE FEES AND THE DESIGN

Exhibit 1

(62)

ATTITUDES OF THE LANDSCAPE ARCHITECTS UNDER CONSIDERATION.

IF YOU SHOULD WISH, I WILL BE HAPPY TO PARTICIPATE IN SUCH DISCUSSIONS WHEN THE TIME COMES, AND PLEASE LET ME KNOW IF I CAN BE OF FURTHER ASSISTANCE.

VERY TRULY YOURS,

LAWRENCE HALPRIN
LH/AT

Exhibit 1 (cont)

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REPORT ON DISCUSSION WITH LAWRENCE HALPRIN ABOUT THE COMMON, JUNE29, 1955.

Members present were Mr. Baer, Mr. Ackerman, Mrs. Douglas, and Mrs. Birge.

Mr. Halprin favored leaving the Common as simple and open as possible. He felt that the most satisfactory ground cover would be grass. His second choice was the existing rye grass. He thought that maintainance need not be excessive, and the area could then be used for a variety of purposes, from relaxation in the sun to passing a football. A large open area of this sort would truely supplement the small gardens and play areas of the individual lots. Mr. Halprin thought that plantings should be kept to the periphery, and a minimum of trees fused. The area should function as a community center rather than as a strictly decorative piece. Mr. Halprin felt strongly that the existing path to the Maenchen house cuts up the area badly and should be moved. Probably the last two plum trees should also be moved.

Mr. Halprin suggested working on an hourly basis. He charges $10.00 per hour for his ~~phi~~ time, and $6.00 per hour for office time. He thought a preliminary plan would cost about $200.00 on this basis. He estimated the cost of grass and sprinklers as roughly 20¢ per square foot, and asphalt at 30¢ per square foot.

Ann C. Birge

Exhibit 2

(64)

REPORT ON DISCUSSION WITH GERALDINE SCOTT ON LANDSCAPE PLANS FOR THE COMMON, JUNE 30th, 1955

Members present: Mr. Baer, Mr. Ackerman, Mrs. Birge.

Mrs. Scott favored planting trees heavily in spots, lightly elsewhere, and leaving open spaces for recreation. She was not enthusiastic about the Board's desire for ground cover or tanbark (too windy), suggested pebbles or grass, preferably the latter as cheapest to install (though not to maintain). Favors a new bluegrass that needs cutting only every 2 weeks, easy to maintain, rugged. Requires watering weekly, more in dryest spells. Initial stages need more regular care. She advised a gardener on contract.

Watering systems for grass improved. Recent rubber pipe systems can be employed after lawns are down, so decision does not have to be made at the start.

Any work done on the common requires some grading and soil work, and whatever is planted will involve 20¢ a foot minimum

Trees: Monterey pine is not a good bet since it tends to develop a disease common at present. Bishop pine looks very much the same, and is hardier. The original thick planting in spots could be thinned later as desired. Members of the common might find the new growths blocked their view at a certain point, but the plan would be to have them grow above the view.

For childrens play space large, smooth stones can be attractive and fun. $250 would give us a sizable mound of good ones.

No final decisions on parking. Mrs. Scott did not want to make conclusions without an adequate map of the Common.

A fund was advised for the care of the pines that are already on the common. Mrs. Scott suggested that a growth of this age may not survive long.

Price. Mrs. Scott estimated that her design fee would be about $3C~. she suggested that she be retained afterward to supervise, since the maintenance ought not to be left uncontrolled.

Exhibit 3

(65)

REPORT ON DISCUSSION WITH ROBERT TETLOW ABOUT THE COMMON.

AUGUST 20, 1955

Members present were Mr. Baer, Mr. Ackerman, and Mrs. Birge

Mr. Tetlow was concerned about a sense of entrance to the Common, both from the green path and from the north access drive. He thought the entrance to the green path from Greenwood Terrace might be enhanced, and a unified border on the north access road would help. He also expressed the need for a sense of unity for the houses facing on the Common. Mr. Tetlow liked the position of the existing walks, and thought that the plant material used in the southeast corner of the Common might be different from that on the rest of the Common. He liked the existing fence on lot #7 but thought the corner might be softened with plantings. The slight slope between lots #6 and #7 that gives a feeling of the Common declining into lot #7 might be leveled. He was very interested in doing the job and estimated his charge for a preliminary plan as $100.00.

notes by Ann C. Birge

Exhibit 4

(66)

Sept. 25, 1955.

Mr. Lawrence Halprin
566 Commerc ial St.
San Francisco 11, Calif.

Dear Mr. Halprin,

In connection with survey information on Greenwood Common, Mr. Elmer Steigelman has already made up a map of the Common showing contours at five foot intervals. He thought, however, that you would probably need a map showing one foot intervals. He can make up such a map from information he has from his previous survey for a fee. Would you please let me know what sort of map you will need for your lanscape plan? I will try to call you Monday about this detail so that a decision can be reached at the directors' meeting Monday evening.

The annual meeting of the membership of Greenwood Common, Inc., will be held on Wednesday evening, October 5. We will consider the requirements for the landscape plan of the Common and hope to get all the suggestions from the members at that time. If you have considerations that should be on the agenda that evening, would you please let Morley Baer or myself know them before Oct. 5? The basis for consideration at the present time is ~~is~~ contained in the following section taken from the minutes of the directors' meeting of June 2, before our preliminary discussion with you:

> After considerable discussion, the Directors compiled the following list of requirements for the Common Property. (1) The plan should be simple in form, and an open feeling should be maintained. (2) Native plants should be used that would not require watering after they were once established. (3) There should be a ground cover that would keep the adobe soil from cracking. (4) Some area should be left without plantings for children's play. This area, possibly covered with tanbark, might be out on the brink of the hill to the south of lot #7. Although there would be no play equipment at present, a play soulpture or large wooden stumps might be considered in the future. The Directors did not think swings would be available for adult relaxation with a book and a blanket. (6) Definite plans should be made for replanting the pine trees. (7) Any plan should be designed to carry well into the future. (8) More adequate use of the parking area should be made than at the present time, but the area should not extend more than a few feet further into the Common. (9) A walk is needed from the parking area to the center of the Common, with a ramp up onto the level of the Common in place of, or in addition to, the existing steps. (10) Money should be set aside at the beginning for maintaining the plantings while they are getting established.

We will also consider grass as a ground cover, as suggested by you in our meeting with you on June 29. We would certainly welcome further suggestions from you for discussion Oct. 5.

Very sincerely yours,

Exhibit 5

Ann C. Birge, Secretary
1 Greenwood Common

(67)

Mr. Lawrence Halprin
566 Commercial Street
San Francisco 11

Dear Larry:

I have been appointed to take Morley's place as Chairman of the Landscape Committee for Greenwood Common. The Committee has asked me to meet with you to proceed with the preliminary plan for the landscape development. Before we meet, however, I would like to set down what I understand to be the feelings of the membership on what ought to be included in the instructions to you. I am authorized to speak for the membership until you have completed the preliminary, after which we will call another meeting to discuss what appears there.

In addition to what I am setting down below, I shall send you our reports relating to landscaping in the past. These include(a)report of a discussion with Robert Tetlow, (b) report of a discussion with Geraldine Scott, (c) report of a discussion with yourself, (d) a list of suggestions to the membership on the character of building and environment desired on the Common, (e) mimutes of the Board meeting of October 5th, 1955, in which we resolved to proceed with the landscaping. The following notes are largely based on the last meeting of the Landscape Committee on November 21, 1955. They should be considered as additions to the proposals set down in Mrs. Birge's letter of September 25th to you, which will probably be in your files.

CENTRAL AREA

1. Grass is understood as an acceptable ground cover. The toughest possible, requiring the least care. If the program is to be achieved in stages, the ground cover is to have a low priority.
2. "Reforestration". Note that Mrs. Scott's objection to Monterey pine should be answered if this kind is suggested. The membership is not necessarily committed to pines. There is some difference of opinion on a planting scheme that might cause blockage of the view during the early years of growth.
3. The play area for children should be considered as having low priority in gradual scheme.
4. The walk that angles in towards the Maenchen door, if it is to be changed, should not be designed so as to bring passersby along the Blaisdell fence or the M. windows. Though a change is generally wanted, both of these families are concerned for their privacy. A compromise solution is in order.
5. A walk is needed from the parking area to the path mentioned above.
6. Low lights for pedestrians along the access from Greenwood Terrace to the Maenchen's and from G.T. to the Baer's should be provided, possibly to be supplied with power at the expense of individuals nearest to them.

Exhibit 6

(68)

7. The present plum trees along this property line are not highly regarded by the members, though putting others in their place would be encouragement in the beginning.

PARKING

8. The development of the parking area in front of the Baer's is considered among the most important initial steps. It should follow suggestions 8 and 9 of Mrs. Birge's letter.

9. The driveway leading to this area may be widened to its full width, and the possibility of using one side of it for parking, given enough room, should be considered.

ACCESS DRIVEWAY

10. The mouth of the driveway towards Greenwood Terrace should be such as to suggest entrance, a focus.

11. The owners of property on the North side of this driveway are considering planting in a uniform fashion and would like to have a scheme presented that they could carry out individually. Involving the few feet of border along the drive.

ROSE STREET

12. The suggestion made in Item 11 goes also for the 20 foot setback area along Rose Street. A single scheme involving the four rear gardens of a general sort would be helpful. It should be rough enough to allow full play for individuality, and need not be drawn up in any detail.

Development: We have at present $600 a year. Additional assessments can be made by unanimous vote. This has a drawback that if the assessment gets too heavy it will not be worth it for the members of the Common who are not around to pass on it. One member is selling his property and naturally doesn't want to sink much into it, though he is willing to do a little to improve the sale value. Our $600 must take care of maintenance etc., and such things as typing this letter. As the minutes state, the decision on how to finance the work will depend on the discussions over the preliminary plan, so it is difficult to say much more about the financial end at this time.

I am sending you this material so that when you want to meet with me you will be clearer on what the problems are. I will wait for your answer as to when we can meet. You can reach me most afternoons at the University, extension 715. If not, try the Ark, extension 549, or my home evenings, Ashberry 3-4090. If we don't contact by next week, I will ring you.

Cordially yours,

J. S. Ackerman

Exhibit 6 (cont)

(64)

PRELIMINARY COST ESTIMATE

1.	BREAKOUT AND REMOVE PATH			$100.00
	GRADING			300.00
2.	GRASS	4128 SQ.FT. @ .20		825.60
			w/ SPRINKLERS	100.00
	HEADERS AT EDGE OF GRASS 130'-0" @ .75			100.00
3.	IVY	2400 SQ.FT. @ $10 PER FLAT		240.00
4.	WALKS	1728 SQ.FT. @ .30		518.40
	HEADERS	576' PLUS 112 = 688 @ .50		344.00
5.	BENCHES	4 @ $125		500.00
6.	WOOD BULKHEAD	100 FACE FT. @ $2		200.00
7.	ROAD	WIDEN TO 20'	2820 SQ.FT. @ .30 = 846.00	
		REPAVE COURT	1911 " .20 = 382.00	
		PARKING SEWER	266 " .20 = 56.00	
		DRAINS & DRAINAGE	150 " @ $5.00 = 750.00	2034.00
8.	HOSE BIBBS			150.00 PLUS OR MINUS
9.	LIGHTING FIXTURES (HANSCHEN & GODDARD)	4 @ $60.00		240.00
10.	SOIL PREPARATION, PLANTS, PLANTING		ALLOW	1000.00
11.	FOUNTAIN	CASTING $400		
		PIPING 100		
		PUMP INSTALL 100		
		SPOUT 50		
		PAVING 100		
		750		750.00
				$7402.00

(NOT INCLUDED BECAUSE INFORMATION NOT IN HAND AT MOMENT - CONDUIT AND SWITCHES FOR PATH LIGHTS-FIXTURES AS ABOVE)

RWD 6 x 8 AS STEPS TO LOWER STREET NOT INCLUDED - $450.00

COPY

LANDSCAPE ARCHITECTS

SSOCIATES · JEAN WALTON · DONALD RAY CARTER · SATORU NISH

AWRENCE HALPRIN 737 BEACH STREET SAN FRANCISCO 9, CALIFORNIA ORDWAY 3-47

Exhibit 7

(70)

MR. JAMES S. ACKERMAN
2573 BUENA VISTA WAY
BERKELEY, 5, CALIFORNIA

APRIL 3, 1956

S T A T E M E N T

GREENWOOD COMMON LANDSCAPE PLANS - UPON COMPLETION OF PRELIMINARIES . . $250.00

COPY

LANDSCAPE ARCHITECTS

SSOCIATES · JEAN WALTON · DONALD RAY CARTER · SATORU NISHITA
WRENCE HALPRIN 737 BEACH STREET SAN FRANCISCO 9, CALIFORNIA ORDWAY 3-4750

Exhibit 7 (cont.)

(71)

GREENWOOD COMMON

STAGE # ONE

1. ROAD	WIDEN TO 20'		$846.00	
	REPAVE COURT		382.00	
	PARKING ~~SEWER~~ SLIVER		56.00	
	DRAINS & DRAINAGE		750.00	
			2034.00	$ 2034.00
2. WOOD BULKHEAD				200.00
3. LINE STUBOUT FOR FUTURE SPRINKLER				150.00
				2384.00

STAGE # TWO

SOIL PREPARATION-PLANTS-PLANTING	1000.00
INSTALL HOSE BIBBS	150.00
	1150.00

STAGE # THREE

GRASS WITH SPRINKLER	925.00
GRADING	300.00
	1225.00

STAGE # FOUR

WALKS	518.40
HEADERS AT WALK	344.00
HEADERS AT GRASS	100.00
REMOVE EXISTING PATH	100.00
IVY	240.00
	1302.40

STAGE # FIVE

BENCHES	$500.00	
LIGHTING	240.00	
FOUNTAIN	750.00	
	1490.00	1490.00

LANDSCAPE ARCHITECTS

ASSOCIATES · JEAN WALTON · DONALD RAY CARTER · SATORU NISHI

LAWRENCE HALPRIN 737 BEACH STREET SAN FRANCISCO 9, CALIFORNIA ORDWAY 3-4

Exhibit 8

1633 Cowell Avenue, Berkeley 2, California • Phone LAndscape 6-4621

June 25, 1957

(72)

Mr. James Ackerman
3 Greenwood Common
Berkeley, California

RE: LANDSCAPE CONSTRUCTION FOR

Greenwood Common
Berkeley, California

I hereby agree to do the landscaping in accordance with the plan submitted by Lawrence Halprin, Landscape Architect (Revis. 5/14/57), for the lump sum of $3,500.00 (Three thousand five hundred dollars).

The base bid includes Items A, B and C. If Item A is replaced by either Alternate #1 or Alternate #2, deduct $180.00 (One hundred eighty dollars) from the base bid.

It is also understood that the catch basin as shown on the plan has been omitted and replaced by a curved gutter on each side of the driveway and draining to the lowest point in the existing driveway.

Payment shall be as follows:
One third ($1,166.00) upon signing of this contract.
Balance, to be paid progressively at the end of the month.

When all the work has been completed, the area will be cleared of all debris, etc., caused by my crew.

Sincerely,

Tak H. Sakanashi

TAK H. SAKANASHI

APPROVED BY:

(James Ackerman - Representing Greenwood Common

DATE: _____

Exhibit 9

(73)

Mr. James Ackerman
3 Greenwood Common
Berkeley, California

RE: LANDSCAPE CONSTRUCTION FOR

The Greenwood Common
Berkeley, California

I hereby agree to do the landscaping in accordance with the plan submitted by Lawrence Halprin, Landscape Architect (Revised 5/14/57), for the lump sum of $2,420.00 (Two thousand four hundred twenty dollars).

The base bid includes Items B, and C. Item A has been omitted.

It is also understood that the catch basin as shown on the plan has been omitted and replaced by a curved gutter on each side of the driveway and draining to the lowest point in the existing driveway.

Payment shall be as follows:
One third ($807.00) upon signing of this contract.
Balance, to be paid progressively at the end of the month.

When all the work has been completed, the area will be cleared of all debris, etc., caused by my crew.

Sincerely,

TAK H. SAKANASHI

APPROVED BY:

_____
James Ackerman - Representing Greenwood Common

DATE: _____

ths/kk

Exhibit 10

(74)

Mr. Schaaf
#5 Greenwood Common
Berkeley, California

RE: INSTALLATION OF LAWN
FOR THE GREENWOOD COMMON

Dear Mr. Schaaf:

I hereby agree to install the lawn in accordance with the plan submitted by Mr. Lawrence Halprin, Landscape Architect, for the lump sum of $340.00 (three hundred forty dollars).

The above figure shall include the following:

1. Installing lawn - approximately 5,000 sq. ft. plus
   a. Seeding at the rate of 6 lbs. per 1,000 sq.ft. using Golden Gate Mixture, fertilizing at the rate of 30 lbs. per 1,000 sq. ft., and mulching with peat.
   b. Includes the first watering, but no watering thereafter.
   c. Includes the first mowing and, if necessary, reseeding.
2. As requested, weeding and cultivating the planting areas for an additional $25.00 (Twenty dollars).

Payment shall be as follows: One-third ($113.00) upon signing of this contract; the balance to be paid upon completion, except for $10.00 which may be withheld until the first mowing has been completed.

When all the work has been completed, the area will be cleared of all debris etc., caused by my crew.

If the above is satisfactory please sign and return one copy of this contract for our files.

Very truly yours,

Tak H. Sakanashi

TAK H. SAKANASHI

APPROVED BY:

Robert B. Bingo

DATE: 5/5/58

Exhibit 11

75

Greenwood Common

V. Statements on History and Architecture by Original Owners and Participants, and Former Owners

Feb 18, 1990

(76)

Statements on History and Architecture By Original Owners and Participants, and Former Owners of Greenwood Common

1. Ann C. Birge, Original Owner of #1 Greenwood Common: Greenwood Common has been a very special place. It has been a model for other later developments, an example for architecture students, and a remarkably harmonious group of individual homes. When the homes were built, there was a general consensus for a harmonious project, all in scale, and with a sense of balance.

As Dean of the U.S. School of Architecture, William Wurster had tremendous influence on the original architects who designed the homes on Greenwood Common. Wurster's directions, though not adopted as legal restrictions, held great weight and were respected by all involved. In particular, he recommended that the houses be dark colored, that they have gently sloping or flat roofs, and that the houses on the flat area be only one story high (see attached memo of 24 April 1952).

Now that Wurster is no longer here to wield his influence, the original consensus of design, with its general balance and harmony, could very easily be lost. Then the whole, so much greater than its individual parts, could be destroyed. Giving this area landmark status is required to provide the reasonable protection of a public hearing before changes can be made that might undo the balanced harmony of the Common.

2. Howard W. Wayne, Esq., Attorney for William W. Wurster at the formation of Greenwood Common:

"Professor William Wurster contacted me to assist in the formation of the legal framework to give substance to plans which had been formulated by Professor Wurster. My name had been mentioned to him by Professor Frank Newman. Mr. Wurster was Professor of Architecture; Professor Newman was at the Law School.

In early 1952, I attended meetings at the home of Professor Wurster, which were attended also by other interested parties. It was the dream of Mr. Wurster to prevent what then was believed to be the last substantial acreage of vacant land in a residential area of Berkeley from being excessively developed. Professor Wurster envisioned what eventually became reality: A carefully controlled, single family residential site with a maximum open space preserved in the center for the benefit of the several owners. The preservation of existing trees and foliage, maximum accessibility to sun and views were discussed. While specific height limits were assigned only to the western most lots, the desirability of preserving low rooflines, lines of sight and

(77)

views were an important consideration. For example, one of the rights specifically included in the By-Laws was the right of each owner to instigate the topping of trees if the height interfered with the view of any of the owners. ...

....I believe that Professor Wurster considered his vision and his energy which resulted in the fruition of the project as one of his happiest accomplishments....."

3. William W. Wurster, Memorandum to Participants in Greenwood Common, 24 April 1952: (See attached.)

(78)

4. Lawrence Halprin, Landscape Architect for Greenwood Common:

"...The Greenwood Commons project was a unique and avant-garde project for its time. There was a wonderful collaboration of landscape and architecture. It was evidenced by the congruence of the modest, elegant architecture which was all of a Bay Area Modern style - all in scale and built around a common area.

All of this has given the project a unique quality for which it has become widely known. It therefore seems important to maintain this remarkable quality, and not to alter it...."

5. Morley Baer, Former owner of #7 Greenwood Common, and architectural photographer:

"...Among all the architects I knew and for whom I worked as a photographer in the fifties and sixties, I found William Wurster to be the most informal, reasonable, and logical. He and his wife, Catherine, were previous owners of the house (#7GC) we bought and lived in during this period. Wurster first became a friendly neighbor, then a client, and finally the architect for our home on the Sur Coast near Carmel.

Through this association, friendship grew to our recognition that Wurster, alone among Bay Area architects, had the broadest knowledge, unmistakable poise and grace, that inevitably brought people to a better understanding and enthusiasm for "modern" design.

As this applies directly to GC, it was Wurster's idea of the community, his suggestion of younger architects for various houses, and his somewhat removed but nevertheless substantial interest in the commons that made it possible for a number of very individualistic families to live together in harmony and to do so without the usual written laws, rules, and limitations.

To now alter the physical appearance of this rare and indigenous Berkeley landmark would be an outrageously insensitive defacement...."

6. John Funk, Architect of #10 Greenwood Common:

"....In 1950 the small Gregory estate in the Berkeley hills, acquired by Architect William Wurster, was to become a milestone in group housing design. Wurster divided the land in a very special way. Instead of covering the property with individual lots, which was the standard practice of the times, he made a ring of small sites around a communally held park, reminiscent of the New England Common. The

resulting closely grouped plan, its open spaces, and its distinguished houses and garden by Bay Area designers became nationally acclaimed. In a sense it was the first of the planned group housing developments that would follow in the 1960's and 1970's.

In the light of these considerations it becomes evident that Greenwood Commons should not be tampered with. Berkeley should be proud to have such a unique area and should take care to preserve it in its present architectural and spatial forms...."

7. Ursula Bingham, Former owner of #4 Greenwood Common:

"....Professor William Wurster was living in the small house near the brow of the hill (Adr. #10 the Common) (sic. #7 Greenwood Common) to which he had added and enlarged (later he moved to Mrs. Gregory's house). She had disposed of all her property to Mr. Wurster who had envisioned the layout for the Common with simple one story houses for faculty members within easy walking distance of the University. All the lots to be sold to compatible friends faculty or not in some cases who could become a congenial community able to enjoy and care for their land and the small central common grass area which would provide each property owner with a view of the Bay by leaving that area free of a home.

After Mrs. Douglas built her home, Prof. and Mrs. Thomas Blaisdell built next to her, then the following in due course (see Greenwood Common files for dates if needed): Prof. and Mrs. Otto Maenchen, Prof. and Mrs. Robert Birge, Prof. and Mrs. Samuel Schaaf, Prof. and Mrs. Ackermann, Mr. and Mrs. Frederick Duhring, friends of Mrs. Gregory. He was in the firm of Mason McDuffie Co., Real Estate - Berkeley, and a photographer (whose name I do not recall) moved into #10 (sic #7) and built a large addition towards the newly made driveway and parking area to accommodate the northern residents on the Common - for their guests and workers. This addition to #10 (sic #7) cut off a view of the Common from #4 Greenwood Common's dining and kitchen area which dis-tressed the Duhrings. All the houses had one floor/story and were constructed of shingles outside. The exceptions were the Schaafs and the Birges whose homes backed on Rose Street which lay well below the Common's level and Mrs. Maenchen's which was also on a slope, the lower floor of which was below the Common's level and done with the thought in mind that in their old age they should provide space for a couple to live in and care for their needs in later age..."

8. William W. Wurster, Excerpts from Transcript of Oral History, Bancroft Library, University of California, Berkeley, 1964, interview conducted by Suzanne B. Riess.:

(80)

p. 257 Riess: When you returned from Cambridge where did you live before you moved here?

Wurster: In 1950 we took the Max Radin house... Then we bought the little house out on the point here (7 Greenwood Common, by R.M. Schindler, ca. 1932, below the present home). Then I organized a group which bought Greenwood Common and divided that up, made an interesting neighborhood plan so that the center lot is owned by everybody and nobody can build on it unless there is complete approval. The houses in the Common are all done by famous architects. Howard Moise's staff did the (Thomas C.) Blaisdell. John Funk did the (Otto) Maenchen. Harwell Harris of Texas and Southern California did Mrs. Duhring's, and Joe Esherick did Jim Ackerman's. And Don Olson did the (Robert W.) Birge house. It's an alphabet of modern architects...

p. 259 its been a great success, so much that I get letters all the time from people asking how it can be duplicated in another place.

(81)

3.

TO: Participants in Greenwood Common

FROM: William W. Wurster

DATE: 24 April 1952

SUBJECT: Notes

As you know it is thought best not to become entangled in restrictions, yet certain things have been mentioned which might be listed in order to have a harmonious project with minimum disappointment or friction. Most of these have been stated in conversation and can be clarified at our meeting in May.

1. Television antennae might be limited to the normal size (not permitting 30' extensions, etc.). Is there a way to have a central antenna at the east of the property?

2. Dark colored houses (either natural woods or paint) will cause the project to appear more spacious.

3. Gently sloping or flat Haydite or gravel roofs will tend to increase the view for everyone and be less insistent.

4. Lots #10 and #11 to have a height restriction which will protect the clear sweep from the Common and from Lot #9.

5. Trees on Lots #10 and #11 may be topped by anyone on the project if they pay on same. (Some such rule might be applied to all trees on all properties?)

6. It is hoped to retain as many pine trees as possible.

7. All decisions such as steps to LeRoy, fencing of Common, etc., will await action of Board after its election. At the same time there could be consideration in regard to the possible adoption of some uniform fencing for the project.

8. It is hoped that great consideration will be given to the height of all the houses on the flat area (Lots #5, #6, #7, #8 and #9), for if they were to be only one-story above the Common the project would appear more spacious. (This is written as a suggestion only and not to be construed as a mandate or restriction.)

9. If the houses on Rose Street (Lots #1, #2, #3 and #4) are kept at the north end of the lot, each house will have a sheltered south garden and it will add to the unity of the project. (This is written as a suggestion only and not to be construed as a mandate or restriction.)

10. In the third interim report I called attention in Item #4 to the approximate character of the plot plan. For instance, if the hedge is on the Greenwood Common property on the south side (adjacent to Jenkins) it may be advisable to widen the access lane to 18' or 20' in order to save the hedge. This would decrease the width of the walk-in-vista which is now shown as 20'.

I send these at this time before we are started and there should be free and open discussion at our meeting on these or other points.

cc: Mr. Newman
Mr. Steigelman
Mr. Howard Wayne
Mrs. Warren Gregory

W. W. W.

(82)

Greenwood Common

VI. Legal History of Commonly Owned Areas

Frederick S. Wyle

Exhibits:
1. The 1952 By-laws of Greenwood Common, Inc.
2. The 1977 Amended By-laws of Greenwood Common, Inc.
3. The 1987 Amendment to the By--Laws of Greenwood Common, Inc.

Feb 18, 1990

(83)

Greenwood Common: The Legal History of the Commonly Owned Areas

The First Phase: 1952-1977

When Greenwood Common was planned by William Wurster in 1952, it was divided into twelve building lots and one open central area, approximately lot-sized. His concept was that the central area should be owned in common, dedicated to open space, so as to preserve the view to the Bay for all. The original common area is made up of the unnumbered portion on the attached survey map entitled "Common", and the walkways and driveways shown thereon. The central area was subject to development or sale only upon unanimous consent of the surrounding lot owners.

The legal device to achieve this common ownership was a not-for-profit corporation called Greenwood Common, Inc. Greenwood Common Inc's Board of Directors was charged with the governance and maintenance of the commonly owned areas, including various maintenance functions such as gardening, trimming trees that obscured the view of any member, etc. Each of the twelve lots was burdened by its deed with an obligation of contribution to maintenance costs. The By-Laws, Articles of Incorporation, and State of California Francisce Tax Board Exemption from Franchise Tax were filed in May and June of 1952.

Besides the common area and the ten building lots surrounding it, the subdivision included two lots, #11 and #12 on the attached survey map, which were physically apart from the other ten, because they are located over the crest of the Greenwood Common plateau, down a steep slope fronting on LeRoy Avenue. These two lots were burdened with height restrictions so that any houses built on them could not rise sufficiently high to disturb the view from the common area. They had a right of access to the Common above them by means of a ten foot wide strip of commonly-held land, which could be used to build steps leading up the hill onto the Common. They also had a one-twelth ownership interest each in the commonly owned area above them.

Since under Wurster's design each of the twelve original lots had a veto right on the sale or development of the common areas, for practical purposes there was no possibility of common area sale or development. The By-Laws provided that "Action involving the transfer of land owned by the Corporation, or the right of access of members of the Corporation to their lots, may only be taken if all twelve of the member' votes are cast to approve the action." (II.3., By-Laws, 1952).

The Second Phase: 1976/7-Present

The two original building lots at the center of the Common, lots #5 and #6 on the attached survey map, had since 1952 been owned by the "Russell heirs", but were maintained as open space in the same manner as the original common area, thus in effect tripling the open area, and creating the centerpiece of what has become known as the Common. For 25 years (1952-1977) the Russell heirs had preserved their option of building on lots 5 & 6, but had permitted the maintenance of these lots as garden, indistinguishable from and visually continuous with the original small common area. Since the beginning of William Wurster's projectt, therefore, neighbors and residents had thought of these two lots as part of the Common.

In 1976 the Russell heirs decided that they would not build on their two lots, and graciously offered them for sale to the residents of Greenwood Common. This was very

(84)

much a gesture to the special character of Greenwood Common, and was done to permit Common residents to preserve the Common's character, scope, and balance as it had developed over the preceeding generation. Maintaining the two lots as open space ensured the continued unobstructed view from Greenwood Terrace to the crest of the plateau and the San Francisco Bay beyond, preserving a view corridor down the entire length of the Common between the two rows of houses.

Upon being offered this opportunity, the eight houses on the Common agreed to purchase the two lots (#5 & 6), and to add them to the commonly-held open space, the Common. The transaction was accomplished by a transfer of lots 5 & 6 to trustees (Thomas C Blaisdell, Robert W Birge, and Frederick S Wyle), and by a subsequent transfer by these trustees to Greenwood Common Inc. in 1977, when the necessary funds to complete the purchase had been collected and paid to the Russell heirs..

The owners of the two lots on LeRoy (#11 & 12) declined to participate in this purchase. The re-stated "By-Laws and Declaration of Restrictions and Covenants Running With the Land and Property of Members" of February 28, 1977 (recorded March 4, 1977 in Reel 4746, Image 505 of Alameda County Records) accordingly limited both the maintenance contribution and ownership rights of the LeRoy lots (#11 & 12) to the original common area, and excluded them from maintenance obligations and voting rights for the part of the expanded common consisting of the former lots 5 & 6.

The By-Laws of February 28, 1977 were thereafter amended once more, on December 22, 1987, principally to update maintenance requirements and to insert a paragraph making explicit in the By-Laws the intent of the original By-Laws and members of the Common that all of the improved lots be used solely as single-family residences. The Certificate of Officers of Greenwood Common, Inc as to this 1987 Amendment was recorded on January 21, 1988.

Attached: By-Laws of 1952, 1977, and Amendment of 1987

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Greenwood Common

VI. Legal History of Commonly Owned Areas

Exhibit 1. The 1952 By-Laws of Greenwood Common, Inc.

Feb 18, 1990

(86)

BY-LAWS
OF GREENWOOD COMMON, INC.

I. Membership, and Members' Property and Voting Rights.

1. The members of this corporation are the legal owners of the lots described in the map attached hereto.

2. The property rights of the members in the assets of the corporation are to be determined as follows:

The owner of each lot is entitled to a one-twelfth interest in the assets. If a lot is owned by more than one person, they together are entitled to the one-twelfth interest. If because of death or other cause the ownership of a lot is unsettled, the one-twelfth interest is to be exercised by the executor or other person entitled to manage the lot.

3. The voting rights of the members are to be determined as follows:

The owner of each lot is entitled to one vote. If a lot is owned by more than one person, they together are entitled to the one vote; but if persons having equal interests in a lot are unable to agree, their vote will be counted only when all twelve votes are required to approve certain action, in which case their one vote will be counted as affirmative. If because of death or other cause the ownership of a lot is unsettled, the vote is to be cast by the executor or other person entitled to manage the lot. Any vote may be cast by proxy.

II. Management.

1. Except as provided in Paragraph 3 of this Section, the affairs of this corporation shall be managed by the Board of Directors, consisting of five members elected at the annual membership meeting to serve until the adjournment of the next annual membership meeting. Among all nominees, the five who receive the most votes shall be declared elected. No member shall serve as a director for more than three consecutive years, and each year at least one member shall be elected who did not serve during the preceding year. The Board shall elect its own chairman and secretary, and shall convene at regular meetings each quarter and at such other meetings as the Chairman or any two members of the Board deem advisable. All Board members shall be given reasonable notice of each meeting.

2. If any position on the Board becomes vacant, the Board shall appoint an acting successor to serve until a permanent successor is elected; and the election to fill any vacancy shall take place at the first membership meeting following the date of the vacancy.

3. Action involving the transfer of land owned by the Corporation, or of the rights of access of members of the Corporation to their lots, may be taken only if all twelve of the members' votes are cast to approve the action.

(87)

4. Each member of the Corporation shall be entitled to have the Corporation grant him, without charge, underground utility easements through land owned by the Corporation, provided that the Board of Directors, by majority vote, decides that such easement, is reasonably necessary and desirable for the enjoyment of the parcel of land owned by the member, and provided that the Board of Directors shall approve the location of said easement. The member to whom such easement is granted shall be responsible for and pay all costs connected with the installation of such utilities and shall place the surface of the Corporation's land in its original condition at his expense, and hold the corporation harmless as to any and all costs, damages or claims connected with such easements.

III. Membership meetings.

Membership meetings shall be scheduled at such times and places as the Board deems advisable, except that the annual meeting shall be scheduled in September or October. In addition, any members controlling at least five votes may by petition require the Board to schedule a meeting within ten days after the petition has been filed with the chairman. Reasonable notice of all meetings shall be given to all members whose mailing address is known to the secretary.

IV. Dues.

The semi-annual dues are to be calculated by the Board so as to cover taxes and other expenses, and are to be assessed against each lot as follows; and 30 days after notice of the amount due has been mailed, together with a statement explaining how the amount was calculated, there shall be a lien on such lot to secure payment:

> The anticipated taxes and other expenses shall be added, and the owner or owners of each lot shall owe one-twelfth thereof; but the annual amount thus owed for expenses other than taxes, liability insurance, and similar fixed charges shall in no event exceed $50.00.

"Taxes" includes street assessments based on Rose Street, LeRoy Avenue, or Greenwood Terrace frontage of any of the lots described in the map attached hereto.

V. Restrictions:

1. Any member whose view is obstructed by trees on the lot of another member, may apply to the Board of Directors and with its approval, and at the expense of the applicant, top the objectionable trees, without however otherwise interfering with or damaging the property of the member on whose lot the tree is located.

2. The two most westerly lots, bounded by the Wurster property in the north, the Oxley property in the south, LeRoy Avenue in the west, and extending 100 feet, more or less east from said LeRoy Avenue, are restricted as follows: The highest elevation of roof structure shall be no higher than El. 577.5 feet-Berkeley Datum-except that chimneys may extend 3'-0" above El. 577.5 feet.

VI. Amendments.

1. These by-laws may be amended by two-thirds vote at any membership meeting. But notice of the proposed amendment must be mailed to the members prior to the preceding membership meeting; the text must be read at that meeting and mailed to the members prior to the meeting at which the amendment is to be voted upon; and substantive changes may not be made at the meeting at which the amendment is to be voted upon, but only at the preceding meeting.

2. An amendment that alters Paragraph 3 of Section II or that increases the dollar maximum specified for dues (other than those covering taxes, liability insurance, and similar fixed charges) becomes effective only if all twelve of the members' votes are cast to approve the amendment.

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CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of Greenwood Common, Inc., a California corporation; and

That the foregoing by-laws, comprising three pages, constitute a true and correct copy of the original by-laws of said corporation as duly adopted at the first meeting of the board of directors duly held on July 28, 1952, and that there was attached to said original by-laws a copy of the Record of Survey Map referred to in said by-laws.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said corporation this 28th day of July, 1952.

Secretary

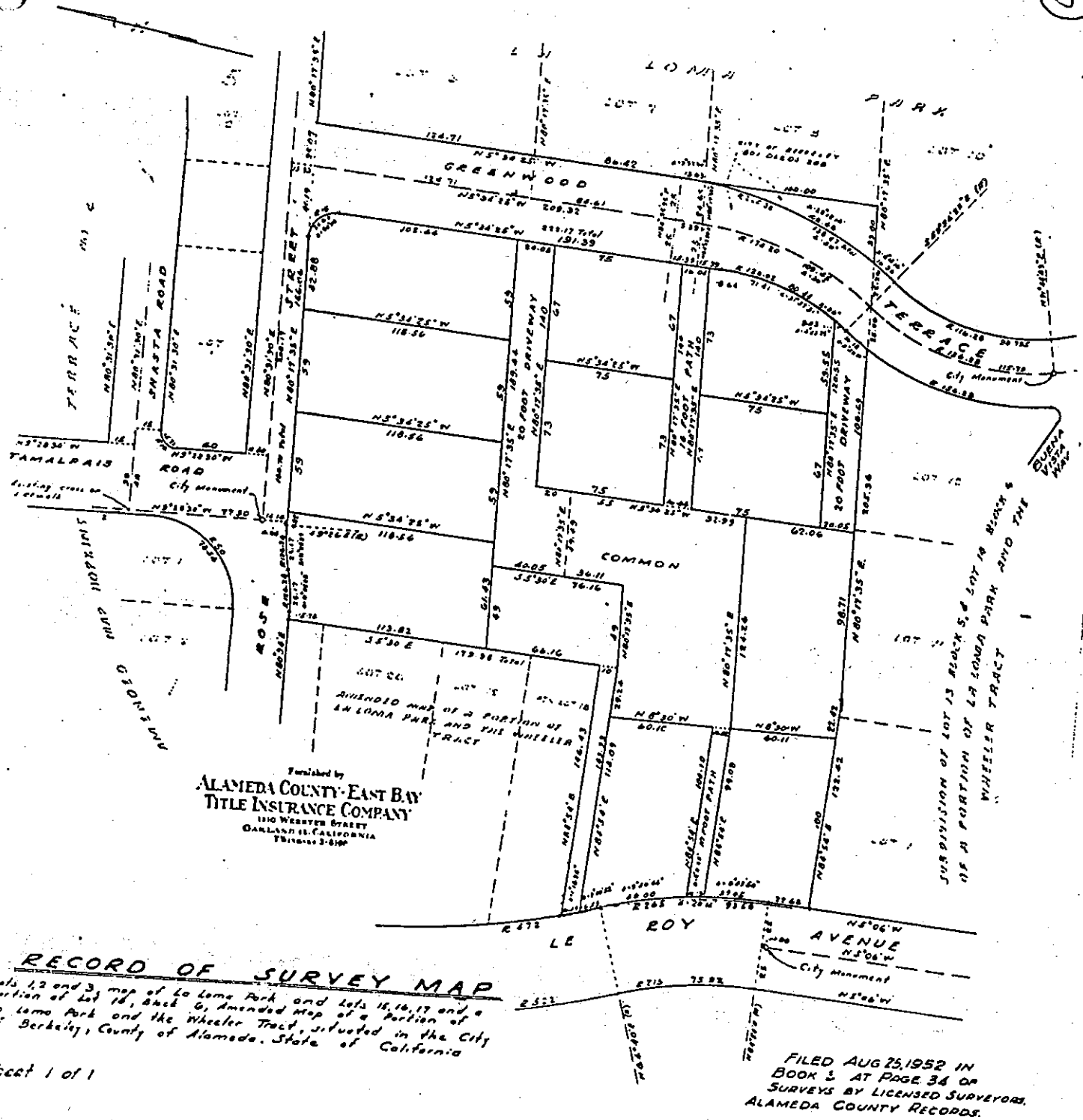
AG77819

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BOOK 6830 PAGE 513

330
100 MAP 22F

89



RECORD OF SURVEY MAP

Lots 1, 2 and 3 map of La Loma Park and Lots 15, 16, 17 and a portion of Lot 18, Block G, Amended Map of a Portion of La Loma Park and the Wheeler Tract, situated in the City of Berkeley, County of Alameda, State of California

Sheet 1 of 1

FILED AUG 25, 1952 IN BOOK 5 AT PAGE 34 OF SURVEYS BY LICENSED SURVEYORS, ALAMEDA COUNTY RECORDS.

(90)

Greenwood Common

VI. Legal History of Commonly Owned Areas

Exhibit 2. The 1977 Amended By-laws of Greenwood Common, Inc.

Feb 18, 1990

2150 SPRUCE STREET
BERKELEY CALIF. 94709

1977 MAR -4 AM 9:17
RENE C. DAVIDSON
ALAMEDA COUNTY, CA.

(41)

BY-LAWS
OF
GREENWOOD COMMON, INC.
A non-profit corporation

(As Amended and Restated as of February 28, 1977)

DECLARATION OF RESTRICTIONS AND COVENANTS
RUNNING WITH THE LAND OF PROPERTY OF MEMBERS

PREAMBLE:

This document, once it has been recorded, shall take the place of the By-Laws of Greenwood Common, Inc., recorded September 22, 1952, in Book 6830, Page 513 in the office of the County Recorder of Alameda County. Successive owners of the real property referred to in this document shall be bound by the terms hereof for the benefit of the land owned by all of the respective owners of the several parcels of property hereafter described.

I. Membership, and Members' Property and Voting Rights and Restrictions.

1. A record of survey map was filed on August 25, 1952 in Book 3 at page 34 of Surveys by Licensed Surveyors, Alameda County Records. A copy of said record of survey map is attached hereto and made a part hereof. The members of this corporation are the legal owners of the lots described in the said record of survey map, to wit: twelve (12) in number. Lots 5 and 6 as such lots appear on the copy attached hereto, are presently owned by trustees, acting on behalf of certain of the members of this corporation, and they intend to transfer title of said lots 5 and 6 to this corporation. Upon such transfer of title having been consummated, the membership of this corporation shall number 10, to-wit: the owners of lots 1, 2, 3, 4, 7, 8, 9, 10, 11 and 12, as such lots are numbered on the copy of the record of survey map attached hereto.

2. For all purposes pertaining to the rights, duties and obligations of membership in this corporation, each of the 12 lots (or 10 after lots 5 and 6 are transferred to this corporation) shall constitute one (1) membership, and one (1) vote, to be shared collectively by all of the owners of each respective lot, if there be more than one owner. The term "owner" of each lot shall refer to the owner or owners, regardless of the number of persons who may have an interest therein.

3. The property rights of the members in the assets of the corporation are to be determined as follows:

The owner of each lot is entitled to a one-twelfth (1/12) interest in the assets until lots 5 and 6 are transferred to the corporation. Thereafter, the owner of each of the remaining 10 lots is entitled to a one-tenth (1/10) interest in the assets of this corporation, except:

(a) The owners of lots 11 and 12 shall have no property or voting rights whatever as to lots 5 and 6 after such lots are transferred to the corporation (for the reason that the owners of lots 11 and 12 are not sharing in the acquisition costs thereof); and

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(b) The owners of lot 10 shall have an interest in lots 5 and 6, after such lots are transferred to the corporation, equal only to the fraction formed by 5/6.5 compared to the interest in lots 5 and 6 held by owners of lots 1, 2, 3, 4, 7, 8 and 9.

4. The voting rights of the members are to be determined as follows:

The owner of each lot is entitled to one (1) vote. If the lot is owned by more than one person, they together are entitled to one (1) vote. If two (2) or more persons have an interest in a lot and are unable to agree upon their vote, their vote shall be counted only in the event such vote is necessary to approve a particular action, in which event the single vote shall be counted as affirmative. Any vote may be cast by proxy.

II. Management.

1. Except as otherwise provided in these By-Laws, the affairs of this corporation shall be managed by a Board of Directors, consisting of five members elected at the annual membership meeting to serve until the adjournment of the next annual membership meeting. Among all nominees, the five who receive the most votes shall be declared elected. No member shall serve as a director for more than three consecutive years, and each year at least one member shall be elected who did not serve during the preceding year. The Board shall elect its own chairman and secretary. The Board shall meet semi-annually, and at such other times as the chairman or any two members of the Board of Directors deem advisable. All Board members shall be given reasonable notice of each meeting, which meeting shall be held at one of the homes located within the area of "Greenwood Common".

2. If any position on the Board becomes vacant, the Board shall appoint an acting successor to serve until a permanent successor is elected; and the election to fill any vacancy shall take place at the first membership meeting following the date of the vacancy.

3. Any transfer of land owned by the corporation, or of the rights of access of members of the corporation to their lots, shall be taken only upon the affirmative unanimous vote of all of the members. Provided, however, that the owners of lots 11 and 12 shall have no voice pertaining to the transfer of any rights, titles or interests in and to lots 5 and 6, once such lots have been deeded to the corporation.

4. Each member of this corporation shall be entitled to have the corporation grant him, without charge, underground utility easements through land owned by the corporation, provided that the Board of Directors, by majority vote, decides that such easement is reasonably necessary and desirable for the enjoyment of the parcel of land owned by the member, and provided that the Board of Directors shall approve the location of said easement. Provided further, that owners of lots 11 and 12 shall not have any such entitlement as to easements

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affecting lots 5 and 6, but may be granted such easements if the Board of Directors so determines, The member to whom such easement is granted shall be responsible for and pay all costs connected with the installation of such utilities and shall place the surface of the corporation's land in its original condition at his expense, and hold the corporation harmless as to any and all costs, damages or claims connected with such easements.

III. Membership Meetings.

Membership meetings shall be scheduled at such times and places as the Board deems advisable, except that the annual meeting shall be scheduled in September or October. In addition, any members controlling at least five votes may by petition require the Board to schedule a meeting within ten days after the petition has been filed with the chairman. Reasonable notice of all meetings shall be given to all members whose mailing address is known to the secretary.

IV. Dues.

The Board of Directors shall asses and collect annual dues, to be calculated so as to cover taxes and other expenses. The annual amount assessed for expenses other than taxes, liability insurance and similar fixed charges shall in no event exceed $150.00 per member. The assessments shall be divided equally among all members, except that after lots 5 and 6 are deeded to the corporation, the assessments of lots 11 and 12 shall be three-fifths of the amount assessed against lots 1, 2, 3, 4, 7, 8, 9 and 10, and regardless of whether capital contributions toward acquisition costs were equal or unequal. Provided, further, that no part of any real estate taxes assessed on lots 5 and 6 shall be charged to or assessed against lots 11 and 12.

The aforesaid assessments shall constitute a lien as to the respective lots against which they are assessed.

Any street assessments levied by any public authority based on improvements of Rose Street, Le Roy Avenue or Greenwood Terrace shall be equally shared among the owners of all the lots having an interest in Greenwood Common.

V. Restrictions.

1. Any member whose view is obstructed by trees or bushes on the lot of another member, may apply to the Board of Directors and with its approval, and at the expense of the applicant, top the objectionable trees or bushes, without however otherwise interfering with or damaging the property of the member on whose lot the tree or bush is located.

2. The two most westerly lots, to wit: numbers 11 and 12 on the attached map, fronting on Le Roy Avenue, are restricted as follows: the maximum elevation of roof structures shall be 577.5 feet (Berkeley Datum), except that chimneys may extend 3 feet above such elevation 577.5 feet.

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3. The duties and obligations arising from membership in this corporation shall constitute covenants running with the land of the several lots whose ownership constitutes the membership of this corporation, and shall be deemed appurtenant to such estates and pass with the title of the respective lots. The assessments made in conformance with the provisions of these By-Laws shall constitute a lien against the lot of the respective members, and shall be enforceable as such. Each successive owner of the respective lots is expressly bound by the terms hereof for the benefit of all of the lots whose owners constitute the membership of this corporation.

VI. Amendments.

1. These By-Laws and statement of restrictions constitute a restatement of By-Laws adopted on July 28, 1952 and recorded on September 22, 1952 in Book 6830 at page 513 of Official Records, Alameda County. These By-Laws may be further amended by a vote of two-thirds voting affirmatively at any membership meeting (as long as there are 12 members) and by affirmative vote of six after the membership is reduced to ten (after lots 5 and 6 are deed to this corporation). However, members must be notified of any proposed amendments not less than ten days prior to a membership meeting at which such amendment shall be voted upon. In the event the wording of a proposed amendment is changed at such membership meeting by a majority vote of those members present, no action shall be taken at such membership meeting concerning such proposed amendment, and in that event the vote on such amendment shall be postponed until the next membership meeting, prior to which the new text of the proposed amendment shall again be made available to all of the members no less than five days prior to the date such membership meeting is held.

2. Not withstanding the foregoing, any amendment that alters subparagraph 3 of section II. of this document shall require unanimous approval of all members.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of Greenwood Common, Inc., a California non-profit corporation.

That the foregoing By-Laws and Declaration of Restrictions, comprising four (4) pages, constitute a true and correct copy of the original such document duly adopted at a meeting of the membership of the aforesaid corporation held on 1st day of March, 19--, and that two-thirds of the membership voted affirmatively in favor of the adoption of said restated By-Laws at said membership meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said corporation this 1st day of March, 19--.

Ursula W. Binaker

SECRETARY

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The undersigned, being all of the members of Greenwood Common, Inc., a non-profit corporation, approve and hereby adopt the foregoing restated By-Laws of Greenwood Common, Inc., and adopt the foregoing Declaration of Restrictions and Covenants.

/s/ Richard W. Riggs
OWNER OF LOT 1

/s/ Linda C. Riggs
OWNER OF LOT 1

Samuel A Schaef
OWNER OF LOT 2

Phyllis F. Schaef
OWNER OF LOT 2

Patricia S. Hyle
OWNER OF LOT 3

Linda Hyle
OWNER OF LOT 3

Ursula W. Bingham
OWNER OF LOT 4

Ursula W. Bingham
OWNER OF LOT 4

Thomas C. Hamilton Jr.
TRUSTEES OWNING LOTS 5 and 6

Patricia S. Hyle
TRUSTEES OWNING LOTS 5 and 6

Richard W. Riggs
TRUSTEES OWNING LOTS 5 and 6

OWNER OF LOT 7

Susan P. McDonough
OWNER OF LOT 7

OWNER OF LOT 8

OWNER OF LOT 8

Thomas C. Hamilton Jr.
OWNER OF LOT 9

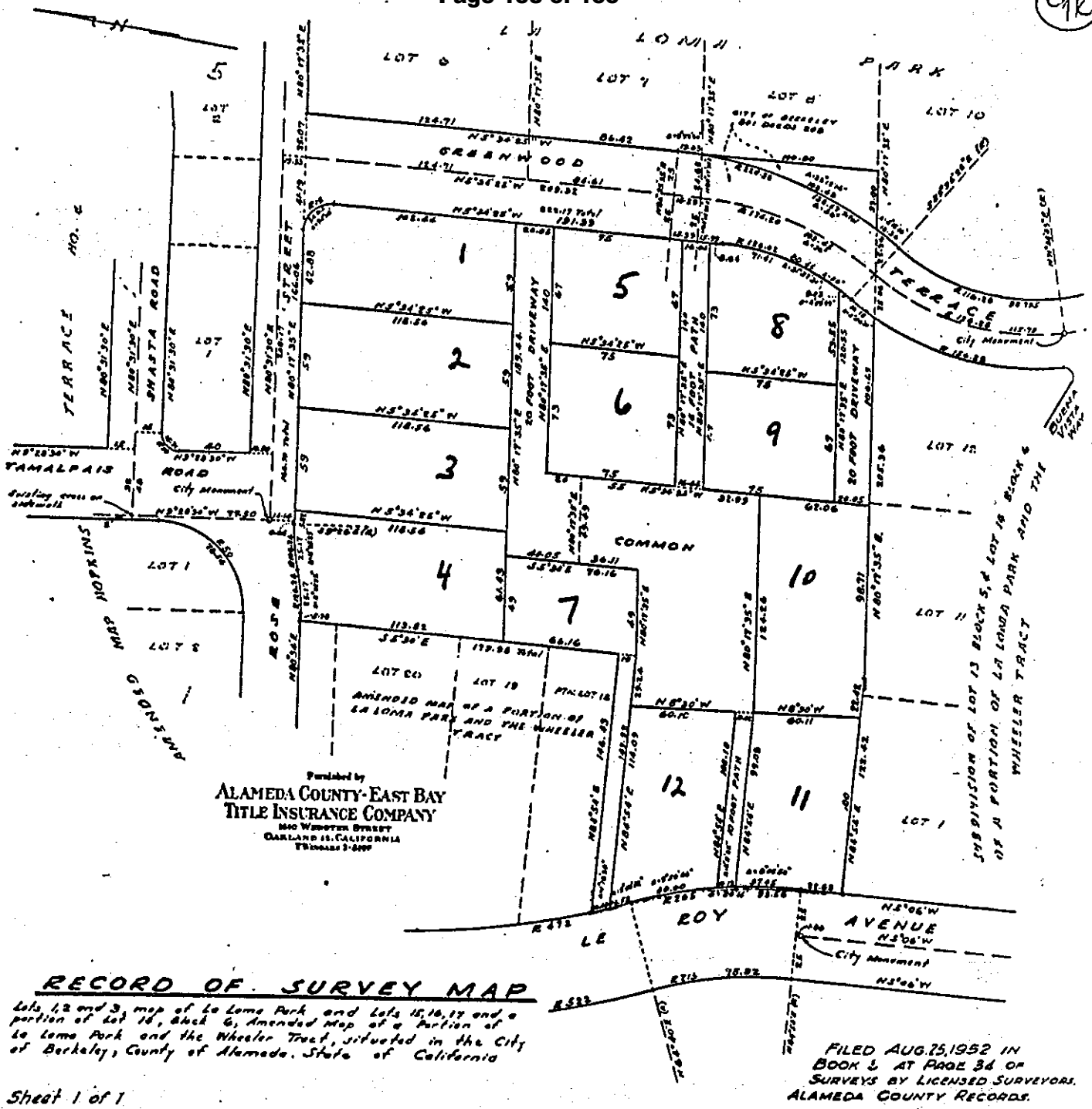
Catherine Beatty Hamilton
OWNER OF LOT 9

Anne Monahan
OWNER OF LOT 10

Anne Monahan
OWNER OF LOT 11

Susan Nash

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RECORD OF SURVEY MAP

Lots 1, 2 and 3, map of La Loma Park and Lots 15, 16, 17 and a portion of Lot 18, Block 6, Amended Map of a Portion of La Loma Park and the Wheeler Tract, situated in the City of Berkeley, County of Alameda, State of California

FILED AUG. 25, 1952 IN BOOK 5 AT PAGE 34 OF SURVEYS BY LICENSED SURVEYORS, ALAMEDA COUNTY RECORDS.

Sheet 1 of 1

This diagram is prepared from data appearing in the county records, but constitutes no part of any report or policy of title insurance to which it is attached; and the company does not insure against any differences in the location and dimensions delineated thereon that an accurate field survey of the real property may disclose.

FORM 114 508 R 8 ALAMEDA COUNTY - EAST BAY TITLE INSURANCE COMPANY

(97)

Greenwood Common

VI. Legal History of Commonly Owned Areas

Exhibit 3. The 1987 Amendment to the By-Laws of Greenwood Common, Inc.

Feb 18, 1990

ATTORNEY AT LAW
2140 ADDISON STREET SEVENTH FLOOR
BERKELEY, CALIFORNIA 94704

RECORDS
RECORDED IN OFFICIAL RECORDS
ALAMEDA COUNTY, CALIF.
REQUEST OF

(98)

4/3 '88 JAN 21 AM 10 58

CERTIFICATE OF OFFICERS OF GREENWOOD COMMON, INC.
A non-profit Corporation

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The undersigned, KATINKA WYLE and ELLIOT PORTER, and each of them, hereby state:

1. KATINKA WYLE is and at all times herein mentioned was the duly elected and acting President of GREENWOOD COMMON, INC., and ELLIOT PORTER is and at all times herein mentioned was the duly elected and acting Secretary of GREENWOOD COMMON, INC., a California non-profit Corporation.

2. The Amended and Restated By-Laws of GREENWOOD COMMON, INC., dated February 28, 1977, were recorded on March 4, 1977, in Reel 4746, Image 505 of Alameda County Records. Pursuant to paragraph VI of said By-Laws, as restated and amended as aforesaid, said By-Laws were further amended by an affirmative vote of seven members (an affirmative vote of six being required as the membership was reduced to ten after lots 5 and 6 were acquired by the corporation), said affirmative vote having been cast at a meeting held on December 22, 1987, after notice was duly given for the time and in the manner required by paragraph VI of said Restated and Amended By-Laws. Said amendment, adopted as aforesaid on December 22, 1987, is as follows:

> Paragraph V. 3. was renumbered to be designated as paragraph V. 4., and a new paragraph 5. 3. was adopted reading as follows:
>
> "All of the improved lots described herein are to be used solely as single family residences, and not to be converted or expanded or used for multiple dwelling units, without the unanimous

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affirmative consent in writing of all of the members. This paragraph is declarative of the original intent of the existing restrictions upon the use of lots of members."

Dated: January 19, 1988

GREENWOOD COMMON, INC.

Katinka Wyle President
KATINKA WYLE, President

Elliot Porter
ELLIOT PORTER, Secretary

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

KATINKA WYLE and ELLIOT PORTER, each for herself and himself respectively, having been first duly sworn, depose and say:

KATINKA WYLE is the President and ELLIOT PORTER the Secretary of GREENWOOD COMMON, INC., a non-profit corporation. Each of the affiants state that the facts above recited are true of his or her own knowledge.

Katinka Wyle
KATINKA WYLE

Elliot Porter
ELLIOT PORTER

Subscribed and sworn to before me this 19th day of January, 1988.

OFFICIAL SEAL
HOWARD W. WAYNE
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
My Commission Expires September 24, 1990

Notary Public, Alameda County, California

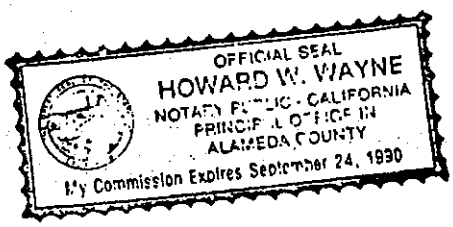
(100)

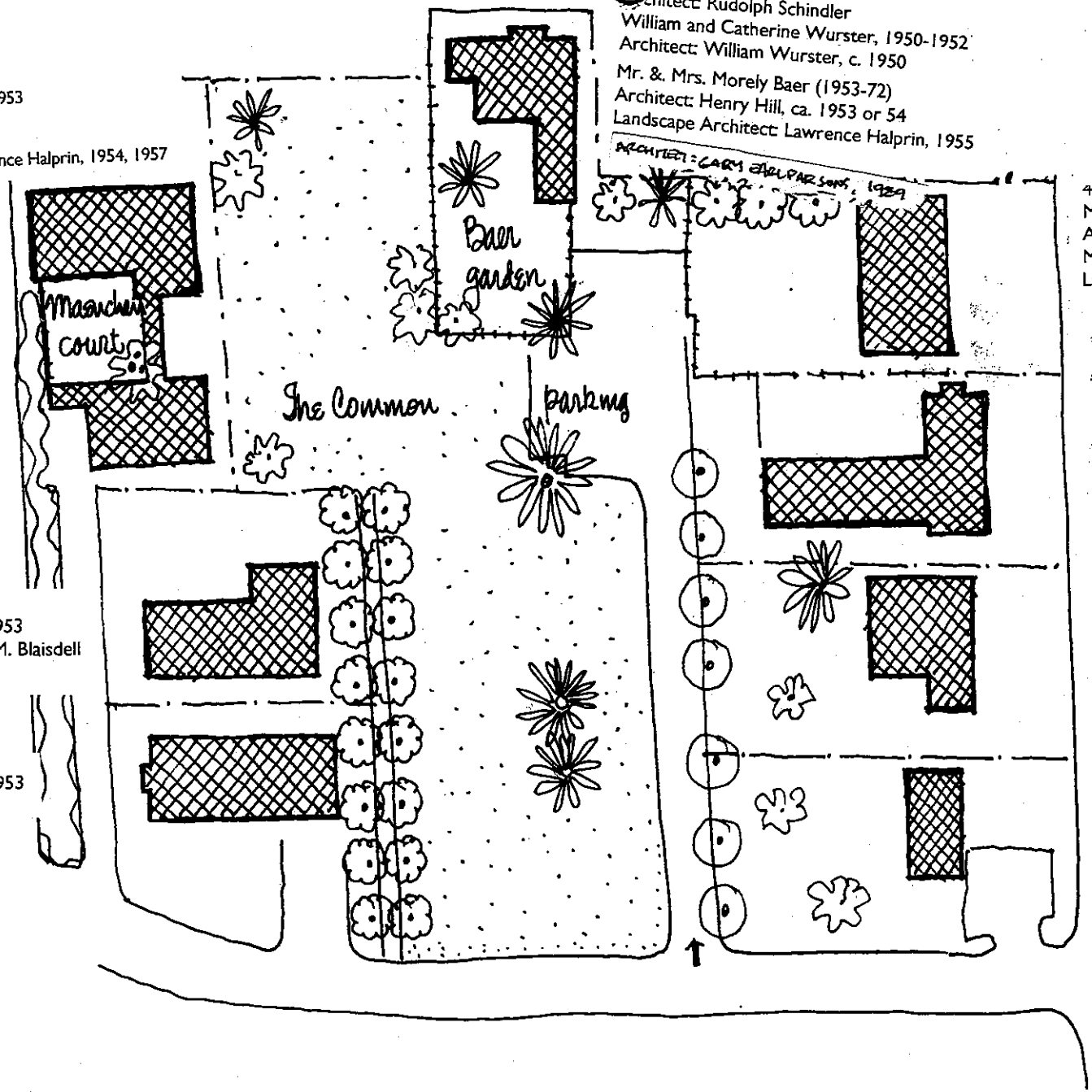
STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

On January 14, 1988, before me, the undersigned, a Notary Public, State of California, duly commissioned and sworn personally appeared KATINKA WYLE, and proved to me on the basis of satisfactory evidence to be the President of the corporation, and ELLIOT PORTER, proved to me on satisfactory evidence to be the Secretary of GREENWOOD COMMON, INC., and acknowledged to me that they and each of them executed the foregoing Certificate in their capacity of President and Secretary, respectively of GREENWOOD COMMON, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Alameda, State of California, on the date set forth above in the Certificate.

Notary Public, Alameda County, CA
My Commission Expires:
September 24, 1990





Sasha Kaun 1940
Architect: Rudolph Schindler

William and Catherine Wurster, 1950-1952
Architect: William Wurster, c. 1950

Mr. &. Mrs. Morely Baer (1953-72)
Architect: Henry Hill, ca. 1953 or 54
Landscape Architect: Lawrence Halprin, 1955

10 Greenwood Common, 1953
Otto J.and Anna Maenchen
Architect: John Funk
Landscape Architect: Lawrence Halprin, 1954, 1957

4 Greenwood Common, 1954
Mr. & Mrs Frederick Duhring
Architect: Harwell Hamilton Harris
Managing architect: Hervey Parke Clark
Landscape architect: Geraldine Knight Scott

3 Greenwood Common, 1954
Client: James & Mildred Ackerman
Architect: Joseph Esherick
Landscape Architect: Lawrence Halprin

2 Greenwood Common, 1957
Client: Mr. & Mrs. Samuel Schaaf
Architect: Robert Klemmendson
Landscape Architect: Lawrence Halprin

9 Greenwood Common, 1953
Thomas C. and Catherine M. Blaisdell
Architect: Henry Hill, 1954

8 Greenwood Common, 1953
Mrs. W.W. Douglas
Architect: Howard Moise

1 Greenwood Common, 1955, 1966
Client: Robert & Ann Birge
Architect: Donald Olsen, FAIA

City of Berkeley

Landmarks Preservation Commission
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704
Telecommunications Device for the Deaf (415) 644-6915

(415) 644-6570

C I T Y O F B E R K E L E Y

N O T I C E O F D E C I S I O N

FOR MEETING OF: March 19, 1990

PROPERTY ADDRESS: #1,2,3,4,7,8,9, and 10 Greenwood Common

Also Known As: Greenwood Common

PROPERTY OWNERS: #1 Greenwood Common - Ann and Robert W. Birge

#2 Greenwood Common - Phyllis and Samuel Schaaf

#3 Greenwood Common - Katinka Wyle

#4 Greenwood Common - S.B. Master and James Symons

#7 Greenwood Common - Joan and Richard McDonough

#8 Greenwood Common - Elliott E. Porter

#9 Greenwood Common - Diane and David Weber Shapiro

#10 Greenwood Common - Anna Maenchen

Greenwood Common Inc. #4 Greenwood Common

APPLICANTS: o Frederick Wyle et. al. *

#3 Greenwood Common, Berkeley, CA 94708

*(on behalf of the 138 City residents who filed a petition to initiate the properties listed above)

o Landmarks Preservation Commission

2180 Milvia Street, Berkeley, CA 94704

WHEREAS, a public hearing has been duly and regularly held upon the above property, and the Landmarks Preservation Commission, being fully advised, has voted to DESIGNATE the following:

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
For Meeting of: March 19, 1990

It was MSC (Kusmierski/McGlibery) that the Landmark Preservation Commission, designate "Greenwood Common" as defined by Lots #1-10 and the open space between them, a City of Berkeley landmark in recognition of its significance as an example of a designed landscape which incorporates as an integral part thereof, residential buildings as conceived of by William Wurster, then Dean of the College of Environmental Design at the University of California Berkeley, and designed by the prominent landscape architect, Lawrence Halprin, the eight residential buildings having been designed by a group of prominent California architects:

#1 Greenwood Common - Donald Olsen (1955)
#2 Greenwood Common - Robert Klemmedson (1957)
#3 Greenwood Common - Joseph Esherick (1954)
#4 Greenwood Common - Harwell Hamilton Harris (1954)
#7 Greenwood Common - Rudolph Schindler (1932)
#8 Greenwood Common - Howard Moises (1953)
#9 Greenwood Common - Henry Hill (1954)
#10 Greenwood Common - John Funk (1952)

Further, "Greenwood Common" represents the most significant and integrated example of the Second Bay Tradition design philosophy, in the City of Berkeley and is a prototype of the Second Bay Tradition architectural and landscape design movement in the Bay Area and California. Including such features as simple low maintenance gardens, native and exotic plants, including flowering plum trees and juniper, textured concrete surfaces embedded with gravel or small rocks, unpainted fences and structures which open onto gardens. These structures were stained in subdued earth tones, often with window trim of unstained redwood, but sometimes featuring earthtone paint, tar and gravel or shake roofs often flat or slightly gabled or sloping, creating a unique design relationship between the houses and the landscape. These features, taken together, represent a distinct architectural style of the 1950's and a distinct phase in the cultural and architectural history of the City. The Landmarks Preservation Commission finds that "Greenwood Common" fulfills the purpose of Landmark designation, as set forth in Section 3.24.060(A) of the Landmarks Preservation Ordinance:

"...to designate, after public hearings, structures, sites, and areas including single structures or sites, portions of a structure, groups of structures, manmade or natural landscapes elements, works of art or integrated combinations thereof, having a special character, or special historical, architectural, or aesthetic interest..."

and in so doing intends to review permit applications in accordance with Sections 3.24.240 and 3.24.350 of the Landmarks Preservation Ordinance:

"...For permit applications to make exterior alterations or to carry out new construction ... The Commission shall consider the conformance of the proposed work with the purposes and standards in this chapter... the proposed work shall not adversely affect the exterior architectural features of the landmark...nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site."

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION

For Meeting of: March 19, 1990

This designation, excludes lots #11 and #12 which front on Le Roy Avenue because they do not actively contribute to the visual integrity of the Common, due to their being set below on another street, and in light of the fact that the views from the Common of the Bay have been protected by deed restriction on these two lots.

Motion Carried: Ayes: Aroner, Bright, Cerny, Jones, Kusmierski, McGlibery; Nay: -; Abstain: Roha (see footnote 1); Absent: Gordon, Marsh.

1/ Roha abstained due to her professional relationship, as an architect, with Don Olsen and Joseph Escherick, the architects who designed #1 and #3 Greenwood Common respectively, as well as with Elliot Porter and Iris Weiner who own #8 Greenwood Common.

NOW, THEREFORE, BE it Resolved by the Landmarks Preservation Commission of the City of Berkeley that the decision is deemed final unless it is reversed, upon appeal, by the Council of the City of Berkeley.

DATE NOTICE MAILED: 4-2-90 THE APPEAL PERIOD EXPIRES AT 5 PM: 4-17-90
FILE APPEAL WITH CITY CLERK BY THIS DATE

cc: City Clerk
Codes and Inspection

ATTEST: Mark Paez, Secretary

MILLS ACT
EXTERIOR REHABILITATION SCHEDULE

Feature	Character Defining?	Condition	Recommended Treatment	Schedule	Budgets	Notes
House Exterior:						
A. Concrete building structure at rearward/downhill foundation	Yes	Fair	Repair and replacement including leveling of floor above	2031	$87,500	**a**
B. Wood deck and guardrails at southwest corner and rear	Yes	Fair-poor	Repair and replacement of deteriorated wood deck structure, replacement of wood decking and guardrails similar to existing	2026	$70,000	**b**
C. Fixed glass and casement wood sash windows with flat wood trims and sills	Yes	Fair-poor	Replace 7 windows at upper west side to match existing	2031	$43,200	**c**
D. Sliding metal patio doors at rear deck	Yes - altered	Fair	Replace sliding doors at Dining Room with new high quality doors	2026	$18,940	**c**
				Subtotal:	$219,640	
Carport & Entry Way:						
E. Gravel path to entry gates at carport	Yes - altered	Fair	Replace gravel at entry path with new brick	2026	$9,600	**d**
F. Wood and lattice entry gates	Yes - altered	Poor	Replace entry gates with new wood gates	2026	$2,900	d
G. Exposed aggregate concrete steps and walk at entry way	Yes		Replace exposed aggregate concrete at covered walk with new to match	2026	$17,765	d
				Subtotal:	$30,265	

MILLS ACT
EXTERIOR REHABILITATION SCHEDULE

Landscape:						
H.	Perimeter wood fencing, board and batten	Yes	Replace wood fence at front (east) similar to original	2026	$6,650	d
I.	Upper yard ground covering and trees/plants	Yes - altered	Replace ground cover and plantings at upper area similar to original	2026	$9,385	d
J.	Brick garden paving, parquet pattern, framing planting beds on grade	Yes	Remove, repair grade and reinstall brick pavers and steps, including new wood steps to match	2026	$13,200	d
				Subtotal:	$29,235	
				Total Estimated 10yr. Budget =	**$279,140**	

GENERAL NOTES:

1. This proposed 10 year work plan is focused on the rehabilitation of the exterior house, carport and landscape.
2. The proposed work plan is commensurate with the estimated Mills Act tax reduction per the accompanying Spreadsheet.
3. This focused work plan represents only a portion of current and future rehabilitation work.

REHAB NOTES:

a. Required structural repairs per SDC Structural Engineering report - dated Dec. 2022.
b. Replacement deck per Eric Ashkenos Construction - dated May 2024.
c. Replacement windows and doors per Anderson Windows - dated 5/23/24.
d. Carport and landscape rehabilitation per Zamora Eco Landscapes, Inc. - dated 5/30/2024.

LANDMARKS PRESERVATION COMMISSION

STAFF REPORT

FOR COMMISSION ACTION
AUGUST 1, 2024

7 Greenwood Common

Mills Act Contract Application (#LMMA2024-0002) for a City of Berkeley Landmark residential property.

I. Application Basics

Property Owner:	Edie Hofmeister 7 Greenwood Common Berkeley, CA 94708
Historic Architect & Consultant:	Mark Hulbert, Architect Preservation Architecture 446 17th Street, #302 Oakland, CA 94612
Recommendation:	Approve the proposed rehabilitation schedule and recommend favorable action to City Council.

Figure 1: Vicinity Map showing nearby City Landmarks & Districts



Figure 2: Existing Site Conditions – 7 Greenwood Common as seen from Greenwood Common, looking northwest (Preservation Architecture, 2024)



Figure 3: Existing Site Conditions – East and South Elevations, and Southeast Yard (Preservation Architecture, 2024)



II. Background

The subject property is located within the Greenwood Common neighborhood, which consists of eight single-family residences oriented around a common/shared green space, perched atop a hillside with sweeping views of the San Francisco Bay to the west. This mid-century era development is recognized as the most significant and integrated example of the Second Bay Tradition design philosophy (blending the landscape and architecture) in the City of Berkeley and served as a prototype for this design movement in the Bay Area and the state.

The subject property at number 7 Greenwood Common, in its own layered history, is associated with numerous master architects and prominent figures of Modernism, according to the Historical Architectural Summary in Attachment 1 as chronicled below:

- A small residential building was believed to have been built on the project site c.1930, predating the Greenwood Common development;
- In 1940, world-renowned Modernist architect Rudolph Schindler completed additions and alterations to the existing building for owners Alexander Sasha Kaun and Val Kaun, giving it its basic modern identity;
- Subsequently, UC Berkeley academic couple and notable designers William Wurster and Catherine Bauer Wurster owned the 2.5-acre property at large, and resided in no. 7 from 1950-1953 while developing plans for the eventual Greenwood Common. The Bauer-Wursters competed small architectural changes to number 7;
- In 1953, the Bauer-Wursters deeded the property to Morley Baer, a leading architectural photographer of the time, and his wife Frances Baer, an artist in her own right. The Baers added on to the property at no. 7 with a front and south side additions, designed by eminent Modern architect Henry Hill. The Baers also hired Lawrence Halprin, pre-eminent Mid-Century landscape architect, and the landscape designer of the Common itself, to design their private garden at the southeast corner, a carport and entryway at the northeast, and the desk at the southwest side of the residence (which retain their integrity).
- In 1961, the Baers had architect Harry W. Namitz added a second story bedroom and deck addition to the residence, marking the completion of its Modernist identity.
- Later small alterations (1984 and 1988) were also carefully designed by architects and do not adversely impact the property's significance.

Further details can be found in Attachment 1, which identifies the Period of Significance for 7 Greenwood Common as 1940-1972.

The subject property, along with a number of other residences on Greenwood Common, was designated as a City landmark in 1990; see the Landmark Designation Record included in Attachment 4 of this report.

On June 6, 2024, the applicant, on behalf of the property owners, submitted a Mills Act Contract Application for this City Landmark property.

III. Issues and Analysis

The applicant's historic architect, who is also serving as the historic resource consultant, prepared the Mills Act submittal in line with the City's program requirements.

The Mills Act application includes the following components:

1) *Historic Architectural Summary* for the subject property (Attachment 1), which including a summary of character-defining features.
2) An Exterior Rehabilitation Schedule (Attachment 2), which outlines the projects identified for restoration, rehabilitation, and maintenance of the property over the ten-year contract period; and
3) A financial analysis spreadsheet (Attachment 3) for estimating the potential Mills Act tax savings for this request, based on property-specific figures calculated using standard formulas.

This purpose of this review is to confirm the eligibility of the property to participate in the program and verify the validity of the identified work plan items. Should the City enter into a Mills Act Contract with the property owner, the Alameda County Assessor's Office will be responsible for verifying the figures provided by the applicant, conducting calculations, and applying actual property tax reductions on future tax bills beginning in 2025.

All improvements included in the Rehabilitation Plan (Attachment 2) relate to restoring the historic, character defining features of the building and site, or extending the Landmark's useful life. All of the proposed work items included in the Mills Act Application (Attachment 2) can be considered "ordinary maintenance and repair" because the activities would restore existing features and do not include changes to the character of any of the exterior features. Many of the work items relate to restoring various eras of significance in the evolution of the property, as chronicled under the "Background" section of this report, including a restoration of the original surviving Lawrence Halprin landscape and hardscaped yard. All of the work proposed would be exempt from the requirements of a Structural Alteration Permit (SAP), pursuant to the Landmarks Preservation Ordinance (Berkeley Municipal Code Section 3.24.260). If any future work is proposed to go beyond the scope of "ordinary maintenance and repair," then it would be subject to prior approval by the Commission.

The work plan items are justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, the work plan will provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed work plan items represent improvements that are consistent with the requirements of the Mills Act.

IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will reinvest a significant portion of the property tax savings resulting from the Contract into preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is provided in Attachment 2, and summarized in Table 1 below.

Table 1. Summary of Rehabilitation Schedule & Recommended Treatments

Area of Work	Feature	Recommended Treatment	Estimated Year of Completion
Landscape	Perimeter wood fencing, board and batten	Replace wood fence at front (east) similar to original	2026
	Upper yard ground covering, trees and plants	Replace ground cover and plantings at upper area similar to original	2026
	Brick garden paving, parquet pattern, framing planting beds on grade	Remove, repair grade and reinstall brick pavers and steps, including new wood steps to match	2026
Carport & Entryway	Gravel path to entry gates at carport	Replace gravel at entry path with new brick	2026
	Wood and lattice entry gates	Replace entry gates with new wood gates	2026
	Exposed aggregate concrete steps and walk at entry way	Replace exposed aggregate concrete at covered walk with new to match	2026
House Exterior	Wood deck and guardrails at southwest corner and rear	Repair and replace deteriorated wood deck structure, replace wood decking and guardrails similar to existing	2026
	Sliding metal patio doors at rear deck	Replace sliding doors at Dining Room with new upgraded doors	2026
	Concrete building structure at rearward/downhill foundation	Repair and replace, including leveling of floor above	2031
	Fixed glass and casement wood sash windows with flat wood trims and sills	Replace seven windows at upper west side to match existing	2031

Per the applicant's calculations in Attachment 3, the owner's work plan represents a full reinvestment of the savings into the property (i.e. spending $279,140 on the 10-year work plan, while saving $264,381 in property tax reduction over the 10-year period).

V. Recommendation

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance", and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

Attachments:

1. Mills Act Application for 7 Greenwood Common – Historic Architectural Summary, dated May 31, 2024
2. Mills Act Application for 7 Greenwood Common – Exterior Rehabilitation Schedule, dated May 31, 2024
3. Mills Act Application for 7 Greenwood Common – Financial Analysis Spreadsheet, dated May 31, 2024
4. Notice of Decision – Landmark Designation, March 19, 1990

Prepared by: Reina Kapadia, AICP, Senior Planner; rkapadia@berkeleyca.gov (510) 981-7485
Reviewed by: Fatema Crane, Principal Planner/LPC Secretary; fcrane@berkeleyca.gov (510) 981-7410

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Jennifer A. Louis, Chief of Police

Subject: Donation: Fusako Castro Estate to the Berkeley Police Department

RECOMMENDATION
Adopt a Resolution accepting a donation in the amount of $1,125.42 from the Fusako Castro Estate to the Berkeley Police Department.

FISCAL IMPACTS OF RECOMMENDATION
The donation will be deposited into the Police Department's budget code 011-71-701-801-0000-000-000-481110-. The funds will be used to support community engagement efforts. The donation will be appropriated as part of the Second Amendment to the FY 2025 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS
Ms. Fusako Castro, a resident of Berkeley, California, passed away in May 2016 and named the Berkeley Police Department as one of the designated beneficiaries of her estate. It has been determined by the Executor of the estate that $1,125.42 should be donated to the Berkeley Police Department.

BACKGROUND
The City's Open Government Ordinance requires City Council disclosure and approval of any gift to the City in excess of $1,000.00 (BMC Section 2.06.150, Ord. 7,166-N.S.).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental factors.

RATIONALE FOR RECOMMENDATION
The donation allows the Berkeley Police Department to support community engagement efforts.

CONTACT PERSON
Jennifer A. Louis, Chief of Police, (510) 981-5700

Attachments:
1: Resolution

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

DONATION: FUSAKO CASTRO ESTATE TO THE BERKELEY POLICE DEPARTMENT

WHEREAS, the City's Open Government Ordinance requires City Council disclosure and approval of any gift to the City in excess of $1,000.00 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, Ms. Fusako Castro named the Berkeley Police Department as a beneficiary of her estate; and

WHEREAS, the donation will be deposited into the Police Department revenue budget code of 011-71-701-801-0000-000-000-481110-.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the gift of $1,125.42 from the Castro Estate to the Berkeley Police Department be accepted.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Jennifer Louis, Chief of Police
David Sprague, Fire Chief

Subject: Contract: All-Star Talent for Recruiting, Advertising, and Marketing Strategy for the Berkeley Police and Fire Departments

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with All-Star Talent for public safety recruiting and retention services from June 1, 2024 through May 30, 2028 and a not to exceed $1,313,482 with an option to extend for two additional two-year periods.

FISCAL IMPACTS OF RECOMMENDATION

Funds for this contract will be allocated from the police department's General Fund budget, from the fire departments General Fund, Measure FF and from UC settlement funds.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Fire Department is responsible for providing fire suppression, emergency medical, hazardous materials and technical rescue response services to the community inclusive of the UC Campus. The Department is challenged with a call volume that continues to rapidly increase, rising 1,000 calls or 6% in 2023 alone. This challenge is exacerbated by the most challenging period the fire service has faced in modern history with regard to recruitment. The Department has been experiencing a vacancy rate hovering around 20% for several years and has struggled to hire and retain qualified candidates. This has resulted in a spike in forced extra overtime for current employees that has ballooned to over 300% of normal. Such a high degree of extra work exacerbates mental and physical fatigue and has caused a spike in injuries and employees on leave, further exacerbating the base condition. Having adequate staffing directly impacts the quality of service that the Department is capable of providing to the community.

The Berkeley Police Department is experiencing a critical challenge that is confronting law enforcement agencies nationwide: attracting and retaining a qualified and diverse

workforce. This challenge is complex, arising from multiple factors that contribute to the current difficulties in law enforcement recruitment and retention.

A key obstacle is the shifting societal expectations for law enforcement officers. Today, the role of a police officer is not only about traditional policing skills but also requires significant emotional intelligence, community engagement, and an understanding of complex social dynamics. These expanded expectations have made the job more demanding, narrowing the pool of individuals both interested in and qualified for the profession under these new criteria.

Furthermore, the competitive landscape for recruiting qualified candidates has become more intense. Those with the desired blend of skills, integrity, and dedication are in demand across various sectors, often with more attractive compensation, benefits, and perceived work-life balance than what the public sector can offer. This makes it challenging for police departments to compete with private sector opportunities.

Finally, traditional recruitment methods are failing to attract a diverse and qualified pool of candidates. Reliance on in-person recruitment events, for instance, may not be as effective in an era dominated by digital platforms and social media, which are crucial for information sharing and networking.

BACKGROUND

For the past four years, the Police Department has worked with a professional firm dedicated to marketing and recruiting law enforcement applicants, with a specific budget allocated for this purpose. Ongoing efforts to evaluate and improve how we attract and maintain connections with applicants have led us to recognize the need for enhanced strategies in today's competitive market.

During that same time period the Fire Department has pieced together a recruitment program using various contractors and in-house talent. While there were some good gains made in terms of social media presence and reach to candidates, the model is complicated, non-centralized and requires a great deal of staff time to coordinate.

Through a joint fire and police evaluation, All-Star Talent has emerged as a promising option to help us achieve our recruiting and retention goals. All-Star Talent offers unique advantages and services which will be crucial for improving recruitment efforts.

All-Star Talent employs a combination of engineering, data science, and specialized strategies for recruitment. Their methods, driven by both technical and strategic insights, are designed to meet the specific needs of recruiting and retaining personnel. By working with federal, state, and local agencies, All-Star Talent provides insights into effective recruitment strategies and identifies opportunities for innovation.

The organization's partnerships with public safety organizations and their proprietary methods for developing talent brands are significant. Specifically, their collaboration with The National Association of Women Law Enforcement Executives (NAWLEE) and the support for the 30X30 Initiative aim to increase the representation and experiences of women in law enforcement, contributing to a diverse and skilled workforce.

All-Star Talent's use of advanced tracking technologies and interactive communication platforms, such as email, text messaging, and drip campaigns, establishes meaningful connections with candidates and supports them throughout the hiring process. Their comprehensive recruitment strategies are designed not only to meet immediate staffing needs but also to build a long-term pipeline of law enforcement professionals.

The services offered by All-Star Talent, including the maintenance of a recruitment landing page with professional graphic design, the implementation of an advanced lead relationship management system, and the oversight of advertising campaigns on social media and Google platforms, are tailored to enhance engagement with potential candidates. Additionally, the management of the Department's Indeed profiles and the provision of a monthly license for a candidate relationship management system allow for extensive direct engagement with candidates.

Regular meetings with recruitment leadership, custom digital design work for campaigns and initiatives, and the organization of digital career fairs are among the strategies employed to expand the recruitment strategy's reach and effectiveness. All-Star Talent's commitment to adjusting advertising strategies based on performance metrics ensures the optimization of recruitment efforts for maximum impact.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The National Association of State Procurement Officials (NASPO) is a nonprofit organization focused on enhancing public procurement practices through best practices and cooperative purchasing agreements, ensuring ethical, efficient, and cost-effective government acquisitions.

Our selection of All-Star Talent, a member of NASPO's cooperative purchasing program (AR #2490), was driven by their record in exceeding client expectations and delivering high levels of satisfaction. Their specialized expertise in crafting comprehensive recruiting advertising and marketing strategies is well-evidenced by positive feedback from their clientele, underscoring the effectiveness and quality of their services. This choice reflects our commitment to securing the best overall value and solutions that precisely meet our city’s needs.

ALTERNATIVE ACTIONS CONSIDERED

The Police Department's contract with the current recruitment vendor lapsed April 30, 2024. All-Star Talent expands on the available level of service and has enhanced data metrics to track our return on investment and adjust to focus on efforts providing the best results. Consequently, unless the departments enter into a new contract, there will be an absence of an external recruitment partner to support hiring efforts. Additionally, it would preclude the police and fire departments from leveraging the innovative services offered by All-Star Talent.

CONTACT PERSON

Melanie Turner, Lieutenant, 510-981-5970
David Sprague, Fire Chief, 510-981-3473

Attachments:
1: Resolution

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

CONTRACT: ALL-STAR TALENT FOR RECRUITING, ADVERTISING, AND MARKETING STRATEGY FOR THE BERKELEY POLICE AND FIRE DEPARTMENTS

WHEREAS, the City of Berkeley seeks to implement an effective recruiting advertising and marketing strategy for the Police and Fire Departments; and

WHEREAS, the National Association of State Procurement Officials (NASPO) offers access to a portfolio of pre-vetted vendors through its cooperative purchasing program, which facilitates the procurement of high-quality services and goods; and

WHEREAS, All-Star Talent is a recognized vendor within the NASPO cooperative purchasing program, Contract #AR2490, known for its expertise in providing comprehensive recruiting advertising and marketing strategies; and

WHEREAS, after careful consideration and in alignment with the city's procurement policies that allow for the use of cooperative agreements for such services, All-Star Talent has been identified as the vendor that best meets the needs of the City of Berkeley.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with All-Star Talent for public safety recruiting and retention services from June 1, 2024 through May 30, 2028 not to exceed $1,313,482 with an option to extend for two additional two-year periods.

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Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Jennifer A. Louis, Chief of Police

Subject: Revenue Grant: California Office of Traffic Safety (OTS) for the 2025 "Selective Traffic Enforcement Program (STEP) Grant

RECOMMENDATION

Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for $255,000 for the period of October 1, 2024 through September 30, 2025, which is Federal Fiscal Year 2025.

FISCAL IMPACTS OF RECOMMENDATION

The total of this project will not exceed $255,000. Grant revenues will be deposited into budget code 309-71-703-812-0000-000-000-431110 to offset expenditures. Appropriation of the expenditures is being included in the Second Amendment to the FY 2025 Annual Appropriations Ordinance. This grant will fund overtime, benefits, equipment, training costs, and reduce additional General Fund expenditures.

CURRENT SITUATION AND ITS EFFECTS

Securing OTS grant funding is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Currently the Traffic Bureau at the Berkeley Police Department is staffed by one Motor Officer, one Traffic Data Analyst, a Sergeant, and a Lieutenant. Motor officers' responsibilities include injury-collision investigations and traffic enforcement; however, resources often deplete rapidly due to ancillary duties and personnel shortages in the operations/patrol division. OTS funding builds upon our current traffic safety efforts by allowing patrol and motor officers opportunities to address traffic safety issues-most significantly pedestrian and bicycle safety, distracted and impaired driving- in addition to and outside of their regularly scheduled duties. Additionally, the funds provide opportunities for leadership development and learning in traffic safety and DUI/impaired driving enforcement, and enhance the department's overall mission of public safety. This grant year's funding also provides for the replacement of the department's electronic sign and radar trailer.

BACKGROUND

Office of Traffic Safety (OTS) rankings place the City of Berkeley in the top two for the past seven years in pedestrian and bicycle related injury collisions when compared to sixty other cities with comparable populations. Each year hundreds of people are injured in traffic collisions that occur in the City of Berkeley. Berkeley maintains a high ranking in total fatal and injury collisions, hit and run injury collisions, speed related collisions, nighttime collisions, and motorcycle involved collisions. With assistance from the 2025 Office of Traffic Safety Grant, the department will continue our efforts to reduce the number of community members injured in collisions whether they choose to walk, drive, bike or ride a motorcycle in our city.

In 2021, the City of Berkeley was number two (2/60) for injury collisions involving pedestrians; number one (1/60) for collisions involving bicyclists; number seven (7/60) for collisions involving pedestrians 65+, and fourteenth (14/60) for collisions involving motorcyclists. Based on these statistics and OTS rankings, the City of Berkeley is one of the most dangerous cities in the State of California to be a pedestrian or bicyclist.

Between 2012-2023, there have been thirty-three fatal auto collisions in the City of Berkeley. Sixteen of those involved pedestrians, and four of those sixteen were pedestrians 65+. Five fatal collisions involved a bicyclist, three involved DUI, and two involved a motorcycle.

The OTS Grant and the City Council's Vision Zero Program have shared ideologies. BPD's participation directly supports two of three of Vision Zero's tenets. BPD's efforts directly support Public Awareness Education and Traffic Enforcement. Public Awareness through our social media, departmental messaging, and direct contact with the public (in the field and at community meetings) and data-driven enforcement of primary collision factor offenses in areas where they have the highest probability of occurring.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City of Berkeley continues to have one of the highest bicycle and pedestrian usage rates in the County of Alameda and, as a result, there are a large number of bicyclists and pedestrians sharing the roadway with motorists. This grant will support the City of Berkeley's efforts to promote more sustainable forms of transportation, reducing greenhouse gas emissions-with the goal of reducing traffic injuries and fatalities related to all modes of transportation.

RATIONALE FOR RECOMMENDATION

The Police Department requests this funding be approved to enhance our current mission of providing a safer environment for pedestrians, bicyclists, motorcyclists, and motorists on all City of Berkeley roadways and highways.

ALTERNATIVE ACTIONS CONSIDERED

The California Office of Traffic Safety currently provides the only known grant funding specific to traffic enforcement and related education. Not accepting this OTS grant would require additional overtime expenditures from General Fund resources or could result in a decrease in the overall safety of the citizens of Berkeley

CONTACT PERSON

Ben Cardoza, Berkeley Police Traffic Bureau, (510) 981-5982

Attachments:
1: Resolution

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

REVENUE GRANT: 2025 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FROM THE OFFICE OF TRAFFIC SAFETY

WHEREAS, the Police Department is committed to providing a safe and secure environment through law enforcement within the City of Berkeley; and

WHEREAS, the Office of Traffic Safety (OTS) has made grant funding available to the Police Department to assist them in their mission of increasing traffic safety; and

WHEREAS, this grant will provide funding to support efforts to reduce injury and fatal collisions involving pedestrians, bicyclists, motorcyclists, and motorists on all City of Berkeley roadways and highways; and

WHEREAS, grant revenues will be deposited into budget code 309-71-703-812-0000-000-000-431110, in the DUI Enforcement Education Program Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Chief of Police is authorized to accept the 2025 Selective Traffic Enforcement Program (STEP) Grant and enter into the resultant grant agreement and any amendments, with the Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions in the amount of $255,000 for the period of October 1, 2024 to September 30, 2025.

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Disaster and Fire Safety Commission

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission

Subject: Recommendation Regarding Panoramic Hill Secondary Evacuation

RECOMMENDATION

Adopt a Resolution approving the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.

POLICY COMMITTEE RECOMMENDATION

On July 15, 2024, the Public Safety Committee adopted the following action: M/S/C (Taplin/Bartlett) to send the Commission item and the City Manager Companion Report to Council, and giving a positive recommendation to the City Manager Companion Report for City Council to adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

The full fiscal impacts of constructing a secondary access/egress route are yet unknown and will need to be researched following the completion of a feasibility study. The Fire Chief has indicated that Berkeley's portion of a feasibility study should be able to be funded through existing Department funds.

CURRENT SITUATION AND ITS EFFECTS

The difficulty of providing both fire/emergency services to Panoramic Hill and evacuation of residents has been well known for more than 70 years. In 1959, an emergency secondary access road was constructed which allowed only emergency vehicle access into the area, but not emergency secondary egress for residents to evacuate. In the meantime, development in Berkeley and Oakland has continued and

the situation for residents has become increasingly serious. The neighborhood is surrounded by wildlands on three sites and by recent Southside upzoning and Memorial Stadium (capacity 63,000) and the Hayward Earthquake Fault at its base. The Panoramic Hill neighborhood is zoned ES – R (Environmental Safety – Residential) the only area in Berkeley so designated. Information regarding the ES – R zone can be found in the Berkeley Municipal Code, Title 23, section 23.202.070. The stated General Purpose of the ES-R District is as follows:

> Because of its substandard vehicular access, steep slopes, inadequate water pressure and proximity to the Hayward Fault and vegetated wildlands, the Panoramic Hill area is exceptionally vulnerable to severe damage or destruction from fire and earthquake hazards. Panoramic Hill also includes one of Berkeley's most architecturally significant residential districts, which is listed in the National Register of Historic Places because of its association with the Arts and Crafts movement of the Bay Area Tradition

BACKGROUND

This is an urgent matter as all current information indicates that wildfires have become more frequent and intense than in previous years. Additionally, we also are hearing that the likelihood of a major earthquake along the Hayward Fault is long overdue. The ES-R zoning of Panoramic Hill officially recognizes the area as having residential development with only one way in and one way out. While the city has recognized this for years, the area's evacuation problems have not been addressed. Today, Berkeley is the second most dense city on a list of 51 largest cities in the State of California. Berkeley is exceeded only by San Francisco. We are denser than Los Angeles and San Diego, and further we are uniquely bisected by a major earthquake fault, and have numerous officially designated landside areas and liquefaction zones within a tiny 10 square mile area.

Commission Vote: Vote: Ayes – Katz, Wilson, Kinosian, Dean, Murphy, Bradstreet; Noes – None; Abstain – None

RATIONALE FOR RECOMMENDATION

There is no public transportation, nor is there likely to be any in the future of Panoramic Hill. The problem of evacuation has been recognized in part by enacting street parking restrictions in the area. However, street parking enforcement has always been a problem and enacting further restrictions is not the answer as buildings have been constructed over the years without on-site parking and street parking restrictions have already been enacted. Recently, in response to comments from the State Department of Community Development, new regulations have been approved which allow construction of both an ADU and JADU on each parcel in all High Severity Fire Areas which includes Panoramic Hill. This may change when an evacuation study is completed sometime next year, but if it does, it cannot be undone by retroactively requiring that existing buildings install on-site parking. Consideration of adding more

street parking restrictions currently simply ignores the serious problems that already exist.

While an emergency apparatus *only* access road (the Jordon Trail) was constructed many years ago, it is past time to also recognize that no secondary emergency egress road for residents to evacuate the area when needed is a matter of basic public safety. Such an escape road does not need to be paved with asphalt and have sidewalks and curbs like a city street, Construction of a secondary emergency egress road that saves lives by providing an escape route combined with the existing secondary access road for emergency vehicles benefits not only residents of Panoramic Way, but also all residents of the city by slowing the expansion of potentially catastrophic events and saving lives. For the sake of public safety, we must take action now.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions were considered.

CITY MANAGER
See Companion Report

CONTACT PERSON
Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission

Attachments:

1: Resolution

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

RECOMMENDATION REGARDING PANAROMIC HILL SECONDARY EVACUATION

WHEREAS, because of its substandard vehicular access, steep slopes, inadequate water pressure and proximity to the Hayward Fault and vegetated wildlands, the Panoramic Hill area is exceptionally vulnerable to severe damage or destruction from fire and earthquake, and

WHEREAS, Panoramic Hill also includes one of Berkeley's most architecturally significant residential districts, which is listed in the National Register of Historic Places because of its association with the Arts and Crafts movement of the Bay Area Tradition, and

WHEREAS, the difficulty of providing both fire/emergency services to Panoramic Hill and evacuation of residents has been well known for more than 70 years. In 1959, an emergency secondary access road was constructed which allowed only emergency vehicle access into the area, but not emergency secondary egress for residents to evacuate.

WHEREAS, the ES-R zoning of Panoramic Hill officially recognizes the area as having residential development with only one way in and one way out. While the city has recognized this for years, the area's evacuation problems have not been addressed. Today, Berkeley is the second most dense city on a list of 51 largest cities in the State of California. Berkeley is exceeded only by San Francisco. We are denser than Los Angeles and San Diego, and further we are uniquely bisected by a major earthquake fault, and have numerous officially designated landside areas and liquefaction zones within a tiny 10 square mile area.; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that approves the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.

31b

Office of the City Manager

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: Dave Sprague, Fire Chief

Subject: Companion Report: Recommendation Regarding Panoramic Hill Secondary Evacuation

RECOMMENDATION
Adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. The results of the study should then be shared with the Public Safety Policy Committee.

POLICY COMMITTEE RECOMMENDATION
On July 15, 2024, the Public Safety Committee adopted the following action: M/S/C (Taplin/Bartlett) to send the Commission item and the City Manager Companion Report to Council, and giving a positive recommendation to the City Manager Companion Report for City Council to adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION
No impact to the General Fund. The study would use funds within the Fire Department's budget.

CURRENT SITUATION AND ITS EFFECTS
See Disaster and Fire Safety Commission (DFSC) report.

BACKGROUND
See DFSC report.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental impacts that will occur as a result of initiating this study.

RATIONALE FOR RECOMMENDATION

Long-Term Solution: A secondary escape and escape route has been contemplated since at least 1959. Today it is a solution that the City should fully investigate in order to determine what impact it could have during an evacuation of – and emergency response to – the Panoramic hill neighborhood in the event of wildfire.

The subsequent design and construction of this road will likely be outside the scope and scale of what available Fire Department funding could support, thus alternate funding strategies would have to be identified.

Determining Feasibility is the First Step: The Fire Department supports the DFSC recommendation to conduct a feasibility study if other impacted landowners are supportive. Determining the overall feasibility and cost of a secondary escape route is the first step and must be completed prior to future action being taken with regard to identification of funding sources for design and construction.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

Attachments:
1: Resolution
2: Panoramic Hill Area Development and Environmental Resources Study, Summary Report, June 1974
3: Alternate Panoramic Hill Access Routes Map. May 27, 1959

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

DFSC PANORAMIC EGRESS/ACCESS FEASIBILITY STUDY

WHEREAS, a secondary escape and access route has been contemplated since at least 1959, and

WHEREAS, this solution should be fully investigated in order to determine what impact it could have during an evacuation of – and emergency response to – the Panoramic hill neighborhood in the event of wildfire, and

WHEREAS, the Fire Department supports the (Disaster and Fire Safety Commission (DFSC) recommendation to conduct a feasibility study if other impacted landowners are supportive, and

WHEREAS, determining the feasibility and cost of a secondary route is the first step and must be completed prior to future action being taken with regard to identification of funding sources for design and construction.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. The results of the study should then be shared with the Public Safety Policy Committee.

PANORAMIC HILL AREA

DEVELOPMENT AND ENVIRONMENTAL

RESOURCES STUDY

SUMMARY REPORT

Berkeley Planning Department
June, 1974

CONTENTS OF SUMMARY REPORT

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ACKNOWLEDGMENT

The Panoramic Hill Study would not have been possible without the assistance of Panoramic Hill residents, representatives of various public agencies and the City of Berkeley staff.

The Planning Department acknowledges the major assistance provided by Fire Chief Elmer Silva of the University of California Lawrence Laboratory and Professor Emeritus Harold Biswell of the University of California School of Forestry.

Also providing considerable assistance were Owen Eide of the East Bay Municipal Utility District; Roy Oakes and William Dabel of the Berkeley Public Works Department; Victor Porter and Milton Steele of the Berkeley Fire Department; and Fire Marshal Russell Norman of the University of California. Ken Moye, a city planning student at the University of California, donated many hours of volunteer work and was later added to the study staff.

The Panoramic Hill Association provided major assistance to the study, primarily through its Planning and Zoning Committee. The Committee which consists of Patrick Devaney, chairman, Della Reid, Dan Keig, and Judd Boynton met regularly with the study staff.

Dean Armstrong, Project Director
Thomas F. Peak, Director of Planning

Introduction



INTRODUCTION

Origin of the Study

Panoramic Hill has long been recognized as a portion of the Berkeley planning area that needed special study. The area consists of two steep ridges upon which the cities of Oakland and Berkeley have allowed the construction of 200 dwelling units over the last 50 years. Severe fire hazards, a single twisting narrow access road barely adequate for residential access, and severe traffic congestion plague the neighborhood.

Because it was felt that existing regulations and programs were not solving the neighborhood problems, on June 5, 1973, the Berkeley City Council imposed a one year development moratorium on the Berkeley portion of the Panoramic Hill area. At that time, the Berkeley Planning Department was directed to review existing development policies and analyze Panoramic Hill problems. Consequently, a study was begun of fire hazards, traffic circulation, parking and other problems in both the Berkeley and Oakland portions of the Panoramic Hill area. The Oakland portion of the Hill was included because it is impossible to separate the problems and environmental characteristics of the Oakland area from the Berkeley area.

Components of the Study

Supporting the Study Conclusions and Recommendations are two major studies: 1) the Fire Vulnerability Study; and 2) the Environmental Assessment Study.

The Fire Vulnerability Study analyzes the factors that determined fire vulnerability: 1) factors promoting fire ignition; 2) fire hazards, especially fuel characteristics; 3) the capability of fire forces to respond to a fire emergency; 4) the degree to which people, property and other things of value are exposed or would be exposed in the future to fire danger.

The Environmental Assessment Study surveys the existing and potential environment of Panoramic Hill. Factors studied were: 1) the natural environment; 2) the social and cultural environment; and 3) threats to the environment.

Citizen Participation

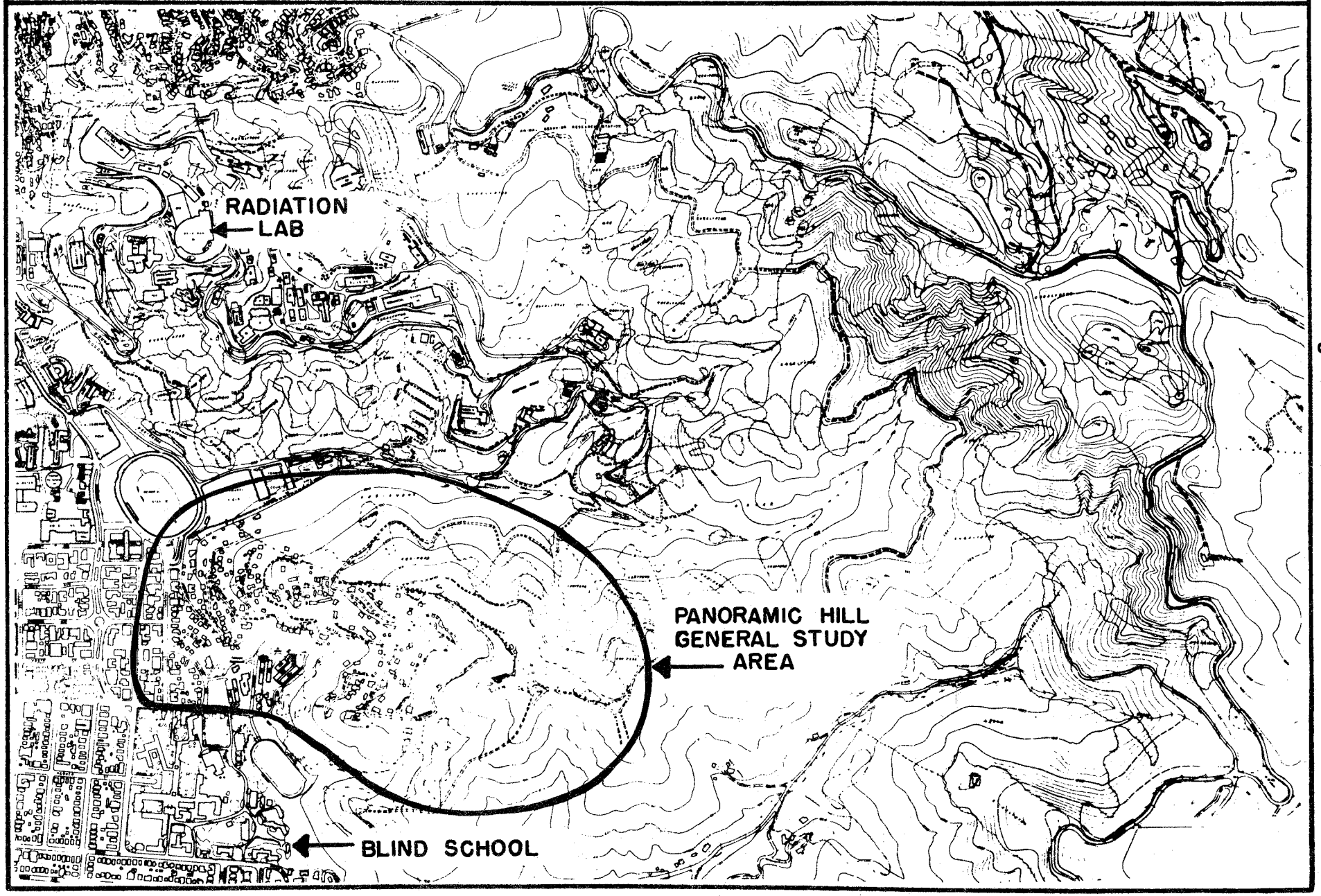
Throughout the study, a major effort was made to achieve resident participation and to keep the residents informed. All of the residents were sent information on the study and their views were solicited through two separate questionnaires. Because it represents approximately one-half of the residents, the Panoramic Hill Association

PANORAMIC HILL STUDY AREA

BERKELEY PLANNING DEPARTMENT 6-74

SCALE IN FEET
0 500 1000 2000

LOCATION MAP #1



was given the opportunity to provide significant input to the study including bi-weekly meetings between Planning Department Staff and a subcommittee of the Association. Staff presentations were also made at regular Association meetings.

The members of the Planning and Zoning Committee of the Association included Patrick DeVaney, Chairman; Della Reid, Dan Keig and Judd Boynton. Association members who also provided significant assistance were Bill Freedenberg and Doris Maslach.

Summary of Study Findings



SUMMARY OF STUDY FINDINGS

General Description of the Neighborhood

Panoramic Hill is a neighborhood that straddles the Berkeley-Oakland border. It consists of approximately 200 dwelling units, 3/4 of which are located in the Berkeley portion of the Hill. Although the environment is very woodsy and rural, nearly half of the dwelling units are in buildings having two or more dwelling units.

The neighborhood rests on two ridges that jut out from the Berkeley Hills just south of Strawberry Canyon. Most of the development is on the north ridge (See attached map) that is bounded on the north by Strawberry Canyon and on the south by the middle fork of Derby Creek. The south ridge, which has only ten percent of the Hill's homes, is a far less prominent physical feature. It is bounded to the north by Derby Creek and to the south by the wildlands leased by the East Bay Regional Park District from the California School for the Blind and Deaf.

The neighborhood has "wildland" properties to the north (UC-Strawberry Canyon), the east (steep ridgelines owned by the University of California), and to the south (steep hillsides once a part of the California School for the Blind and Deaf). On the west, the neighborhood borders on a highly urbanized portion of the City of Berkeley which lies adjacent to the University of California Stadium. This adjacent neighborhood has many student-oriented apartments, fraternity and sorority houses.

Physical Character of the Hill

The lower part of Panoramic Hill was first settled in the early years of the twentieth century. The homes become much newer at the higher elevations. At the top of the Hill (in Oakland) most of the houses were built since World War II. Most of the houses are made of wood. This, combined with the large yards and dense vegetation and the very narrow, twisting streets, gives much of the Hill the feeling of a National Geographic Magazine picture spread of a mountain village.

The main road of the Hill is Panoramic Way, a street varying in width from 12 to 18 feet. Panoramic Way provides the only access to the Hill. All traffic that enters or leaves the Hill must therefore, funnel through this narrow road. The road is extremely twisty--three major turns have corners with angles of far less than 90^{o}.

PANORAMIC HILL STUDY AREA
BERKELEY PLANNING DEPARTMENT 6-74
LOCATION MAP # 2
SCALE IN FEET
0 50 100 200 500
NEIGHBORHOOD STUDY AREA
MIDDLE FORK OF DERBY CREEK
BERKELEY
OAKLAND
INTRAMURAL FIELD
MEMORIAL STADIUM
PROSPECT ST
MILLSIDE AVE
900
1000

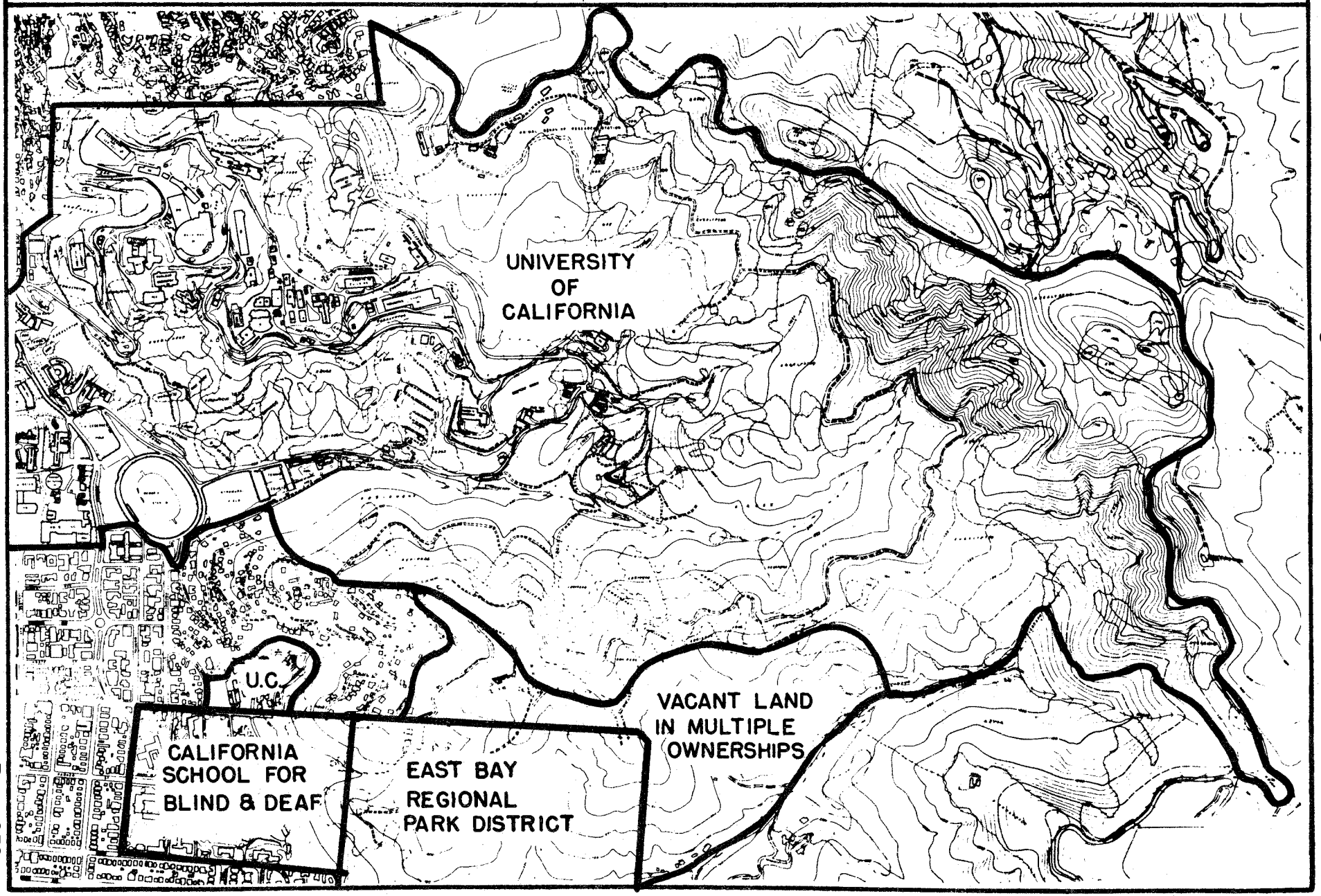
PANORAMIC HILL STUDY AREA

BERKELEY PLANNING DEPARTMENT 6-74

SCALE IN FEET

0 500 1000 2000

LARGE LAND HOLDINGS



Fire Vulnerability

The most important environmental characteristic of the Panoramic Hill area is the presence of a very dangerous fire situation. The proximity to the densely wooded University of California Strawberry Canyon watershed is the main reason for concern. However, heavy amounts of fuel (wood houses, debris, thick vegetation)within the neighborhood itself constitute a dangerous situation. These problems combined with the effects of high wind conditions during dry parts of the year (September primarily), very steep topography and extremely poor access, make the Panoramic Hill neighborhood among the most fire-dangerous neighborhoods in the Bay Area. (For details see Fire Vulnerability Study) (The attached map explains the fire situation)

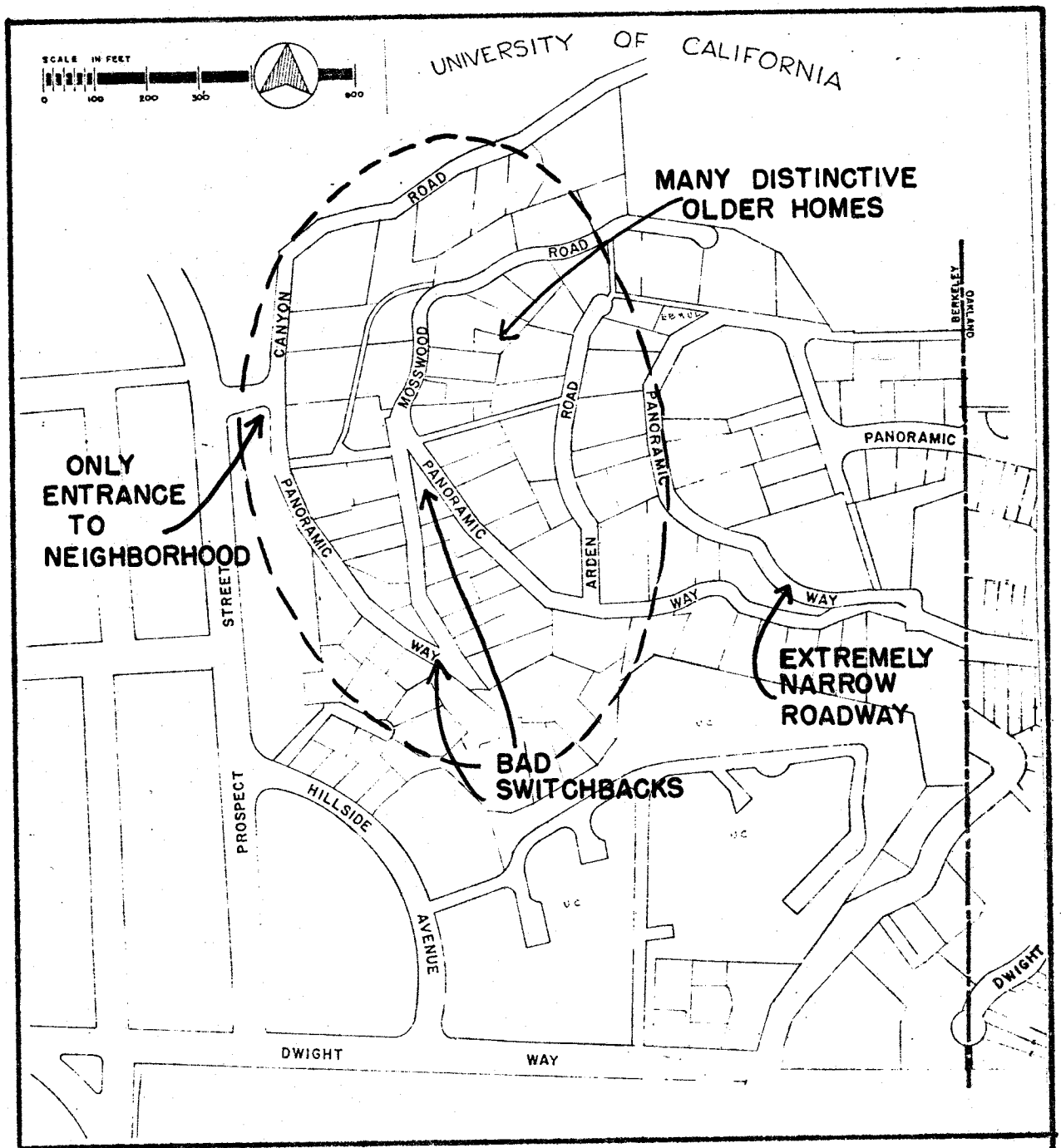
Geologic Hazards

If the fire hazard did not overshadow all other concerns, geologic hazards would have to be considered of greatest significance for Panoramic Hill; in fact, the two are related, with the potential for earthquake activity exacerbating the fire hazard. Geologic problems include the potential for: ground rupture from earthquake fault movement; intense ground shaking; landsliding; mudsliding; erosion and flooding. While all are important considerations, ground rupturing from earthquake activity is a very significant potential hazard.

Panoramic Hill is transected by the Hayward Fault, a major fault in the San Andreas Fault system. This fault experienced earthquakes in the 19th century which were nearly as severe as the San Francisco Quake of 1906. Seismic experts predict that there will be a major earthquake centered on this fault in the near future. When such a quake occurs there is a likelihood that the ground will be ripped open for much of the length of the fault. If this happens, the ground on one side of the fault would move as much as seven to ten feet relative to the other side. Given such fault movement, many homes, sewers, water lines, and gas lines would be severely damaged in a band that would transect the whole width of the Hill neighborhood. Gas lines breaking and starting fires combined with damage to water lines, the existing difficult access situation and the presence of severe fire hazards, could result in devastation.

The Natural Environment

Panoramic Hill consists of a major ridge and a minor ridge. The major ridge which is on the north side of the Hill area is a part of the Strawberry Canyon Watershed. The two ridges together form the watershed for the middle fork of Derby Creek. The south ridge also is in the watershed of the south fork of Derby Creek.


SCALE IN FEET
0 100 200 300 600
UNIVERSITY OF CALIFORNIA
MANY DISTINCTIVE OLDER HOMES
ONLY ENTRANCE TO NEIGHBORHOOD
EXTREMELY NARROW ROADWAY
BAD SWITCHBACKS
CANYON ROAD
MOSSWOOD ROAD
ROAD
PANORAMIC WAY
PANORAMIC
ARDEN WAY
PROSPECT STREET
HILLSIDE AVENUE
DWIGHT WAY
DWIGHT
BERKELEY OAKLAND
PANORAMIC HILL AREA STUDY
BERKELEY PORTION OF PANORAMIC
BERKELEY, PLANNING DEPARTMENT 6-74
CHARACTERISTICS OF BERKELEY NEIGHBORHOOD

-8-

The ridges were formed by erosion and mass wasting (mudslides, landslides) of less resistant rock. This erosion and mass wasting is a continuing process in the Hill's environment. Most problems with drainage, landsliding and mudslides have occurred in the area near the middle fork of Derby Creek.

Panoramic Hill originally was composed of grasslands and brush on the ridges with dense tree and other growth along the creeks. However, man has altered the environment greatly. Between 1914 and 1924, the University of California planted dense mixed conifer stands in the watershed land on both sides of Strawberry Canyon. These trees have now matured into a forest. Within the neighborhood, residents have planted dense stands of trees and other vegetation, such that the homes look as though they had been built within the forest.

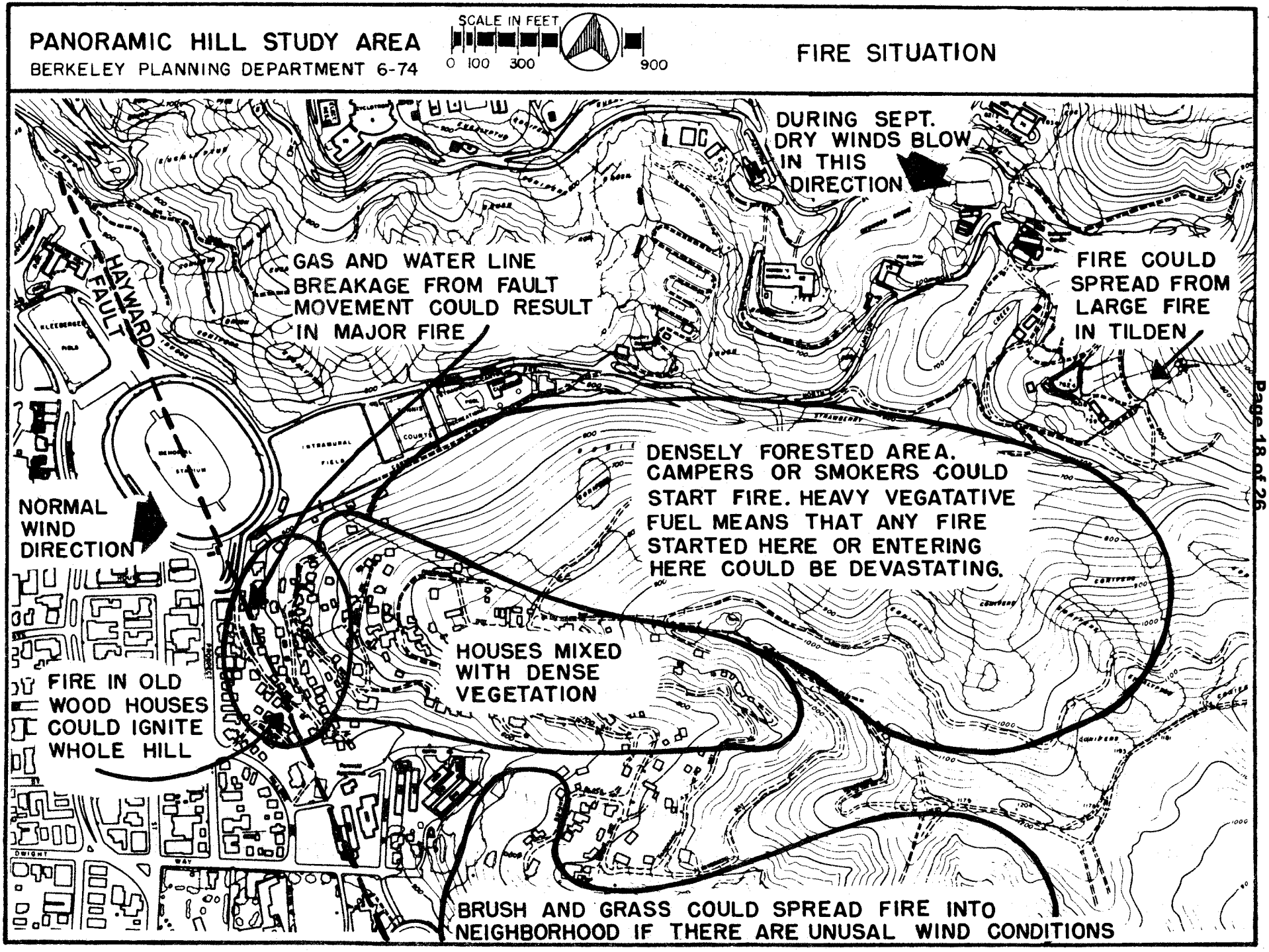
Since the vegetation that has been planted is for the most part not natural to the area and because of the man's presence, wildlife in the area is not especially unusual. Deer, raccoons, deer mice and jays are the predominant form of wildlife.

While the area cannot be called "natural", it is extremely beautiful. The beauty of the forest, however, has strong competition from the breathtaking views of the entire Bay Area. In addition, the Hill itself is a scenic asset of the Berkeley community. The forested, house- dotted north ridge of Panoramic Hill is the most prominent natural landmark in the Berkeley hills above the University Campus. The importance of how the Hill looks is made obvious by looking at one of the emblemsof the City of Berkeley which features the north ridge of Panoramic Hill as a backdrop to the Campanile. (For more details see the " Environmental Assessment Report")

Threats to the Hill Area Environment

The Panoramic Hill area is a resource that benefits the entire City of Berkeley and not just the residents. Many hikers and joggers share in its beauty and rural qualities. However, this tranquil neighborhood has many problems that presently detract from its quality or could potentially destroy the quality altogether. These threats include: 1) fire; 2) land development; 3) geologic hazards; 4) conditions of sewers; and 5) street conditions. In addition, public actions aimed at these problems can themselves become threats to the environment.

Two threats completely overshadow the others. These are the threat of fire and the threat of major new development. The fire danger could not only kill people and destroy property but could destroy the natural qualities and man-created qualities of the Hill that make it a community asset. In 1923, Berkeley lost a whole neighborhood of Maybeck homes to a fire disaster. One can only imagine what that area of redwood homes and woodsiness would be like today. Similarly, the potential loss of Panoramic Hill and the Strawberry Canyon watershed must be viewed as a severe threat to the quality of the Berkeley environment. Major new


PANORAMIC HILL STUDY AREA
BERKELEY PLANNING DEPARTMENT 6-74
SCALE IN FEET
0 100 300 900
FIRE SITUATION
DURING SEPT. DRY WINDS BLOW IN THIS DIRECTION
HAYWARD FAULT
GAS AND WATER LINE BREAKAGE FROM FAULT MOVEMENT COULD RESULT IN MAJOR FIRE
FIRE COULD SPREAD FROM LARGE FIRE IN TILDEN
DENSELY FORESTED AREA. CAMPERS OR SMOKERS COULD START FIRE. HEAVY VEGATATIVE FUEL MEANS THAT ANY FIRE STARTED HERE OR ENTERING HERE COULD BE DEVASTATING.
NORMAL WIND DIRECTION
HOUSES MIXED WITH DENSE VEGETATION
FIRE IN OLD WOOD HOUSES COULD IGNITE WHOLE HILL
BRUSH AND GRASS COULD SPREAD FIRE INTO NEIGHBORHOOD IF THERE ARE UNUSAL WIND CONDITIONS

development on Panoramic Hill would further clog existing congested streets, destroy its woodsy rural atmosphere, expose many more people to fire danger and imperil the quality of the view of the Hill from the rest of Berkeley. Any programs aimed at reducing fire threat must therefore be evaluated in terms of their propensity to promote additional residential construction.

The sewers on Panoramic Hill are over 50 years old in the Berkeley portion. They are in very bad condition. Problems include massive root intrusions at several locations, moderate root intrusion throughout the length of the sewer, numerous cracks and breaks, crushed pipes, displacement between pipes at the joints. Separation of pipes at the joints at several locations and settlement of pipes are problems. In several locations there are dips in the line.

Panoramic Hill is served by a 1900's style street system. The streets are very narrow (12 to 18 feet) and extremely twisty with two almost unmaneuverable switchbacks. There is only one road into the Hill. The streets have a very poor surface made up primarily of patched potholes. Major improvement to the street or sewer system however, are not now feasible because such improvements would require closing Panoramic Way and in effect closing the Hill for long periods of time.

Panoramic Hill has two personalities. During week days it is quiet, tranquil and quite empty of cars and people. However, in the evening and on weekends, it becomes noisy and congested. The reason apparently is that this steep hillside neighborhood with narrow twisting roads has a very low capacity to absorb people, automobiles and their problems. When too many cows graze land (that is exceed its carrying capacity), they destroy it; similarly, too many people and their automobiles may destroy Panoramic Hill.

The number one problem of this nature is the automobile. Parking is difficult on Panoramic Hill. Many dwelling units have inadequate off-street parking. Much of the area has parking limited to one side only. There are many apartments which do not provide adequate parking area. Many of the houses are rented to groups of adults thus generating extra automobiles. Because of the parking shortage, there are many cases of automobile parking in "No Parking" zones in front of driveways and the like. The result is unpleasant to residents and dangerously impairs traffic flow. Residents have complained often of inadequate enforcement of parking regulations. On Saturdays and Sundays, cars visiting the area roar up and down the narrow streets. (For descriptions of the situation see "Residents' Perception of the Neighborhood Environment in the Appendix.)

The crowding of more people and automobiles onto Panoramic Hill results in increased social tension, noise, dog activities and unpleasantness. (Older residents expressed the greatest concern about this unpleasant situation) (For more details see "Residents' Perception of Neighborhood Environment")

Conclusions and Recommendations



CONCLUSIONS AND RECOMMENDATIONS

1. Present and future fire problems of Panoramic Hill are caused by many natural and man-made factors. The major factors over which man has control are:

   a. The heavy amount of vegetative fuel present in the University of California land immediately to the north and east of the Panoramic Hill residential area;

   b. The heavy amount of fuel in the form of thick vegetation, wooden houses and trash found in the residential area of Panoramic Hill;

   c. The extremely poor emergency traffic circulation pattern on the Hill for resident evacuation and emergency vehicle access;

   d. The exposure of nearly 400 residents to extreme fire safety problems and the presence of zoning regulations that encourage creation of additional dwelling units and additional exposure of people;

   e. The presence of several sources of fire ignition in the area including residence fires, recreationist fires and fires resulting from ground rupturing along the Hayward Fault which slices through the lower part of the Hill;

   f. The congestion of the neighborhood, primarily caused by the inability of the neighborhood to absorb increased amounts of traffic and parked automobiles;

   g. The lack of knowledge of residents relative to their possible actions in coping with a fire situation;

   h. The large number of fire and other agencies that have jurisdiction over fire safety in the area.

2. Environmental problems of Panoramic Hill are:

   a. Automobile congestion, destruction of vegetation, noise, traffic congestion, parking problems caused by increased new residential construction and intensification of the use of existing residences;

b. The poor condition of the pavement of the streets, the poor condition of the sewers of the area, and the general aged condition of neighborhood utilities;

c. Potential for ground rupturing, shaking and landsliding resulting from activity of Hayward Fault which transects the neighborhood;

d. Creek erosion and minor flooding caused by destruction of Derby Creek, inadequate construction practices and construction on slopes of over 40%.

e. The possible ground water pollution caused by the extensive use of Septic tanks in the Oakland portion of the Hill;

f. The threat of substantial new development if the Hill were provided with improved traffic circulation or sewers were extended to the Oakland portion of the Hill.

RECOMMENDATIONS

For each of the study recommendations, the study staff has determined which City Council actions are necessary to insure that a desired recommendation is carried out. Once the City Council has determined which recommendations it supports, the appropriate action for that recommendation can be taken.

Recommendation #1: Develop Fire Emergency Response Plan for Panoramic Hill

The Berkeley Civil Defense Director (Fire Chief) should be directed to oversee the production of a Fire Emergency Response Plan for Panoramic Hill. In addition, Council correspondence requesting participation in this effort should be directed to the Oakland City Council and the UC, Berkeley Chancellor. The Plan should provide pre-disaster agreed upon procedures for public and private agencies and Hill area residents. The Civil Defense Director should assemble a committee consisting of representatives of the Berkeley Fire Department, the Oakland Fire Department, the UC Lawrence Berkeley Laboratory Fire Department, the UC Fire Marshal, the PG&E, EBMUD, the Alameda County Civil Defense Chief, the Oakland Civil Defense Chief, the California Office of Emergency Services and area police departments and neighborhood residents. This committee should produce a plan of action for residents and the agencies. The Plan should be in the form of a written document with maps and illustrations. The OES San Francisco Bay Area Earthquake Response Plan should be consulted as a reference. The written Fire Emergency Response Plan should be submitted to the City Council for review. Once completed, the Plan should form the basis for periodic disaster simulation exercises. The Plan should be explained and distributed to the residents.

Recommendation #2: Regulate New Development to Promote Fire Safety

The Planning Director and Planning Commission in cooperation with neighborhood residents, should be directed to prepare new zoning regulations for Panoramic Hill. These new zoning regulations should limit new construction to very low density single-family uses; limit floor area, height and bulk of new buildings; increase minimum yard areas; and require Board of Adjustments approval of the design of all new units. This design review should consider building layout, construction materials, landscaping, building size, fire fighting characteristics and other factors deemed necessary to promote fire safety. It should also consider such environmental considerations as site preparation and grading, drainage, alternatives to existing vegetation, open space and view protection. The City of Oakland should be requested to adopt similar regulations.

Recommendation #3: Develop a Fire Safety Public Information Program

The Fire Chief in cooperation with neighborhood residents should develop and/or collect already available information on measures Panoramic Hill residents can take to reduce fire hazards, prevent fire ignitions, suppress small fires, and handle home fire situations. The chief should forward this information to the City Council along with an outline of the program he intends to follow in getting this information across to the residents of the Hill. The Council should request the City of Oakland to undertake a similar effort.

Recommendation #4: Vigorously Enforce Existing City Regulations Which Affect the Level of Fire Safety.

The Director of Inspection Services, Planning Director, Police Chief and Fire Chief should be requested to identify which regulations under their responsibility relate to fire safety or factors related to fire safety such as overcrowding of units, illegal units or traffic congestion. Each of these directors should be directed to identify specific regulations that would pertain to the fire safety of Panoramic Hill. Each director should forward to the Council information on these regulations, a history of enforcement efforts and specific plans for more vigorous enforcement of regulations. A possible new tool would be to develop a required residential record report for when residential units are sold. Such a report would indicate to prospective buyers the existing zoning conditions. The report also becomes the basis for promoting compliance with existing regulations at the time of sale of property.

Recommendation #5: Insure that the University of California Officially Adopts and Implements a Fire Safety Vegetative Management Plan for Strawberry Canyon.

The City Council should request the University of California-Berkeley Chancellor to forward a report to them on the status of the vegetative management programs that would affect the level of fire safety for Panoramic Hill. The report should point out hazard areas, specify what stepsthe University presently is taking to lower hazard levels and what steps it plans to take in the future. The Council should suggest to the City of Oakland that they make a similar request. Once the report has been submitted, it should be reviewed by the Berkeley Fire Department for its adequacy in reducing hazards to Panoramic Hill residents.

Recommendation #6: Develop Improved Fire Road Access and Resident Emergency Escape Routes.

The Berkeley Fire Chief should assemble a committee consisting of himself, the Oakland Fire Chief, the U.C. Lawrence Berkeley Laboratory Fire Chief, the U.C. Fire Marshal, and appointed representatives from the Berkeley and Oakland Public Works and Planning Departments in order to study fire road needs in the Panoramic Hill area.

The fire road project should develop specific right-of-way locations and specific costs for new quick access fire roads and escape routes. The project should also recommend methods of improving existing fire roads so that they will be functional for all types of fire apparatus.

Residents of the Hill should be consulted as part of the fire road planning project. The committee should make proposals as to how the roads should be financed and who should pay what portions of the costs. Once completed, the Fire Road Plan should form the basis for capital improvements budgeting, University fire road maintenance programs and financial participation by property owners.

Recommendation #7: Limit the Quantity of New Construction on Panoramic Hill.

This can best be achieved as part of the implementation of Recommendation #2. The Council should request that the Planning Director and Planning Commission draft regulations that would require a minimum lot size of 12,000 square feet with only one unit allowed per lot. This new zoning should be applied to the entire Berkeley portion of Panoramic Hill. The City of Oakland should be requested to rezone the Oakland portion of the Hill from R-30 (5000 square feet per single family unit) to R-20 (12,000 square feet per single family unit).

Recommendation #8: Adopt and Implement a Mandatory Fire Prevention and Fire Hazard Reduction Program for the Private Homes and Vacant Lands on Panoramic Hill.

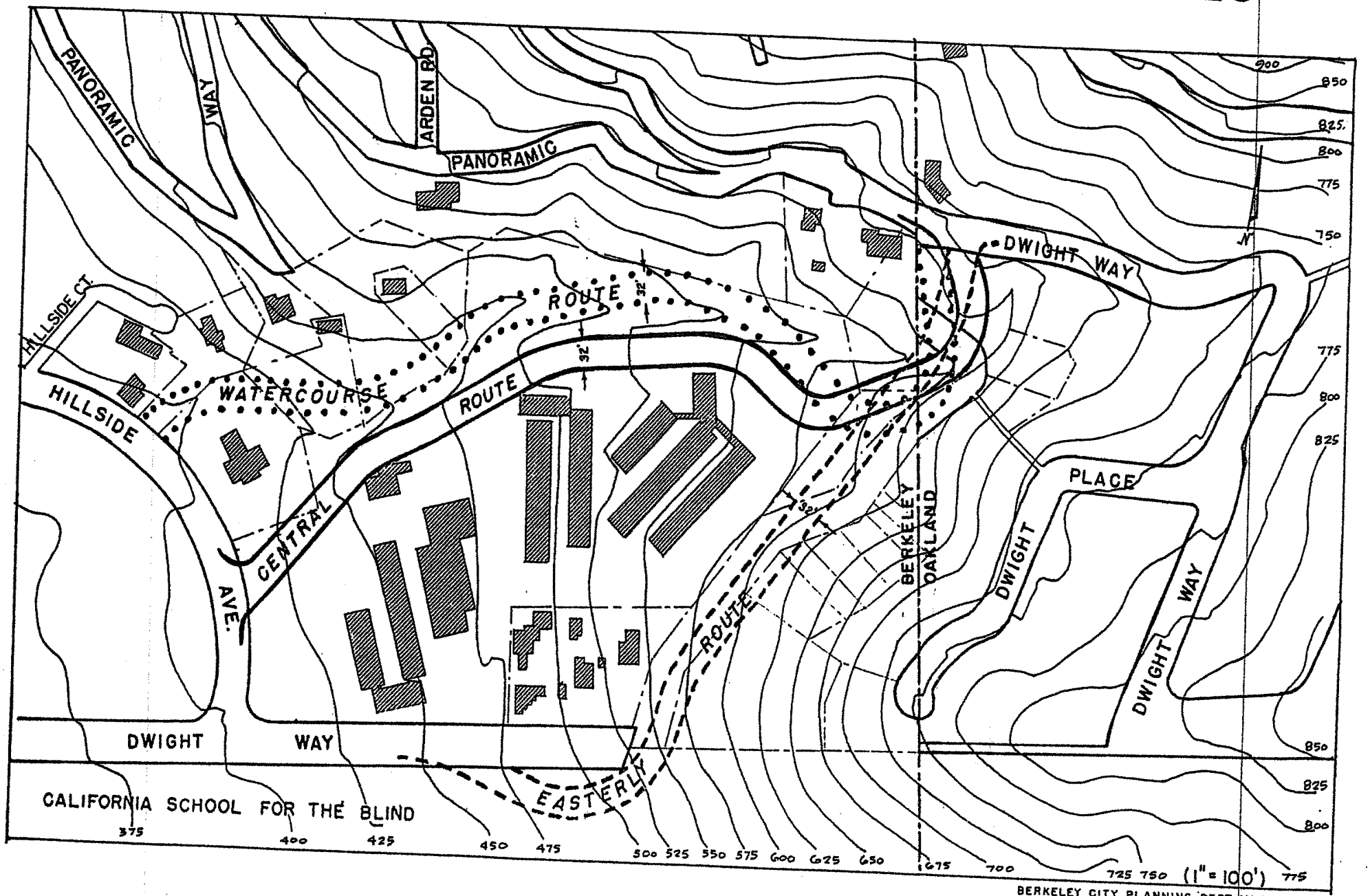
The Fire Chief should be directed to prepare a program designed to identify and abate fire hazards and prevent fire ignition. This program should require individual inspections of all Panoramic Hill residences and enforcement tools to insure that fire problems are eliminated.

The Fire Chief should be requested to declare Panoramic Hill a High Fire Hazard Area. This action will automatically put into effect Fire Code provisions which require regulation of vegetative fuels for hazard reduction. The Fire chief should, through reconnaissance, determine the approximate amount of private effort needed to abate serious fire hazards. Based on this reconnaissance and in consultation with the Public Works Department, the Fire Chief should recommend public efforts that would assist the residents. Such efforts might include city assistance in vegetation and rubbish removal. The Oakland City Council should be contacted relative to developing a joint program aimed specifically at the fire hazards of the Panoramic Hill neighborhood. In addition to the vegetative management program, consideration should be given to amending the Fire Code to compel installation of fire-smoke (ionization type) detectors, and outside warning devices in all new and existing dwelling units on Panoramic Hill.

Recommendation for Later Action:

If the recommendations noted above relating to controlling new development in Oakland are adopted by the Oakland City Council, then the utilities and sewers in the Berkeley area should be immediately improved. However, the sewers should not be improved or extended to the Oakland portion of the Hill until new development density restrictions are adopted which are at least as restrictive as existing septic tank use restrictions.

ALTERNATE PANORAMIC HILL ACCESS ROUTES



BERKELEY CITY PLANNING DEPT. MAY 27, 1959 BC

32

Homeless Services Panel of Experts

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Homeless Services Panel of Experts

Submitted by: Carole Marasovic, Chair, Homeless Services Panel of Experts

Subject: Request for One Additional Meeting in 2024 due to Special Meeting to Address Insight Housing Allocation

RECOMMENDATION
That Council recommend to refer to the City Manager that one additional meeting be granted to the Homeless Services Panel of Experts (HSPE) in 2024.

FISCAL IMPACTS OF RECOMMENDATION
Fiscal impacts of one additional HSPE meeting are minimal. An additional meeting requires a room at the North Berkeley Senior Center and staff secretary time as well as a commissioner stipend.

CURRENT SITUATION AND ITS EFFECTS
Generally, City commissions are permitted 10 regularly scheduled meetings a year. However, Council may approve additional meetings.

BACKGROUND
On July 10, 2024, the Homeless Services Panel of Experts (HSPE) held their regularly scheduled meeting.

On the agenda was a staff request for a recommendation transferring $549,785 previously allocated for the acquisition of Insight Housing's Russell House to Insight Housing's Dwight Way Shelter for rehab funds.

However, there was no staff report, supporting the staff recommendation, ready for the HSPE commissioners to review. The HSPE commissioners were uncomfortable making a recommendation without full information as they believed that they would not be compliant with fulfilling their statutorily mandated duties.

Thus, as a consensus, they agreed that the Chair should call a special meeting. They further agreed that meeting be scheduled on July 22, 2024 so that there would be time to receive the staff report, review it and communicate their recommendation to Council on July 23, 2024 when the issue of the transfer of these funds was on the Council agenda.

The Chair subsequently presented to Council the Homeless Services Panel of Experts' recommendation at the July 23, 2024 Council meeting recommending the transfer of these funds.

On July 22, 2024, the Homeless Services Panel of Experts voted as follows:

Action: M/S/C Segal/Meany move to approve the report to City Council to compensate for July 22, 2024 Special meeting so that HSPE can hold regular meetings in September, October, and November, 2024 subject to the edits discussed by the panel to be submitted by the chair.

Vote: *Ayes:* Marasovic, Segal, Meany, and Bookstein.

Noes: None. *Abstain*: None. *Absent*: Palmatier (LoA), Kealoha-Blake, and Jones.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects.

RATIONALE FOR RECOMMENDATION
The HSPE commissioners believed that in order to fulfill their statutorily mandated duties, they need to be fully informed to make recommendations. The staff report making a recommendation to Council is critical for commissioners to review before making a recommendation.

Thus, the HSPE commissioners believed that it was necessary for the Chair to call a special meeting.

During the balance of the year from August, 2024-December, 2024, there are only 3 remaining scheduled meetings, September, October and November. Particularly given the many evolving issues related to homelessness as well as homeless funding issues that may arise, the Homeless Services Panel of Experts believes that they need to hold these regularly scheduled 3 meetings during the balance of 2024. That requires reinstating the 1 additional meaning.

ALTERNATIVE ACTIONS CONSIDERED
No other alternatives were considered.

CITY MANAGER
The City Manager takes no position on the recommendations of the Commission’s Report.

CONTACT PERSON
Josh Jacobs, Homeless Services Coordinator, (510) 225-8035

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Parks, Recreation and Waterfront Commission

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Parks, Recreation and Waterfront Commission

Submitted by: Claudia Kawczynska, Chairperson

Subject: Official Naming of the Concrete Planter at the Southeast Corner of Adeline St and Alcatraz Ave as the “Ms. Richie and Friends of Adeline Native Garden”

RECOMMENDATION
Adopt a Resolution officially naming the concrete planter at the southeast corner of Adeline St and Alcatraz Ave as the “Ms. Richie and Friends of Adeline Native Garden”.

FINANCIAL IMPLICATIONS
None

CURRENT SITUATION AND ITS EFFECTS
Over 12 years ago, BART construction damaged the water line and irrigation system in the area around the concrete planter at the southeast corner of Adeline St and Alcatraz Ave. In 2024, the City restored the water line and irrigation system, which would not have been possible without the significant community leadership provided over several years by Ms. Richie. The City also installed soil, plants, wrought-iron protective fencing, an irrigation system, and new signage at the planter. On Saturday, 14, 2024, the City will hold a dedication ceremony to celebrate the renovation of the planter, at which time Ms. Richie will be recognized for her significant community leadership efforts.

BACKGROUND
Ms. Richie, a long-time Berkeley resident, Berkeley High School Class of ‘53, and founding Friends of Adeline Member and Berkeley Community Leader, has worked tirelessly to maintain and uplift the South Berkeley streets, neighborhoods and communities. Ms. Richie Brook-Cole Smith relocated from Oklahoma to South Berkeley during the Great Migration in 1949 and graduated from Berkeley High School in 1953. She later became an educator at Head Start, where she significantly impacted the lives of young children through her guidance and care.

Ms. Richie has been a dedicated community leader. In 2004, she co-founded "Take a Stand Against Elder Abuse" and is currently an active member of Iota Phi Lambda Sorority, Beta Mu Chapter in Oakland, Echoes Down the Corridor, Friends of Adeline, the Homeless Encampment Support Group of South Berkeley, the Berkeley NAACP,

the South Berkeley and North Oakland Senior Center, and the African-American Holistic Resource Center steering committee. Moreover, she served with distinction on Berkeley's Commission on Aging from 2005 to 2013, holding the position of Vice Chair from 2006 to 2007.

Among her numerous accolades, Ms. Richie was honored by the Commission on the Status of Women at the 17th Annual Ceremony recognizing outstanding women in Berkeley. In 2009, she was named a California Senior Leader by UC Berkeley's School of Public Health and is prominently featured in the "Music on Our Minds" mural, painted in 2009 by Edythe Boone in collaboration with Youth Spirit Artworks, which celebrates her many contributions as the unofficial "mayor" of South Berkeley's Adeline Corridor.

Ms. Richie's unwavering commitment to the betterment of our city is evident through her involvement in various civic affairs, including advocating for affordable housing, regularly attending city council meetings, and daily street clean-ups in her neighborhood. Her tireless dedication to the Berkeley community and her numerous accomplishments deserve our recognition and gratitude.

On October 31st, 2017, Ms. Richie was honored with a proclamation by City of Berkeley Mayor Jesse Arreguin in recognition of her service as a Berkeley Activist and volunteer. Over many years, she has dedicated her time to the maintenance and beautification of South Berkeley, which has involved countless hours picking up trash, reporting neighborhood issues, welcoming the influence of officers providing a traffic-calming presence, and overall embodying the community spirit of South Berkeley.

CITY MANAGER

The City Manager concurs with the recommendation contained in this report.

COMMISION

At a regular meeting on July 10, 2024, the Parks, Recreation and Waterfront Commission M/S/C to recommend that Council officially name the planter bed at the Adeline Alcatraz Plaza in honor of Richie Brook-Cole Smith ("Ms. Richie"). Ayes: Abshez; Diehm; Hurtado; Ranuzzi; Wozniak; Noes: none; Absent: Cox; Kawczynska.

ENVIRONMENTAL SUSTAINABILITY

No negative environmental impacts were identified as a result of this recommendation.

RATIONAL FOR RECOMMENDATION

See body of report.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Claudia Kawczynska, Chairperson, Parks, Recreation and Waterfront Commission
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

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

OFFICIALLY NAME THE CONCRETE PLANTER BED AT ADELINE ST AND ALCATRAZ AVE THE “MS. RICHIE AND FRIENDS OF ADELINE NATIVE GARDEN”

WHEREAS, in July of 2024, the City completed the renovation of the longtime damaged irrigation line at the planter at Adeline Street and Alcatraz Ave in South Berkeley; and

WHEREAS, this work would not have been possible without the significant community leadership of Ms. Richie over several years; and

WHEREAS, Ms. Richie has been a significant community leader and has mobilize many efforts to improve the community in South Berkeley for over five decades; and

WHEREAS, on October 31st, 2017, Ms. Richie was honored with a proclamation by City of Berkeley Mayor Jesse Arreguin in recognition of her service as a Berkeley activist and volunteer; and

WHEREAS, at a regular meeting on July 10, 2024, the Parks, Recreation and Waterfront Commission M/S/C to recommend that Council officially name the planter bed at the Adeline Alcatraz Plaza in honor of Richie Brook-Cole Smith (“Ms. Richie”). Ayes: Abshez; Diehm; Hurtado; Ranuzzi; Wozniak; Noes: none; Absent: Cox; Kawczynska; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the concrete planter at the southeast corner of Adeline St and Alcatraz Ave is officially named the “Ms. Richie and Friends of Adeline Native Garden”.

Internal

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Susan Wengraf
Vice Mayor & Councilmember District 6

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author), Councilmember Hahn (Co-Sponsor)

Subject: Amending BMC 7.52.060 to include “Wildfire Hardening” in the Real Property Transfer Tax Exceptions

RECOMMENDATION

Adopt the first reading of an Ordinance to amend Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, by adding Sub-section L, Wildfire Hardening, below Sub-section K, Seismic Upgrades.

FINANCIAL IMPLICATIONS

To be determined

CURRENT SITUATION AND ITS EFFECTS

The inherent wildfire risk Berkeley faces because of the natural topography and weather conditions is increasing due to climate change which is bringing more frequent and substantial draughts, and higher temperatures.

The City of Berkeley has and will continue to implement strategies that reduce the wildfire risk to our community, and should a wildfire occur, improve the emergency response. However, the City is able to address only part of the wildfire risk that the community faces as much of the risk within the City proper lies on private property in the form of structures that pre-date modern fire resistive building codes. While some of the retrofit work that must occur is inexpensive, much of it is expensive and requires professionals. Thus, there is a significant challenge to getting this work completed, even for motivated residents. There is a need to be nimble and adapt our legislation to incentivize the work we know has to get done, work that will help slow an advancing fire so firefighters can protect the community. This amendment will provide an opportunity and mechanism for the City to incentivize homeowners in making these improvements.

This risk can be reduced through “hardening” which is the process of increasing resistance to wildfire by replacing combustible materials with ignition resistant and/or non-combustible materials and other scientifically proven actions including:

- Reducing the home’s vulnerability to heat.
- Creating fire-resistant surfaces.

- Blocking any potential points of ingress for embers and other flammable material.

Retrofitting our homes against seismic damage and destruction has proven to be good policy; hardening against wildfire will be as well. Providing a refund of a portion of the transfer tax to harden against wildfire will incentivize owners and buyers to undertake these important upgrades and reduce our vulnerability to destruction and damage as a result of a wildfire.

Berkeley Municipal Code (BMC) Chapter 7.52 (Real Property Transfer Tax) Section .060 provides exceptions to payment of transfer tax, including to those who make seismic upgrades just before or after selling or buying their home. Up to one-third of the tax imposed by BMC 7.52 can be reduced, on a dollar-for-dollar basis, for all expenses incurred on or after October 17,1989 to "seismically retrofit".

This item recommends a similar exception for wildfire hardening expenses by adding Sub-section L. The maximum rebate shall be one-third (1/3) of the tax paid for a transfer of real property. However, the total rebate for any combination of seismic retrofit and/or wildfire hardening shall not exceed the maximum of one-third (1/3) of the tax paid per property. This shall take effect on January 1, 2025.

Qualifying upgrades and wildfire hardening projects must be completed either up to one year prior to the transfer of real property or within one year after the transfer. If the work qualifying for a rebate is completed prior to the transfer of the real property, the seller and buyer must decide who may apply for and receive the rebate. Work must be performed pursuant to a plan prepared by the applicant and approved by the Building Official, Fire Marshall or their designee.

Some of the hardening upgrades will require a permit and inspection by the Building Department. Work that requires a permit and inspection, that is completed without one, will not be eligible for the transfer tax rebate. Property owners wishing to perform their own work may not include a charge for their time.

Wildfire hardening may include but is not limited to:

- Replace wood shake roof with a Class A fire rated roof
- Installation of non-combustible siding around deck perimeter
- Installation of ember and flame-resistant screen or rated vents to attic and crawlspace openings and under eaves.
- Block spaces between roof covering and sheathing with noncombustible materials (bird stops).
- Installation of noncombustible gutter covers on gutters to prevent the accumulation of leaves and debris in the gutter.
- Caulk and plug gaps greater than 1/8-inch around exposed rafters and blocking to prevent ember intrusion into the attic or other enclosed spaces.

- Installation of weather-stripping to gaps greater than 1/8-inch between garage doors and door frames to prevent ember intrusion - weather-stripping must be compliant with UL Standard 10C.9.
- Replace windows with multi-paned windows that have at least one pane of tempered glass.
- Replace siding or deck using compliant noncombustible, ignition-resistant materials.
- Installation of a minimum 6-inch metal flashing, applied vertically on the exterior of the wall at the deck-to-wall intersection to protect the combustible siding material.
- Replace wood mulch products within five feet of all structures with noncombustible products such as stone, concrete, or gravel.
- Replace wooden fences within five feet of structures with noncombustible or ignition resistant materials.

Wildfire hardening increases a home’s resistance to heat, flames and embers, thereby reducing the chances of a home igniting. This also protects adjacent homes from igniting and causing a structure-to-structure fire spread through the community.

Adding Wildfire Hardening to Berkeley Municipal Code 7.52.060, Sub-section L, in addition to Seismic upgrades, supports Berkeley’s Strategic Plan Goal to create a resilient, safe, connected and prepared city.

BACKGROUND

Maintaining our housing stock is essential to the health and welfare of our city. The impacts from a wildfire are not just seen in the structures; it has devastating consequences on mental health, individual sense of security, and our financial stability as a community.

The Loma Prieta Earthquake took the Bay Area by surprise on October 17,1989. According to the California Department of Conservation, that 6.9 magnitude earthquake killed 63 people, injured close to 4,000 and displaced over 12,000 people. Less than two years later, June 25, 1991, Berkeley City Council voted for an exception on transfer property taxes to help homeowners pay for seismically upgrading their homes, and BMC 7.52.060, Sub-section K was established. In the last 10 years, the Finance Department processed approximately 1,200 seismic upgrade rebates for a total of $7.2M.

Since the seismic retrofit exception was included in BMC 7.52.060 in 1991 no expanded safety exceptions have been added. The City of Berkeley is in one of the highest wildfire risk areas in the state. We have a long history of catastrophic wildfire here in Berkeley. Most notably, in 1923, when a wildfire destroyed more than 600 homes, leaving more than 1,000 residents homeless. In 1991, the Berkeley/Oakland Tunnel Fire was

responsible for 25 deaths and destroyed more than 3,000 homes. In 2024 valuation, that conflagration cost 4 billion dollars. Now is the time to amend this policy, adapt our legislation and help residents harden their homes against wildfire.

Fire science studies are decisive. Wildfire hardening reduces the chances of a home catching fire. The Home Insurance industry has taken note and adopted the components of Chapter 7A and defensible space in their evaluations of risk during the underwriting process. IBHS, the Insurance Institute for Business & Home Safety, initiated the Wildfire Prepared Home program, which incentivizes homeowners to implement home hardening best practices based on scientifically proven Wildfire Defense Standards.

Attachments
1: Ordinance Amending Sections of 7.52.060 of the BMC – redlined
2: Ordinance Amending Sections of 7.52.060 of the BMC – clean copy

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

AMENDING SECTIONS 7.52.060 OF THE BERKELEY MUNICIPAL CODE

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

Section 1. That Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, is amended to add Sub-section L. and read as follows:

BMC 7.52.60 Sub-section L

L. 1. Up to one-third of the tax imposed by this chapter shall be ~~reduced~~rebated, on a dollar for dollar basis, for all expenses incurred on or after January 1, 2025 to "wildfire harden" either any structure which is used exclusively for residential purposes, or any mixed-use structure which contains two or more dwelling units. Multiple rebate applications may be submitted for a partial rebate of the tax paid. However, the total rebate for any combination of seismic retrofit and/or wildfire hardening~~, but the total rebate for all applications~~ shall not exceed the maximum of one-third (1/3) of the tax paid per property~~ per every ten years~~.

2. The term "wildfire harden" within the meaning of this chapter means any of the following:

(a) That work which is the process of increasing resistance to wildfire by replacing combustible materials with ignition resistant and/or non-combustible materials and other scientifically proven actions ~~.~~ The work must be permanent and not vegetation management or gardening adaptations that need continued maintenance. Best practices recommended by CAL FIRE are listed in subsection L 2(b).

(b) Replace wood shake roof with a Class A fire rated roof; install non-combustible siding around deck perimeter; install ember and flame-resistant screen vents with 1/16 mesh metal in attic, under eaves and at the foundation; block any spaces between roof covering and sheathing with noncombustible materials (bird stops); install a noncombustible gutter cover on gutters to prevent the accumulation of leaves and debris in the gutter; caulk and plug gaps greater than 1/8-inch around exposed rafters and blocking to prevent ember intrusion into the attic or other enclosed spaces; install weather-stripping to gaps greater than 1/8-inch between garage doors and door frames to prevent ember intrusion - weather-stripping must be compliant with UL Standard 10C.9;

replace windows with multi-paned windows that have at least one pane of tempered glass; replace siding or deck using compliant noncombustible, ignition-resistant materials; install a minimum 6-inch metal flashing, applied vertically on the exterior of the wall at the deck-to-wall intersection to protect the combustible siding material; replace wood mulch products within five feet of all structures with noncombustible products such as dirt, stone, or gravel; replace wooden fences within five feet of structures with noncombustible or ignition resistant materials;

(c) Any other work found by the building official or Fire Marshall to substantially increase the capability of those structures, specified in subsection L.1, to withstand destruction or damage in the event of a wildfire;

3.~~(d)~~ Acceptable products and materials are those listed by the California State Fire Marshal or in a current report issued by an approved agency (accredited to ISO 17065) to meet one of the following test standards:

• Noncombustible – Made from material of which no part will ignite and burn when subjected to fire. Any material passing ASTM E136 is considered noncombustible.

• Ignition-resistant – A type of building material that resists ignition or sustained flaming combustion sufficiently to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with wildfire exposure of embers and small flames. Ignition-resistant building materials must comply with one of the following: • Extended ASTM E84 (UL 723) test or ASTM E2768 or non-combustible material.

4~~(f)~~ BMC 19.28.030 CBC Chapter 7A Material and Construction Methods for Exterior Wildfire Exposure provides additional ~~guidance~~information.

~~3~~5. The work to wildfire harden as provided herein shall be completed either up to one-year prior to the transfer of property or as provided in subsection L.4.

~~4~~6. If the work to wildfire harden structures and property provided for herein is to be performed after the transfer of property which is subject to the tax imposed by this chapter, upon completion of such work and certification by the building official as to the amount of the expenses of such work the City Manager or their designee may refund such expenses not to exceed one-third of the tax imposed to the parties

to the sale in accordance with the terms of such sale. Any remaining tax shall be retained by the City.

75. From the date of the recordation of the transfer document, the applicant shall have one year to complete all wildfire hardening work and submit a wildfire hardening verification application to the Codes and Inspection Division of the City of Berkeley. If the work is not completed at the end of one year, that portion which has been completed may be ~~credited~~ rebated to the applicant upon submission of a Home Hardening verification application and substantiating documentation, as required by the codes and inspections division of the City of Berkeley, showing the dollar amount of work completed up to that date. ~~All other monies remaining in escrow will be returned to the City of Berkeley upon written request by the Finance Department.~~

86. Within the one-year period established by paragraph 5, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager or their designee may grant such an extension only for good cause. The decision of the City Manager or their designee shall be entirely within their discretion and shall be final.

(a) "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary for the Home Hardening work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the Home Hardening work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the Home Hardening work.

(b) "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the seismic retrofit rebate provided in this chapter or state or local laws relating to the standards with which seismic retrofit work must comply; or (ii) any delays which were within the control or responsibility of the applicant.

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

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

AMENDING SECTIONS 7.52.060 OF THE BERKELEY MUNICIPAL CODE

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

Section 1. That Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, is amended to add Sub-section L. and read as follows:

BMC 7.52.60 Sub-section L

L. 1. Up to one-third of the tax imposed by this chapter shall be rebated, on a dollar for dollar basis, for all expenses incurred on or after January 1, 2025 to "wildfire harden" either any structure which is used exclusively for residential purposes, or any mixed-use structure which contains two or more dwelling units. Multiple rebate applications may be submitted for a partial rebate of the tax paid. However, the total rebate for any combination of seismic retrofit and/or wildfire hardening shall not exceed the maximum of one-third (1/3) of the tax paid per property.

2. The term "wildfire harden" within the meaning of this chapter means any of the following:

(a) That work which is the process of increasing resistance to wildfire by replacing combustible materials with ignition resistant and/or non-combustible materials and other scientifically proven actions The work must be permanent and not vegetation management or gardening adaptations that need continued maintenance. Best practices recommended by CAL FIRE are listed in subsection L 2(b).

(b) Replace wood shake roof with a Class A fire rated roof; install non-combustible siding around deck perimeter; install ember and flame-resistant screen vents with 1/16 mesh metal in attic, under eaves and at the foundation; block any spaces between roof covering and sheathing with noncombustible materials (bird stops); install a noncombustible gutter cover on gutters to prevent the accumulation of leaves and debris in the gutter; caulk and plug gaps greater than 1/8-inch around exposed rafters and blocking to prevent ember intrusion into the attic or other enclosed spaces; install weather-stripping to gaps greater than 1/8-inch between garage doors and door frames to prevent ember intrusion - weather-stripping must be compliant with UL Standard 10C.9;

replace windows with multi-paned windows that have at least one pane of tempered glass; replace siding or deck using compliant noncombustible, ignition-resistant materials; install a minimum 6-inch metal flashing, applied vertically on the exterior of the wall at the deck-to-wall intersection to protect the combustible siding material; replace wood mulch products within five feet of all structures with noncombustible products such as dirt, stone, or gravel; replace wooden fences within five feet of structures with noncombustible or ignition resistant materials;

(c) Any other work found by the building official or Fire Marshall to substantially increase the capability of those structures, specified in subsection L.1, to withstand destruction or damage in the event of a wildfire;

3. Acceptable products and materials are those listed by the California State Fire Marshal or in a current report issued by an approved agency (accredited to ISO 17065) to meet one of the following test standards:

• Noncombustible – Made from material of which no part will ignite and burn when subjected to fire. Any material passing ASTM E136 is considered noncombustible.

• Ignition-resistant – A type of building material that resists ignition or sustained flaming combustion sufficiently to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with wildfire exposure of embers and small flames. Ignition-resistant building materials must comply with one of the following: • Extended ASTM E84 (UL 723) test or ASTM E2768 or non-combustible material.

4. BMC 19.28.030 CBC Chapter 7A Material and Construction Methods for Exterior Wildfire Exposure provides additional information.

5. The work to wildfire harden as provided herein shall be completed either up to one-year prior to the transfer of property or as provided in subsection L.4.

6. If the work to wildfire harden structures and property provided for herein is to be performed after the transfer of property which is subject to the tax imposed by this chapter, upon completion of such work and certification by the building official as to the amount of the expenses of such work the City Manager or their designee may refund such expenses not to exceed one-third of the tax imposed to the parties to

the sale in accordance with the terms of such sale. Any remaining tax shall be retained by the City.

7. From the date of the recordation of the transfer document, the applicant shall have one year to complete all wildfire hardening work and submit a wildfire hardening verification application to the Codes and Inspection Division of the City of Berkeley. If the work is not completed at the end of one year, that portion which has been completed may be rebated to the applicant upon submission of a Home Hardening verification application and substantiating documentation, as required by the codes and inspections division of the City of Berkeley, showing the dollar amount of work completed up to that date.

8. Within the one-year period established by paragraph 5, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager or their designee may grant such an extension only for good cause. The decision of the City Manager or their designee shall be entirely within their discretion and shall be final.

(a) "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary for the Home Hardening work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the Home Hardening work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the Home Hardening work.

(b) "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the seismic retrofit rebate provided in this chapter or state or local laws relating to the standards with which seismic retrofit work must comply; or (ii) any delays which were within the control or responsibility of the applicant.

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

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Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Subject: AC Transit Draft Final Plan

RECOMMENDATION
Send a letter to AC Transit urging them to reconsider the frequency of service for bus lines 65 and 67 including restoration of weekend service.

FINANCIAL IMPLICATIONS
None

CURRENT SITUATION AND ITS EFFECTS
Only two buses serve the North-East Berkeley Hills and service stops at 7:00 or 8:00 each weekday evening and does not serve residents at all on weekends. This is a dis-service to residents and to the environment.

Parents have been scrambling to figure out how their children will continue to independently get to and from their commitments with the current limited service of bus lines 65 and 67. The proposed 60-minute headways on the 67 line will be a hardship for families that rely on public transportation.

The Berkeley Hills are extremely steep. For most people, even relatively active people, walking home or biking from downtown is not an option. Elders and young people who don't drive, or don't have access to a vehicle, are especially negatively impacted by increased headways and non-existent weekend service. Likewise, healthcare and homecare workers serving the Hills' aging population would further struggle to get to and from their clients' homes.

It is also an equity issue as members of the Bay Area community who do not own a car cannot easily access the recreational opportunities in Tilden Park on weekends. All people should be able to access our natural treasures.

BACKGROUND
AC Transit has been working on realigning their bus routes since Spring 2023, in response to the substantial shifts in ridership and commute patterns since the pandemic.

When AC Transit's recommendation was to merge lines 67 and 65, among other changes throughout the city, Vice Mayor Wengraf and Councilmember Humbert, co-authored an item urging the AC Transit Board to not reduce the existing minimal service to the hills.

AC Transit edited their plan to keep the two lines. However, they doubled the wait time for one bus and did not add weekend service.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Reliable and frequent public transportation supports ridership, which reduces car driving and emissions.

CONTACT PERSON
Vice Mayor Susan Wengraf District 6 510-981-7160

Attachments:
1: Letter to AC Transit Board Members

September 10, 2024

Transmitted via Email: Realign@actransit.org

Re: DF65 and DF67 Problematic Frequency and Lack of Weekend Service

Dear AC Transit Board of Directors,

The City of Berkeley urges you to reconsider doubling the wait time for bus line DF67, from 30 minutes to 60 minutes, as proposed in the Realign Draft Final Plan, and to restore weekend service for the 65 and 67 buses.

Only two buses serve the North-East Berkeley Hills and service stops at 7:00 or 8:00 each weekday evening and does not serve residents at all on weekends. This is a dis-service to residents and to the environment.

Families in the North Berkeley hills that rely on public transportation have been scrambling to figure out how their tweens and teens will be able to independently get to and from their educational and social commitments with the proposed limited service on both bus lines DF65 and DF67.

The Berkeley hills are extremely steep. For most people, even relatively active people, walking home or biking from downtown is not an option. Elders and young people who don't drive, or don't have access to a vehicle, are especially impacted by increased headways and non-existent weekend service. Likewise, healthcare and homecare workers serving the hills' aging population would further struggle to get to and from their clients' homes.

Through an equity lens, AC Transit is making it impossible for people who do not own cars to access our recreational opportunities on the weekends. Access to our natural treasures should be available to everyone.

The Berkeley City Council urges you to reconsider the 60-minute headways to the DF67 as proposed in the Realign Draft Final Plan, and to restore weekend service for DF65 and DF67.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7160 ● TDD: (510) 981-6903 ● Fax: (510) 981-7166
E-Mail: swengraf@berkeleyca.gov

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Office of the City Manager

PUBLIC HEARING
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted by: David Sprague, Interim Fire Chief

Subject: Ambulance Transport Fee Increase

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective July 1, 2024, for the Cities of Alameda, Albany, Berkeley, and Piedmont and to adjust the First Responder Fee. The increase would be included as an updated addendum to the Ambulance Provider Agreement, and rescinding Resolution 71,063–N.S.

FISCAL IMPACTS OF RECOMMENDATION

The Alameda County Health Care Services Agency notified the City on July 16, 2024 that they had approved an increase in the Bundled Base Rate User Fee that may be charged by the County's 911 Ambulance Transport Service Provider. Under the terms of the of Berkeley's Emergency Medical Services Ambulance Transport Services Agreement, the City may increase its Bundled Base Rate to $4,051.06, Mileage to $91.41, Oxygen to $302.64, and Treatment/Non-Transport to $812.46 beginning July 1, 2024. Further, the Department is proposing to bring the City's first responder fee into alignment with other first responder agencies. This fee will be consolidated (bundled) with the transport fee into a Bundled Base Rate of $4551.06. The City will increase its rate effective September 11, 2024 and will not apply the increase retroactively. These adjustments account for the increased cost of ambulance transport, paramedic services, and medical equipment/supplies.

	Existing	Proposed
Base Rate	$3,664.87	$4,051.06
Mileage	$82.69	$91.41
Oxygen	$273.79	$302.64
Treatment / Non-Transport *	$735.01	$812.46

First Responder Fee**	$300.00	$500.00

**This rate shall be limited to patients who receive a medical intervention, such as intravenous medication administration, and subsequently refuse transport. Patient assessment, including ECG monitoring, does not constitute treatment.*

***This fee would be limited to instances when a patient is transported.*

CURRENT SITUATION AND ITS EFFECTS

Under the terms of the Alameda County Ambulance Provider Agreement, Alameda County Board of Supervisors is responsible for setting and approving any fees that are applicable to all providers. The increases are either COLA or base rate adjustments. For the City of Berkeley, the last rate increase was approved by the City Council on October 3, 2023 (Resolution 71,063–N.S.); and the rate increase was made effective November 1, 2023.

BACKGROUND

Alameda County EMS is responsible for the procurement of emergency ambulance services for the local EMS system. The Berkeley Fire Department has an agreement with Alameda County to be the emergency transport provider for Berkeley since 1977. Albany, Piedmont, Alameda City, and Falck serve as the ambulance transport providers for other parts of Alameda County. Under the current agreement, all transport providers, including Berkeley, are in the Alameda County Emergency Medical Services District. Since 1986, the Berkeley Fire Department (Department) has provided ambulance transport service at the Advanced Life Support (ALS) or paramedic level.

Under the terms of the Alameda County Ambulance Provider Agreement, Alameda County Board of Supervisors is responsible for setting and approving any fees that are applicable to all agencies. The increases are either COLA or base rate adjustments. As the exclusive provider for transport services within the City of Berkeley, the Department may propose adjustments to the fees charged for these services. As background, in 1980, the California Legislature enacted the EMS Act "to achieve coordination and integration" for the prehospital EMS system.[1] The EMS Act establishes a two-tiered system of regulation of the California Emergency Medical Services Authority on the state level and local EMS agencies, such as the Alameda County local EMS agency ("Alameda LEMSA"), at the local level:[2]

> If a county elects to establish an emergency medical services program, the duties of its designated local EMS agency include the following: (1) planning, implementing, and evaluating an emergency medical services system "consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures" (§ 1797.204); (2) developing a

[1] *County of San Bernardino v. City of San Bernardino* (1997) 15 Cal. 4th 909, 915.
[2] *Ibid.*

> formal plan for the system in accordance with the Authority's guidelines and submitting the plan to the Authority on an annual basis (§§ 1797.250, 1797.254); (3) "consistent with such plan, coordinat[ing] and otherwise facilitat[ing] arrangements necessary to develop the emergency medical services system" (§ 1797.252). Once a local EMS agency implements its system, all providers of prehospital emergency medical services within its jurisdiction must operate within that system. (See § 1797.178 ["No person or organization shall provide advanced life support or limited advanced life support unless that person or organization is an authorized part of the emergency medical services system of the local EMS agency...."].)

An important aspect of the EMS Act is the Legislature's acknowledgment of the continued role of cities and fire districts, such as the Berkeley Fire Department, through the enactment of Health and Safety Code section 1797.201, which states, in relevant part:

> [Unless a city or fire district consents through agreement or waiver[3]], prehospital emergency medical services shall be continued at not less than the existing level, and <u>the administration of prehospital EMS by cities and fire districts presently providing such services shall be retained by those cities and fire districts</u>….

Section 1797.201 is "a grandfathering of existing emergency medical service operations [by cities or fire districts] until such time as these services are integrated into the larger EMS system. The apparent purpose of this grandfathering provision was to 'allow such entities to protect the investments they had already made in various assets—emergency medical equipment, infrastructure, personnel, etc.', as well as to ensure against the disruption of adequate emergency medical services."[4] The Department operates a grandfathered EMS system within the City of Berkeley, and has consistently done so since the enactment of the EMS Act.

The EMS Act defines "emergency medical services," as "services utilized in responding" to "a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency." (Health and Safety Code §§ 1797.72, 1797.90.) This is reinforced by the ordinances in Alameda County that defines a 9-1-1 level of service, which includes "a 9-1-1 request for an ambulance to transport or assist persons

[3] *Id.* at 924; Health & Saf. Code § 1797.201.
[4] *Valley Med. Transp., Inc. v. Apple Valley Fire Prot. Dist*. (1998) 17 Cal. 4th 747, 758.

in apparent sudden need of medical attention; or an ambulance transport that is initially classified as a non-emergency call that becomes a 9-1-1 emergency call due to a change in the patient's medical condition."[5] Within the City of Berkeley, the Department is the sole entity authorized under state law to provide EMS transports. Within the City of Berkeley, any other ambulance that arrives and discovers that a patient appears to have a medical emergency is required to call 9-1-1, so that the Department or a subcontractor to the Department, can transport the patient.[6] With the exception of the Department or a provider subcontracted to the Department, no private ambulance company or other entity is an authorized provider of EMS within the City of Berkeley.[7]

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

The Berkeley Fire Department is seeking Council approval to increase the base rate for ambulance user fees to match those approved by Alameda County and made effective on July 1, 2024 and to bring them in line with those of other regional transport providers. Additionally, the department is seeking to increase the first responder fee to be similar to those of other transporting fire department. Periodic rate increases help to recoup increasing costs incurred for providing ambulance services.

Government Code Section 6062(a) dictates the manner of publication for fee increase public hearings.

ALTERNATIVE ACTIONS CONSIDERED

Continue with the existing User Fee Schedule which was approved by the Alameda County Board of Supervisors and made effective July 1, 2023 and adopted by the City on October 3, 2023, implemented on November 1, 2023.

CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

Attachments:

1: Resolution

2: Public Hearing Notice

[5] Alameda County Code of Ordinances § 6.114.050
[6] Alameda County Ordinance §§ 6.114.060(A), 6.114.270(B).
[7] Health & Saf. Code § 1797.178.

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

AMBULANCE USER FEE ADJUSTMENT

WHEREAS, the County of Alameda and the City of Berkeley are in an Ambulance provider Agreement dated June 1, 1984; and

WHEREAS, the County of Alameda Board of Supervisors sets the rates applicable to all providers within the district for emergency ambulance transport; and

WHEREAS, the County of Alameda Board of Supervisors established and approved a new Contractor's User Fee schedule for ambulance transport providers. The rates were made effective July 1, 2024; and

WHEREAS, under the California Emergency Medical Services Act (the "EMS Act"), Health and Safety Code sections 1797, *et seq*. The Department operates a grandfathered EMS system within the City of Berkeley, and has consistently done so since the enactment of the EMS Act; and

WHEREAS, as the exclusive provider within the City of Berkeley, the Department may propose adjustments to fees that bring them in line with those of other regional transport providers and cover expenses related to providing said service; and

WHEREAS, the revenue collected will be deposited into General Fund revenue account 010-6405-341-7900; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the new ambulance user fee schedule is adopted in accordance with the rates established by the County of Alameda, effective July 1, 2024, as follows:

	User Fee Schedule
Base Rate	$4,051.06
Mileage	$91.41
Oxygen	$302.64
Treatment / Non-Transport	$812.46
First Responder Fee	$500.00
Base Bundled Rate	$4551.06

BE IT FURTHER RESOLVED that the new ambulance user fee schedule shall be effective and that Resolution No. 71,063–N.S. is rescinded, effective September 11, 2024.

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

AMBULANCE USER FEE ADJUSTMENT

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 Fire Department is proposing to increase the Ambulance User Fee rates to match the ambulance transport provider fees set forth and approved by the County of Alameda and charged by other regional transport providers. Collected ambulance fees are deposited into a General Fund revenue account.

The County of Alameda has established and approved a new base rate Contractor's User Fee schedule for ambulance transport providers effective July 1, 2024. The City of Berkeley fee increase would be effective September 11, 2024. For the City of Berkeley, the last rate increase was approved by the City Council on October 3, 2023 (Resolution 71,063–N.S.); and the rate increase was made effective November 1, 2023.

	Existing	Proposed
Base Rate	$3,664.87	$4,051.06
Mileage	$82.69	$91.41
Oxygen	$273.79	$302.64
Treatment / Non-Transport *	$735.01	$812.46
First Responder Fee		$500.00
Base Bundled Rate		$4551.06

**This rate shall be limited to patients who receive a medical intervention, such as intravenous medication administration, and subsequently refuse transport. Patient assessment, including ECG monitoring, does not constitute treatment.*

The hearing will be held on September 10, 2024 **at 6:00 p.m.** in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact David McPartland, EMS Assistant Chief, at (510) 981-3473.

A copy of the staff report for this hearing will be available on the City's website at www.berkeleyca.gov as of **August 29, 2024. 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 10 days prior to the public hearing.

Published: August 30 and September 6, 2024 – The Berkeley Voice
Per Government Code 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 August 29, 2024.

_____

Mark Numainville, City Clerk
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Alameda County Health
Emergency Medical Services

Colleen Chawla
Alameda County Health
Director

Lauri McFadden
EMS Director

Zita Konik, MD
EMS Medical Director

1000 San Leandro Boulevard
Suite 200
San Leandro, CA 94577

TEL (510) 618-2050
FAX (510) 618-2099

Health.AlamedaCountyCA.gov

July 16, 2024

Dee Williams-Ridley
City Manager
City of Berkeley
2180 Milvia St.,
Berkeley, CA 94704

Dear Ms. Williams-Ridley:

This letter constitutes notice that the EMS Director of the Alameda County EMS Agency has approved an increase in the user fees that may be charged by the County's contracted 9-1-1 ambulance transport service provider Falck. Under the terms of the City of Berkeley's current Emergency Medical Services Ambulance Transport Agreement Section 10.2, your City may consequently increase its user fees to remain equivalent to the County's Contracted Private Provider rates effective July 1, 2024.

UPDATED EXHIBIT G
CITY'S USER FEES – 911 SYSTEM

	Current	Effective 7/1/2024*
Bundled Base Rate	$ 3,664.87	$ 4,051.06
Mileage/Mile	$ 82.69	$ 91.41
Oxygen	$ 273.79	$ 302.64
**** Treat, Non-transport Rate**	$ 735.01	$ 812.46

* It is understood that these rate increases are conditional on each city's ability to demonstrate that the charges are not considered taxes under the California Constitution (art. XIIIC sec. 1e). Each city will be responsible for vetting this issue for their individual Councils. Actual effective date based on City Council approval.

** Treat, Non-transport rate applies to patients who receive a treatment intervention (such as 50% Dextrose) and subsequently refuse transport. Assessment (vital signs, EKG, etc.) does not constitute treatment interventions. The Treat, Non-Transport rate also applies to patients who receive treatment via referral to EMS Agency Director-approved telehealth providers under Contractor's pilot or permanent telehealth program.

All other terms and conditions of your Agreement with the County shall remain in full force and effect. Please acknowledge receipt and understanding of this notification as provided below, and return an original signed copy to the Alameda County Emergency Medical Services Agency no later than August 23, 2024 at the following address:

Alameda County Emergency Medical Services Agency
Attention: Michelle Barrientos
1000 San Leandro Blvd, Suite 200
San Leandro, CA 94577

Alameda County Health
Emergency Medical Services

Please also forward a copy of any documentation reflecting approval of the user fee increase by your City Council, if applicable, upon receipt.

Should you have any questions, please feel free to contact me at (510) 618-2055.

Sincerely,

Lauri McFadden
EMS Director
Alameda County EMS Agency

_____
Acknowledged by (Signature)
For: City of Berkeley

Dee Williams-Ridley, City Manager
Name and Title

_____
Date

CC: Chief David Sprague, Berkeley Fire Department
Colleen Chawla, Director, Alameda County Health
Scott Dickey, Alameda County Assistant County Counsel

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Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR
September 10, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmember Susan Wengraf (Co-Sponsor)

SUBJECT: Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code

RECOMMENDATION

Adopt a resolution affirming that the City of Berkeley will continue to offer interim housing (i.e., a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach[1] and best practices guidance from the federal government. In order to account for nuanced health and safety situations, the resolution allows for six specific exceptions to this practice, based on City staff experience.

Offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness.[2] It will continue to be the City's practice to make shelter offers whenever practicable and to invest in more shelter options. However, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, Berkeley Municipal Code (BMC) Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or

[1] Arreguin, Jesse, Joining the House America Initiative that adopts a Housing First approach in accordance with the federal government, July 12, 2022, Consent Calendar Council item, unanimously approved, https://berkeleyca.gov/sites/default/files/documents/2022-07-12%20Item%2013%20Joining%20the%20House%20America%20Initiative.pdf

[2] United States Interagency Council on Addressing Homelessness: 7 Principles for Addressing Encampments, June 17, 2022: https://www.usich.gov/sites/default/files/document/Principles_for_Addressing_Encampments_1.pdf

- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

The City Manager is authorized to take enforcement actions to deter re-encampment (after clearing an encampment involving any of the six instances enumerated above) through such means as hardscaping; signage that references state Penal Code Section 647(e)[3]; or citation and arrest, even if a shelter offer cannot be made.

Adopt revisions to BMC Chapter 14.48 (Ordinance No. 7632) on miscellaneous use of streets and sidewalks to delete portions of 14.48.020, 14.48.120A and 14.48.120B in order to give the City Manager authority to make conforming changes to Administrative Regulation 10.2 to effectuate the above-stated encampment policy. Administrative Regulation 10.2 Regulating Temporary Non-Commercial Objects on Sidewalks and In Parklets Pursuant to BMC 14.48.120 is to be revised by the City Manager to enable enforcement of temporary non-commercial objects of less than nine-square-feet within less than 24 hours in a designated public area marked with signage to deter re-encampment.

CURRENT SITUATION AND ITS EFFECTS

Federal Ninth Circuit Court of Appeals Legal Decision in Martin v. City of Boise (2018) Has Guided City's Encampment Approach to Always Offer Shelter In All Circumstances Prior to Encampment Closure. In 2018, the Ninth Circuit Court of Appeals, with jurisdiction over California, ruled that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter."[4] In practice, the *Martin* decision meant that the City of Berkeley was prevented from closing encampments—even when deemed a health and safety hazard—without offers of shelter, constituting an Eighth Amendment violation against cruel and unusual punishment. Due to limited shelter options and movement among unsheltered individuals, certain encampments have persisted, such as the encampments along the Harrison Corridor (between Ninth and Seventh streets and north of Harrison on Eighth Street), and the encampments in the Cedar and Second Street area (Second Street

[3] Penal Code Section 647(e) states: "Except as provided in paragraph (5) of subdivision (b) and subdivision (k), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: (e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it."

[4] *Martin v. City of Boise*, 920 F .3d 584 (9th Cir. 2019): https://cdn.ca9.uscourts.gov/datastore/opinions/2019/04/01/15-35845.pdf, p. 3

between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth).

Supreme Court Decision in Grants Pass v. Johnson (2024) Removes Shelter Offer Requirement, And Further Allows Local Jurisdictions to Ban Camping in Public Spaces. On June 28, 2024, the Supreme Court overruled the Ninth Circuit's *Martin v. Boise* ruling in their 6-3 decision in *Grants Pass v. Johnson*. In this decision, the Court ruled that applying anti-camping ordinances to homeless individuals, as had been done in the town of Grants Pass, Oregon, was not a violation of the Eighth Amendment's prohibition of cruel and unusual punishment. The Court removed the requirement to offer shelter before closing an encampment.[5] The ruling gives cities like Berkeley greater authority to set encampment policy for nuanced health and safety situations.

***Significantly, the Supreme Court Decision in Grants Pass Does Not Impact the City's Requirements Related to the Fourth, Fifth and Fourteenth Amendments*.** The City must still abide by the Fourth Amendment protecting individuals against unreasonable search and seizure, the Fifth Amendment guaranteeing due process and the Fourteenth Amendment guaranteeing equal protection under the law. The City's administrative regulations pertaining to regulating temporary non-commercial objects on the sidewalks (AR 10.1) and the temporary storage of unattended property (AR 10.2) ensure compliance with these Constitutional law requirements.

BACKGROUND

Housing First Is a Best Practice, With City of Berkeley Opening Hope Center, Two Homekey Sites, and Two Transitional Housing Motels Within the Last Three Years . . . Housing First is an approach to serving people experiencing homelessness that recognizes a homeless person must first be able to access a decent, safe place to live before stabilizing, improving health, reducing harmful behaviors, or increasing income, according to the California Department of Housing and Community Development (HCD).[6] In 2018, Berkeley voters approved an increase to the real estate transfer tax for the top third of real estate transactions to augment General Fund resources available for homeless services, known as Measure P. These funds, along with state encampment resolution funds, have supported the leasing of two motels:

- **The Berkeley Inn operated by Dorothy Day House provides 25 rooms**, as well as meals, supportive services, and housing navigation services;
- **Campus Hotel (formerly Super 8) operated by Insight Housing provides 23 rooms**, as well as meals, supportive services, and housing navigation services with homeless individuals at the Harrison Corridor encampment granted first priority for these rooms;
- **The Hope Center (2012 Berkeley Way) operated by Insight Housing provides a congregate emergency shelter with 32 beds and 12 transitional**

[5] *Grants Pass,* 144 S.Ct at 2211: https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf
[6] Housing First, California Department of Housing and Community Development, https://www.hcd.ca.gov/grants-funding/active-funding/docs/housing-first-fact-sheet.pdf

housing beds for veterans. The Hope Center was funded by various local[7], state, and federal sources.

The offer of motel rooms has dramatically increased the City's shelter acceptance rate—from 43 percent to 79 percent—among unsheltered people living in encampments.[8]

Measure P funds have also been used as local match funding for two permanent supportive housing sites that have received state funding via the Homekey program, the statewide program to expand and fund housing opportunities for people experiencing homelessness.[9]

- **The Rodeway Inn operated by Housing Consortium of the East Bay provides 42 permanent supportive housing units funded in part by the state Homekey program**, including meals and supportive services;
- **Golden Bear Homes operated by Bay Area Community Services provides 43 permanent supportive housing units funded in part by the state Homekey program**, including on-site property management, case management, and supportive services.
- **The Hope Center, funded by various local[10], state, and federal sources, is operated by Insight Housing and provides 53 permanent supportive housing units**, as well as meals, physical and mental health care, and case management.

The City is poised to add an additional 39 units of permanent supportive housing in the near future via the Step-Up Housing site currently in construction at 1367 University Avenue to be operated by Building Opportunities for Self Sufficiency (BOSS). Further, a $53 million local funding reservation from the Measure O affordable housing bond has been made for the North Berkeley and Ashby developments, with the first 100 percent affordable building at the North Berkeley site likely to break ground next year. The City Council has also acted to place Measure W on the November 2024 ballot to authorize a renewal and graduated increase in the Measure P real estate transfer tax for voter consideration to continue to ensure resources are available for future investments in permanent housing, interim housing, and homelessness prevention.

. . . Permanent and Interim Housing Placements Have Coincided with a Dramatic 45 Percent Reduction in the Count of Unsheltered Individuals, according to the 2024 Point-In-Time Homeless Count. Between 2022 and 2024, the City saw a 45 percent reduction in street homelessness corresponding with a 54 percent increase in sheltered homelessness. Overall, the City of Berkeley experienced a 21 percent

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[7] The Hope Center was not funded by Measure P proceeds.

[8] City Manager Off Agenda Memo, May 16, 2024: As shelter and permanent housing investments have increased, Berkeley's homelessness has declined, https://berkeleyca.gov/sites/default/files/documents/2024-05-16%20As%20shelter%20and%20permanent%20housing%20investments%20have%20increased%2C%20Berkeley%E2%80%99s%20homelessness%20has%20declined.pdf

[9] Homekey, California Department of Housing and Community Development, https://www.hcd.ca.gov/grants-and-funding/homekey

[10] The Hope Center was funded locally by Measure O affordable housing bond funds, Housing Trust Fund proceeds, and measure U1 funds that increased gross receipts tax on owners of five or more rental units.

reduction in homelessness, compared to just a 3 percent reduction in Alameda County.[11] From 2015 through 2019, prior to enhanced local investment associated with Measure P, the City's homeless count increased by 33 percent, as shown in Figure 1 (834 individuals in 2015 compared to 1,108 individuals in 2019). In 2024, with the addition of transitional motels, Homekey permanent supportive housing sites, and the Hope Center, the City of Berkeley experienced a dramatic 21 percent reduction in overall homelessness—far higher than the 3 percent reduction experienced by Alameda County overall.

Figure 1: Berkeley Homeless Point-In-Time Counts Increased from 2017 to 2019 Before Decreasing in 2022 and 2024, Coinciding with Shelter and Permanent Housing Investments

Year	Sheltered Count	Unsheltered Count	Total Homeless Population	% Increase/ Decrease from last PIT count
2015	266	568	834	Not available
2017	308	664	972	16.5% increase
2019	295	813	1,108	14% increase
2022	254	803	1,057	5% decrease
2024	339	445	844	21% decrease

Sources: 2015 Homeless Point-In-Time Count, Jan. 26, 2016 (https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2016/06/2016-01-26-Item-21-Berkeley-2015-Homeless.pdf); 2017, 2019, 2022 Point-In-Time Counts (https://everyonehome.org/wp-content/uploads/2022/05/Berkeley-PIT-2022-Infographic-Report.pdf); and 2024 Point-In-Time Count (https://everyonehome.org/main/continuum-of-care/point-in-time-count-2024/)

The West Berkeley Encampments at (1) the Harrison Corridor (Between Ninth and Seventh Streets, Including Eighth Street north of Harrison), and (2) the Second and Cedar Area (Second between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth)[12] are the Most Persistent and Hazardous in the City, With Documented Impacts Since 2019. Despite significant reductions in the number of people who are homeless in Berkeley, a total of about 445 individuals continue to experience unsheltered homelessness, according to the 2024 point-in-time count. These individuals are largely in West Berkeley, with significant health and safety impacts in the Harrison Corridor, including dead animals, open food sources and spoiled food, used uncapped drug needles, combustible materials like flammable gas containers inside unsafe wooden structures, bottles of urine, human feces, animal feces, soiled clothing and sheltering material, and other unidentifiable liquid and waste products, according to an August 2023 off-agenda memo from the City Manager.[13] Additionally, a large accumulation of bulky objects and sheltering structures completely block the sidewalk in several areas and extend into the roadway, creating numerous fire and traffic safety hazards. Since the Homelessness Response Team was established in 2021, City staff have documented 16 environmental

[11] Alameda County Health Department May 15, 2024 press release: Alameda County Homelessness County Shows Improvements As More Unhoused Residents Access Shelter and Housing: https://everyonehome.org/wp-content/uploads/2024/05/2024-PIT-Count-Press-Release_FINAL_v3.pdf

[12] See Second St, Page St, Jones St, Cedar St encampment map, attached

[13] City Manager Dee Williams-Ridly's Aug. 31, 2023 Off Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts, pp. 7, 8 (attached)

health abatements city-wide, with nine of those abatements occurring in the Harrison encampment and Cedar/Second Street area encampments.

Calls for Service and Fire-Related Incidents Associated with the Harrison Corridor are Elevated Compared to a Similar Area South of Gilman, Averaging One Police Call Every 1.5 Days and One Fire Service Call Every 4.5 Days. Call data underscores the intensive level of emergency response resources associated with the Harrison Corridor encampments. On average, BPD is called for service every day-and-a-half and Fire is called every four-and-a-half days. For the one-year period from August 2023 through July 2024, a total of 252 calls for police service were received by dispatch from the Harrison Corridor area. Of those calls, 45 percent were deemed high priority (either priority one or two on a nine-point scale, with one reflecting the highest level of urgency and nine reflecting the least). Berkeley's Fire Department received a total of 78 calls for service during the same one-year timeframe; of those, 60 calls were for fire-related incidents, and 18 were for emergency medical services. For comparison, the same-sized area just south of Gilman Street (bounded by Seventh and Ninth Streets and Gilman to Camelia) had 152 calls for service over the same time period (100 fewer calls), and the percentage of high priority calls (levels one and two) was also less (32 percent versus 45 percent for the Harrison Corridor).[14] Like the Harrison Corridor, the area south of Gilman is zoned Mixed Use Light Industrial and has significant numbers of RVs and other vehicles being used for habitation on the streets; however, the area does not have encampments similar to those in the Harrison Corridor.

Figure 2: Calls for Service Related for Harrison Corridor Encampments (12 months, Aug. 1, 2023 - July 31, 2024)

Berkeley Police Department Calls for Service	Total: 252	High priority calls[15]: 45%
Berkeley Fire Department Calls for Service	Total: 78	Types of calls: 60 fire-related responses; 18 emergency medical services responses

Sources: Berkeley Police Department (BPD) calls for service taken from the Berkeley Police Transparency Hub Calls for Service, https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats. Berkeley Fire Department (BFD) calls for service data provided by BFD Fire Prevention Inspector.
Note: Calls are associated with the Harrison Corridor based on where the incident in question takes place.

Similar Health and Safety Concerns Persist at Second and Cedar Area. The encampments in the area of Second and Cedar (Second between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth) have been equally challenging, staff intensive, unhealthy, and unsafe. From December 2021 through January 2024, the City's operations at these encampments have included six deep cleaning efforts entailing:

- Removal of large accumulations of debris and trash from the public right-of-way;

[14] Information gathered from City of Berkeley's Police Transparency Hub, Calls for Service: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats
[15] This percentage reflects priority level 1 and 2 calls, indicating a high level of urgency. BPD categorizes calls from 1 being the most urgent to 9 being the least.

- Removal of hazardous materials including syringes, human waste, rotting food, and soiled clothing and bedding;
- Removal of unsafe unpermitted structures;
- Treatment of rat harborages;
- Decontamination of City's stormwater drainage system.[16]

Calls for Service and Fire-Related Incidents for Second and Cedar Street Area are Comparable to Harrison Corridor, Averaging One Police Call Every 1.5 Days and One Fire Service Call Every 4.5 Days. In 2023, calls for service to both BPD and Berkeley Fire were as high, and in some cases higher, in the Cedar and Second Street area compared to the Harrison Corridor. In a document prepared for the state's Encampment Resolution Fund-3 grant application, BPD noted: In 2023, calls for service jumped to 247 from 169 (+46 percent) from the previous year, and reported crimes rose to 69 from 60 (+15 percent). Commercial burglary was the most prevalent crime type, with 27 incidents reported. The data suggest a worsening safety situation, particularly around the Second Street encampments.[17] Conditions in this area continue to deteriorate to this day. In the seven-month period from January 2024 through July 2024, there were a total of 234 police service calls, just shy of the 247 calls made for the entire 2023 calendar year. The total of 234 calls over a seven-month period is slightly more than one call per day, exceeding calls for service for the Harrison Corridor. Berkeley Fire noted at least 20 fires associated with the Cedar and Second encampment area in 2023 with one becoming a two-alarm fire requiring mutual aid. A total of seven different fire code violations have been associated with these encampments and include code violations related to outdoor storage of combustible materials, insufficient clearance from ignition sources, deliberate and/or negligent burning of combustible materials, unwanted fire ignitions, obstructed access to and insufficient clearance of fire hydrants.[18]

Figure 3: Calls for Service for Second and Cedar Street Area Encampments (12 months, Aug 1. 2023 - July 31, 2024)

Berkeley Police Department Calls for Service	Total: 369	High Priority[19]: 33.1%
Berkeley Fire Department Calls for Service	Total: 81	Types of Calls: 38 fire related responses; 43 emergency medical services responses

Source: BPD calls for service taken from the Berkeley Police Transparency Hub Calls for Service: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats. BFD calls for service data collected and provided by BFD Fire Prevention Inspector.
Note: Calls are associated with the Second and Cedar Street area based on where the incident in question takes place.

[16] City of Berkeley Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration, p. 4, attached.
[17] City of Berkeley Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration, p. 1, attached.
[18] City of Berkeley Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration, pp 20 - 29, attached
[19] This percentage reflects priority level 1 and 2 calls, indicating a high level of urgency. BPD categorizes calls from 1 being the most urgent to 9 being the least.

City Has Made Significant Investment to Offer Shelter and Abate Hazards at Harrison Corridor Encampments . . . The City has a long history of providing a wide range of services for the residents of the Harrison Corridor encampments, including 107 shelter offers, with a 53 percent uptake rate. In February 2022, Alameda County Winter Shelter 28-day motel vouchers were provided to all individuals and included an 83 percent uptake rate, and three other partial closures for deep cleaning have occurred since that time. City staff conducted the following activities through August 31, 2023:

- **Case Management and Engagement**. Weekly by-name case conferences hosted by the Homeless Response Team and attended by relevant city and county agencies[20]; three community meetings (in May and July 2023) among City staff, residents, and advocates of the encampment to discuss resources and safety."[21]
- **Abating Rodent Harborage Conditions**. Major nuisance abatement of rodent harborage conditions in October 2022 and subsequent multiple targeted treatments of the extensive network of rodent burrows by the City's Environmental Health Division of the Health, Housing and Community Services Department; provision on numerous occasions of new tents and Sterilite tubs to help maintain cleaner and more rodent-proof conditions;
- **Deep Cleanings and Trash Removal**. Nine deep cleanings removing a total of 124.9 tons (249,800 pounds) of debris; placement of a dumpster on Eighth Street in April 2022 with service four times weekly, addition of a second dumpster on Seventh and Harrison in August 2023 also serviced four times weekly, and weekly illegal dumping removal service by the City's Public Works Department;
- **Basic Sanitation, including Portapotties, Handwashing Station, Weekly Showers and Laundry Services**. Placement of two portapotties with wash station located at the corner of Eighth and Harrison Streets, serviced regularly; weekly free mobile shower and laundry service since June 2022.

City Offered All 23 Rooms at Campus Hotel (formerly Super 8) to Homeless Individuals Residing in the Harrison Corridor . . . In June 2023, the City of Berkeley was awarded $4.9M from the state's Encampment Resolution Fund-2 grant program, which is currently being used to master lease the Campus Hotel (formerly Super 8) located at 1619 University Avenue. The transitional housing site is operated by Insight Housing, and includes meals, supportive services, and housing navigation services. Unsheltered individuals residing in the Harrison Corridor were given priority for this site, with 34 people accessing the site to date and 18 individuals remaining from the Harrison Corridor, according to City staff.

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[20] Agencies include: Alameda County Healthcare for the Homeless; Berkeley's Health, Housing and Community Services Department; Homeless Action Center; Bay Area Community Services (BACS); LifeLong Medical Care; East Bay Community Law Center; Options Recovery Services; Berkeley Mental Health; and Building Opportunities for Self-Sufficiency (BOSS). Alameda County's Street Medicine Teams also had an intensive presence at the encampments accompanied by multiple other service providers including the homeless advocacy group Where Do We Go Berkeley; Consider the Homeless, which provides meals; and Berkeley Needle Exchange, which provides clean needles and substance use services.

[21] City Manager Dee Williams-Ridly's August 31, 2023 Off Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts, attached

. . . But Hazardous Harrison Corridor Encampments Continue to Persist. In a City Manager Feb. 20, 2024 off-agenda memo, staff wrote: "Despite having non-congregate shelter beds dedicated to this encampment, nearly every effort that the City has made to resolve portions of the encampment have been met with significant opposition and/or legal challenges."[22] Between August 2023 through December 2023, the City tried on four separate occasions to resolve encampments in the Harrison corridor in accordance with pending construction and maintenance projects and formally declaring the area as an imminent hazard resulting in an order for a summary abatement on the basis of public health and safety hazards but legal entanglements kept this from happening. During each of these efforts, offers of non-congregate shelter at the Campus Hotel and other available transitional housing at hotel sites preceded attempts to close and clean the encampment areas. In November 2023, the City installed temporary fencing designating the area a pending construction zone to repair and maintain City infrastructure, including sidewalks and street trees, but the fencing was soon breached and the area was re-encamped quickly.

To address the encampments in the Cedar and Second Street area, this past spring the City applied for another state Encampment Resolution Funds grant with the intent to master lease another motel for conversion to transitional housing for homeless individuals. As in the past, the City committed to matching any incoming dollars using Measure P funds. This potential new site would provide housing for another 26 individuals, have on-site services, meals, and housing navigation services. All of the rooms are intended to be prioritized for those living in the encampments in the Cedar and Second Street area.

Presence Of Encampments Yielding a High Rate of Police and Fire Calls for Service Impacts Safety of Nearby Residents, Workers, and Visitors and Is Detrimental to Business Operations. For many years, the District 1 Council office has received e-mail complaints about the hazardous street conditions in the Harrison Corridor and the Cedar and Second Street encampments areas. The Harrison Corridor is home to an electric range of businesses and organizations, including Fieldwork Brewing, Boichick Bagels bakery and storefront, Urban Adamah (a Jewish urban farm with programming for children and families), Harrison Skate Park and sports fields, Berkeley Repertory Theater Administrative Offices, Wilderness Travel Tour Agency, The Tile Shop, Blue Willow Teaspot, East Bay Tow Company, The Plant Library, United States Federal Detached Del Unit Post Office, Covenant Winery, Makers Workspace, Griffin Motorwerke and other automotive businesses, and several architecture and landscaping offices. The Cedar and Second Street area is home to manufacturing companies creating in-ground and above ground traffic detection systems, energy gels for endurance athletes, and AI-powered robotics. Industrial businesses in that area include construction companies, large equipment rentals, paper shredding, computer technology, glass installation, cutlery sharpening services, and automotive businesses. Other businesses, such as landscaping, automotive companies and an active travel tour

[22] City Manager Dee Williams-Ridly's August 31, 2023 Off Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts, attached

company are also located in this area as are single family-homes and residences, starting on Fourth Street. Communications from residents, visitors, and workers in these two areas describe hazards and concerning interactions and behaviors, such as:

- **Traffic and Pedestrian Safety**. Tents and bulky structures protruding into lanes of traffic; and complete blockage of sidewalks on both sides of the street.
- **Pest Control Issues**. In July 2022, an organization in close proximity to the Harrison encampment reported rats in their buildings, and a considerable amount of resources expended in addressing pest control issues. The rats also climb into the parked cars and chew on the wiring causing thousands of dollars of damage to people's cars.
- **Fire-Related Concerns**. In July 2024, a constituent reported a big dumpster fire that "spewed all kinds of toxic chemicals into the air," settling onto their property where the operators were conducting outdoor summer programs. In May 2024, two fires in the Cedar and Second Street areas were classified as arson, according to Fire Chief David Sprague.[23]

Anecdotal Reports Describe Assaults and Other Dangerous Conditions. Residents and employees near the Harrison Corridor and Second and Cedar Street encampments report being chased, yelled at and threatened by encampment residents. One local business, right at the northeast corner of Ninth and Harrison, is familiar with all of the encampment residents due its location. One employee shared in 2022 that their security camera caught on film instances of vandalism: the same individual, an encampment resident at the time, was seen kicking side mirrors off nearby parked cars repeatedly over several days. One employee going to her 4 a.m. shift was robbed at gunpoint when coming to work (2020) while a business owner relayed how a customer was attacked by two people when driving down Eighth just north of Harrison: one stood in front of the car to block it while the other attempted to pull the woman out of her vehicle (2022). In 2021 the office received an email from a Berkeley based business outside of the Gilman District trying to make a delivery to a business at Ninth and Harrison:

> "Yesterday, my driver told me that the guy threw a bottle of urine on our truck, then threw rocks, and lumber trying to break our windows of the truck. Only after my driver had to show some force and not back down (along with another homeless person helping my driver), did the occupant of the pictured tent leave and allow my driver to do his job."

More recently neighbors in the Cedar and Second Street encampment area wrote with a list of troubling behaviors they had recently witnessed:

- *"Barely clothed woman, clearly impaired by drugs, exiting an RV on Cedar between railroad tracks and 4th street.*
- *Human feces just about anywhere you dare to look.*
- *Needles on sidewalks and in grass and bushes.*
- *Drug dealing.*
- *Infighting among the un-housed people, many times resulting in retaliatory arson.*
- *Trespassing*
- *A stabbing."*

[23] District 1 e-mail communication with Fire Chief Sprague, May 2024.

The above examples represent a small fraction of the myriad stories shared with the District 1 Council office. For years, stakeholders in these two areas of West Berkeley have lived and worked alongside a host of dangerous public health and safety hazards.

FISCAL IMPACT

It is expected that implementation of this encampment policy will result in no net change in staff time.

CONTACT

Rashi Kesarwani, Councilmember District 1 (510) 981-7110

Attachments:

1) Amendments to Chapter 14.48 (Ordinance No. 7632) on miscellaneous use of streets and sidewalks
2) Administration Regulation 10.1 Temporary Storage of Unattended Property
3) Administrative Regulation 10.2 Regulating Temporary Non-Commercial Objects on Sidewalks and In Parklets Pursuant to BMC 14.48.120
4) City Manager Dee Williams-Ridley's August 31, 2023 Off-Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts
5) 2nd and Cedar Street, Jones and Page Street encampment map
6) CoB Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration
7) City Manager's September 30, 2021 After Action Report: Harrison Street Corridor RV Operation
8) Second Street Deep Cleaning - After Action Reports: December 2, 2021
9) Second Street Deep Cleaning - After Action Report April 19, 2022
10) Second Street and Page Encampment Closure - After Action Report November 30, 2022
11) East Side of Page at Second Partial Closure, and Second Street Deep Cleaning Between Cedar and Page - After Action Report March 22, 2023;
12) Second Street Between Page and Cedar, and on Page Street East of Second Street Deep Cleaning - After Action Report May 9, 2023

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

Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods

WHEREAS, offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness; and

WHEREAS, the City of Berkeley expresses its continued commitment to a Housing First approach, in which we recognize that people experiencing homelessness must first be able to access a decent, safe place to live before stabilizing, improving health, reducing harmful behaviors, or increasing income; and

WHEREAS, in 2018, Berkeley voters approved an increase in the real estate transfer tax for the top third of real estate transactions to augment General Fund resources available for homeless services, known as Measure P, which has helped to fund transitional housing motels Berkeley Inn and Campus Hotel (formerly Super 8) and permanent supportive housing sites Golden Bear Homes, The Rodeway Inn, and Step-Up Housing (under construction), and will be considered by the voters for extension in November 2024 as Measure W; and

WHEREAS, from 2022 to 2024, the City saw a dramatic 45 percent reduction in street homelessness corresponding with a 54 percent increase in sheltered homelessness, and an overall 21 percent reduction in homelessness, illustrating that the provision of transitional and permanent supportive housing can successfully reduce overall homelessness; and

WHEREAS, in 2018, the Ninth Circuit Court of Appeals ruled in *Martin v. City of Boise* that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property," which required the City of Berkeley to make a shelter offer in all circumstances; and

WHEREAS, the recent Supreme Court decision in *Grants Pass v. Johnson* overturns the *Martin* standard, thus giving cities like Berkeley the authority to set a more nuanced encampment policy that considers exigent circumstances of fire, health, and nuisance abatement pursuant to the Berkeley Municipal Code; and

WHEREAS, certain encampments have persisted, such as the encampments in the Harrison Corridor (between Ninth and Seventh Streets and Eighth Street north of Harrison), and the Second and Cedar Area (Cedar between Eastshore and Fourth, and Second between Page and Cedar and on Page and Jones west of Fourth), despite documented fire, environmental health, and nuisance hazards as defined in the Berkeley Municipal Code and ongoing exhaustive City staff efforts to offer shelter when available and abate hazards; and

WHEREAS, City staff have provided extensive services for individuals sheltering in the Harrison Corridor area, including reserving the 23 rooms at the Campus Hotel (formerly Super 8) for residents of the Harrison corridor. City staff have also provided case management and engagement, abatement of rodent harborage conditions, deep cleaning

and trash removal four times per week, and basic sanitation services including portapotties, a handwashing station, weekly showers, and laundry services; and

WHEREAS, calls for Berkeley Police and Fire service are exceedingly high at both encampment areas with Berkeley Police calls for service at the Harrison encampment during 12 months (August 1, 2023 - July 31, 2024) totaling 252 and at Cedar and Second Streets encampment totaling 369—on average one call every day to day-and-a-half—and calls for Berkeley Fire service totaling 78 and 81, for each encampment respectively, during that same timeframe, with safety impacts for nearby residents, workers, and visitors and detrimental impacts on business operations.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley will continue to offer interim housing (generally a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach and best practices guidance from the federal government;

BE IT FURTHER RESOLVED, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or
- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

BE IT FURTHER RESOLVED, the City Manager is authorized to take enforcement actions to deter re-encampment (after clearing an encampment involving any of the six instances enumerated above) through such means as hardscaping; signage that references state Penal Code Section 647(e); or citation and arrest, even if a shelter offer cannot be made.

BE IT FURTHER RESOLVED, that the City Council determines that the Harrison Corridor (Harrison Street between Ninth and Seventh Streets, including Eighth Street north of Harrison) and the Second and Cedar area (Second Street between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth) meet all six health and safety exceptions as proscribed by the above-stated policy and should therefore be prioritized for enforcement.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.48

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

Section 1. That Berkeley Municipal Code Chapter 14.48 is amended as follows:

Chapter 14.48
MISCELLANEOUS USE OF STREETS AND SIDEWALKS

Sections:

14.48.010	**One-way streets.**
14.48.020	**Obstructions on streets and sidewalks.**
14.48.030	**Objects in transit.**
14.48.040	**Construction materials and barricades.**
14.48.050	**Trees and shrubs.**
14.48.060	**Poles, hydrants, signs, etc.**
14.48.070	**Bicycle racks.**
14.48.080	**Bus benches and bus shelters.**
14.48.090	**Mail boxes and armed forces recruiting signs.**
14.48.100	**Newspaper racks and newspapers.**
14.48.110	**Authorized retail displays.**
14.48.120	**Temporary Noncommercial Objects.**
14.48.130	**Decorative noncommercial installations.**
14.48.140	**Public telephones.**
14.48.150	**Sidewalk seating, benches and planters.**
14.48.160	**Removal of obstructions on streets and sidewalks.**
14.48.170	**Use of streets and sidewalks by vendors.**
14.48.180	**Trap doors in sidewalks.**
14.48.190	**Parklets.**

14.48.010 One-way streets.

The City Traffic Engineer is authorized and directed to suitably indicate by appropriate signs those streets or portion of streets designated by resolution of the Council as one-way streets.

14.48.020 Obstructions on streets and sidewalks.

It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager ~~and adopted by the City Council~~.

For purposes of this Chapter, Sidewalk is defined as provided in BMC Section 1.04.010(18) as that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians. Parklet is defined as provided in BMC Section 14.48.190(B)(4).

14.48.030 Objects in transit.

Goods, wares, merchandise, containers, furniture, suitcases and other similar objects in the immediate custody and control of individuals readily able to move or remove such objects may be allowed on the outer one-third of the sidewalk for up to one hour while in the actual course of receipt, delivery, transport, transit or removal.

14.48.040 Construction materials and barricades.

Materials used in the construction or repair of any building or structure, together with the necessary pedestrian walkways, barricades and warning signs, when required permits have been obtained from the City.

14.48.050 Trees and shrubs.

Trees, shrubs and flowers with the necessary barricades when planted or maintained by the City, or by private parties when expressly allowed by Council action or by the City Manager.

14.48.060 Poles, hydrants, signs, etc.

Poles, fire and police boxes, lamp posts, parking, street directional or warning signs, parking meters, drinking fountains, poster kiosks, hydrants, flag poles or standards, decorations for public events, sidewalk clocks, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by Council action.

14.48.070 Bicycle racks.

Bicycle racks of a type and at locations approved by and under such conditions as may be imposed by the City Manager.

14.48.080 Bus benches and bus shelters.

Bus benches and bus shelters at such locations and in accordance with such rules and regulations as may be prescribed by the City Manager.

14.48.090 Mail boxes and armed forces recruiting signs.

Mail boxes and armed forces recruiting signs that are placed in such locations that they do not interfere with the normal use of the sidewalk by pedestrians.

14.48.100 Newspaper racks and newspapers.

Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or Chapter 16.44 of the Berkeley Municipal Code.

14.48.110 Authorized retail displays.

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48.

14.48.120 Temporary Noncommercial Objects.

A. Temporary Noncommercial Objects ("TNC Objects") are personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;

2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;

3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.

4. *Not furniture.* Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030 Objects in Transit.

The City Manager may adopt regulations specifying what TNC Objects may be permitted under this Section and where such TNC Objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to limited cushioning material being used to sit on such as, but not limited to, blankets, cushions or mats. ~~Regulations adopted by the City Manager under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.~~

B. ~~After approval by the City Council, t~~The City Manager shall ensure that regulations adopted pursuant to this Section are publicized in a manner substantially equivalent to the manner in which ordinances are published, and that materials summarizing such regulations are available for dissemination in Commercial and Manufacturing zones. The City may also post fixed signage in Commercial and Manufacturing zones informing the public of such regulations.

C. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that their conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

D. Violations of this Section or City Manager regulations adopted pursuant to this Section shall be charged as infractions, and not as misdemeanors.

14.48.130 Decorative noncommercial installations.

Decorative noncommercial installations subject to the following regulations and requirements:

A. At least six feet of improved sidewalk area measured at right angles to the curb shall be kept open and unobstructed.

B. Such decorative noncommercial installations shall be placed and maintained in the portion of the sidewalk area farthest from the curb; provided, however, that subject to all other conditions herein specified, such installations may be placed and maintained in the portion of the sidewalk area adjacent to the curb if such installations will not interfere with access to or from any parked vehicle and are:

1. Not closer than twenty-five feet to any curb return or fire hydrant;

2. Not located adjacent to any commercial or passenger loading zone;

3. Not closer to the curb than eighteen inches;

4. Not affixed to any City or utility company-owned poles or appurtenances;

5. Not mounted in or affixed to the sidewalk;

6. Not inconsistent with safety, development in the area, or other decorative noncommercial installations.

C. No decorative noncommercial installation shall be placed or maintained in the sidewalk area without a permit therefor. Application for such permit shall be made to the office of the City Manager, who may require as part of the application such information as may be deemed necessary to determine compliance with this Section and other applicable laws and regulations, including but not limited to a scaled site plan, signature of the fronting property owner and permittee, and agreement to indemnify the City as specified in Subsection D. The application shall be referred to the Public Works Department and the Civic Art Commission for review to determine that it is in the public interest to grant the permit, and that the granting thereof will not be detrimental to the public health, safety or general welfare. The permit shall not be granted without the approval of both the Public Works Department and the Civic Art Commission. If such approval is given and the City Manager concurs, the permit shall be granted subject to the conditions hereinabove set forth, and such additional conditions as may reasonably be imposed. Such permit shall be subject to revocation by the City Manager without cause; the decorative noncommercial installation for which the permit has been given shall be removed within ten days after notice.

D. Anyone granted a permit for a decorative noncommercial installation shall agree to indemnify and hold harmless the City, its officers and employees of and from any and all claims, damages or suits that may arise or in any way be occasioned by the granting of the permit or the maintenance of the decorative noncommercial installation permitted thereby.

1. The permittee shall carry liability insurance in the amount of $500,000.

E. For purposes of this Chapter, "Decorative Noncommercial Installations" shall include but are not limited to artwork, planters, and other objects that are placed within the public right-of-way by a private party for the purpose of decoration in a residential, commercial, or industrial district, not for the purpose of advertising, commerce or other economic benefit.

F. Decorative Noncommercial Installations that are not permitted under this Section are prohibited encroachments under 16.18 and shall constitute a public nuisance subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section.

14.48.140 Public telephones.

Telephones for public use of a type and at locations approved by and under such conditions as may be imposed by the City Manager.

14.48.150 Sidewalk seating, benches and planters.

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Seating, Benches and/or Planters on sidewalks, parking lanes, street areas, and other public right of way locations as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Seating, Benches and/or Planters may not be issued unless the business for which the Sidewalk Seating, Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

3. Sidewalk Seating and Outdoor Commerce shall require a Sidewalk Seating engineering permit, renewed annually.

4. Businesses conducting Outdoor Commerce in a parking lane shall additionally pay an annual Outdoor Commerce Use Fee in exchange for using public parking spaces for business operations.

5. Sidewalk Seating shall be permitted in any area of the public right-of-way if City Staff makes a finding that the use of the right-of-way for Sidewalk Seating purposes does not create a dangerous condition for customers, pedestrians, or bicycle or motor vehicle traffic. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate.

6. Upon termination of any declared City emergency, any Sidewalk Seating present in the public right-of-way and not on the sidewalk shall within (365) days of date of termination either obtain a valid Sidewalk Seating Engineering Permit and pay the Outdoor Commerce Use Fee or be removed from the public right-of-way.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Block Face" means one side of one block, e.g., the north side of Center Street between Milvia Street and Shattuck Avenue.

3. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

4. "Commercial Establishment" means, but is not limited to, a place where Business Activity is established. Business activity is defined as any activity subject to BMC Chapter 9.04 and any economic activity which generates receipts but is exempt from BMC Chapter 9.04 by state or federal law.

5. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan that establishes area-specific regulations for benches, planters and/or plant material, and establishes general regulations for the placement of benches and planters in the public right-of-way, for the designated district.

6. "District-wide Sidewalk Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan that establishes area-specific regulations for sidewalk seating, and establishes general regulations for the placement of sidewalk seating in the public right-of-way, for the designated district.

7. "Food Service Establishment" has the same meaning as set forth in BMC Chapter 23F.04.

8. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of sidewalk, parking lanes, street area, and other public right of way spaces.

9. "Outdoor Commerce" means Sidewalk Seating in the public right of way.

10. "Outdoor Commerce Use Fee" means an annual fee for the use of the parking lane for Sidewalk Seating.

11. "Planter" means a container that is designed or used for growing plants.

12. "Parking Lane" and "Street Area" are considered to be part of the Public right-of-way (PROW), known as, "any public street, public way, public place or rights-of-way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, owned, operated and/or controlled by the City or subject to an easement owned by City and any privately-owned area within City's jurisdiction which is not yet, but is designated as a proposed public place on a tentative subdivision map approved by City." as defined in BMC 23F.04.010.

13. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

14. "Sidewalk Seating" means tables and/or chairs (including benches) and, umbrellas and other associated furniture with lawfully operating Food Service Establishments or other commercial establishments, in or on the sidewalk. "Sidewalk Seating" includes seating and associated furniture in the public right-of-way or resting on, or projecting into, the sidewalk, parking lane, or street area, or any combination thereof which are not physically or structurally attached to a building, retaining wall or fence.

15. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

16. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet for ADA-compliant path of travel, (or reduce to 5 feet at a single point of contact) or such greater (or smaller) amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

(a) Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

(b) Block or obstruct the view of necessary authorized traffic devices;

(c) Unduly interfere with pedestrian traffic in the public ROW/sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

(d) Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

(e) Be affixed to any City or utility company-owned poles or appurtenances;

3. All sidewalk seating shall be subject to the following additional standards and requirements:

(a) All Sidewalk Seating configurations shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

(b) All Sidewalk Seating components shall be stored in a secure location when not in use.

(c) The permittee shall regularly inspect and clean the Sidewalk Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.

4. All benches and planters shall be subject to the following additional standards and requirements:

(a) All proposals shall comply to the greatest extent possible with any design requirements adopted by the City for benches, planters and/or plant material.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the

number of tables and chairs shall not be increased without prior approval of the Public Works or Public Health Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under the Section shall be posted in plain view within the commercial establishment for which the permit has been issued along with any other relevant permits that support health and safety of patrons and the general public.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of $1,000,000 for Benches and Planters, and related Sidewalk Seating furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.

8. A food service establishment that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

(a) Physically defined and clearly part of the commercial establishment it serves; and

(b) Supervised by a commercial establishment employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Seating, Benches, Furniture, and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish or waive fees for the implementation and administration of this Section. Outdoor Commerce Use Fees shall be equivalent to the expected block face parking revenue from the parking spaces used by the permittee, and shall be treated as Parking Meter Fund revenue.

14.48.160 Removal of obstructions on streets and sidewalks.

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City.

14.48.170 Use of streets and sidewalks by vendors.

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section.

14.48.180 Trap doors in sidewalks.

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks.

14.48.190 Parklets.

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right of way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.200) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right of way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence. Platforms that meet this definition but have received a Sidewalk Seating Permit pursuant to BMC Section 14.48.150 shall not be considered Parklets.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business", "Host", "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:

(a) Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

(b) Block or obstruct the view of necessary authorized traffic devices;

(c) Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;

(d) Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate;

(e) Be affixed to any City or utility company-owned poles or appurtenances;

(f) The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate.

4. All Parklets shall be subject to the following additional standards and requirements:

(a) Parklets must remain publicly accessible and must include signage posted on site to this effect;

(b) Parklet construction materials must be of high quality, durable, and suitable for public use;

(c) A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;

(d) The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;

(e) Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;

(f) Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade;

5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:

(a) All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;

(b) All non-secured Parklet components shall be stored in a secure location on private property when not in use;

(c) Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff;

D. All permits issued under this Section shall be subject to the following conditions:

1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.

2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any

existing or proposed City design plans, those objects shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under the Section, when under review prior to issuance shall be posted in plain view within the sponsoring establishment(s) for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code. Section D(4) is not applicable in cases of declared local emergency due to disease outbreak. Upon termination of a declared local emergency due to disease outbreak within 365 days, a permittee must:

(a) pay the permit fee for a minor encroachment and comply with all the requirements of this Section and Section 16.18.060, except that public notice requirements shall not be required; or

(b) apply for a Sidewalk Seating Permit pursuant to BMC Section 14.48.150, and pay initial annual outdoor commerce use fee (the application permit fee for transitioning permits will be waived); or

(c) remove the Parklet from the public right-of-way.

5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.

6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than $1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.

7. The City Manager or their designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.

8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.

9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations. Section D(9) is not applicable in cases of declared local emergency due to disease outbreak.

10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish or waive fees and guidelines for the implementation and administration of this Section.

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.

A.R. NUMBER:	10.1
ORIGINAL DATE:	6/5/17
POSTED DATE:	6/5/17
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CITY OF BERKELEY
ADMINISTRATIVE REGULATIONS
SUBJECT: Temporary Storage of Unattended Property

PURPOSE
The purpose of this Administrative Regulation is to outline the policy and procedures for properly securing Unattended Property, in order to support the health and safety of our community, in compliance with all legal requirements.

POLICY
Unattended Property is defined as tangible personal property that has been left on City property or the public right of way ("Public Space") with no person claiming or asserting ownership, or that needs to be stored as the result of a law enforcement action or a medical situation.

Property includes but is not limited to:

- Identification
- Photos / photo albums
- Tents, sleeping bags, bedding (which is deemed to be in serviceable condition)
- Luggage, backpacks, purses
- Clothing
- Documents (together in a packet bound or secured in some way)
- Jewelry
- Medication
- Eyewear
- Electronic equipment
- Tools
- Bicycles and other non-motorized methods of transportation which are in working order

Unattended Property that is removed by City staff shall be held in safe-keeping for 14 days, unless it appears from visual observation to have a resale value of $100 or more, in which case it shall be held for 90 days. Items that are usable for shelter, such as tents, tarps and sleeping bags, shall be retained for a minimum of 45 days regardless of apparent value. Unattended Property that is clearly refuse or garbage may be disposed of immediately. Items shall be secured in a locked, covered, storage container located at the Corporation Yard at 1326 Allston Way. The storage container shall be accessible by City Staff only.

PROCEDURE

1. Berkeley Police Department (981-5911) shall respond to calls from City Staff to provide assistance to City Staff who need law enforcement support when picking up and transporting Unattended Property.

2. City staff shall remove Unattended Property from Public Space as found as part of routine duties, in response to complaints, or as directed by the Berkeley Police Department. Occupied/attended encampments will be given a reasonable time to remove their property, as determined by the Berkeley Police Department.

3. City Staff shall photograph Unattended Property before it is removed, regardless of whether it is going to be disposed of or stored.

When removing property from Public Space, City Staff shall utilize a *Property Inventory Form (Inventory Form)* to record the date the Unattended Property was removed and the location from which it was removed. The Unattended Property shall be inventoried either as individual items or by the quantity of bags removed. Any items of value (including but not limited to jewelry, electronics, medical or dental equipment) shall be inventoried. The *Inventory Form* shall note whether each piece of inventoried Unattended Property removed from a given site is to be transported for storage or disposed of. A copy of this form shall be maintained by Corporation Yard staff.

Unattended Property that has been removed shall be kept in clear bags and bins. Each bag or bin shall be affixed with a copy of the *Inventory Form,* which displays the date and the location from which the Unattended Property was removed.

At the expiration of the requisite storage time, unclaimed property shall be disposed of; the date of disposal shall be noted on the corresponding *Inventory Form* and submitted to Corporation Yard staff.

City staff shall not store any of the following items as they are unsafe for storage or considered to be trash:

- Soiled or moldy items
- Loose or scattered papers
- Wet or damp clothing, bedding or sleeping bags if storing it would cause it to mold
- Perishable food or personal products that will spoil in storage
- Personal hygiene products such as toothbrushes, hair brushes
- Bike carcasses
- Mattresses, futons, furniture
- Shopping Carts*
- Broken or disassembled items or those stripped of parts (i.e. flat tires, electronics, torn up clothes)
- Weapons – weapons will be turned over to Berkeley Police Department
- Any item that may attract rodents or insects (containers for recycling or food storage)
- Hazardous or Explosive items such as gasoline cans, propane tanks, batteries

*Shopping carts with their contents shall not be stored in their entirety. Shopping carts will be returned to identified stores and/or the stores will be notified to retrieve them when possible. City Staff shall not remove the contents of shopping carts, unless there are items which can be easily identified as personal belongings and which meet the criteria for storage. These items shall be stored, and items which do not meet the criteria for storage shall be disposed. The *Inventory Form* shall be noted accordingly.

To Retrieve Stored Property:
Citizens wishing to reclaim their property shall contact 311 Customer Service Center. 311 shall in turn transfer the caller to the appropriate City Department, Parks or Public Works, based upon the location from which the property was removed, between the hours of 8:00 a.m. and 4:00 p.m. Monday – Friday, excluding holidays.

City Staff shall verify the date, time, location from which the requestor reports the property was picked up by the City, and the description of the property, against the *Inventory Forms*, to determine whether the property is in storage.

If the property is determined to be in storage, an appointment to reclaim the property from storage shall be scheduled between the appropriate City staff and the caller/requestor, for retrieval between the hours of 9:30 a.m. and 2:30 p.m. Monday – Friday, excluding holidays.

At the appointed date/time, the requestor shall come to the City's Corporation Yard, Bldg A lobby area. The individual shall identify him/her self and provide the date and location from which the property was picked up, along with a description of the property. The requestor shall wait at the Corporation Yard while designated City Staff retrieves the identified property from the storage unit and transports it to the parking lot. The requestor will be required to sign the *Inventory Form* and a copy of which will be maintained by Corporation Yard staff.

If an advocate for the requestor is retrieving the items, he/she shall be required to provide to City Staff a completed *Declaration of Authorization to Take Custody of Property* and sign the *Inventory Form* upon receipt of the property.

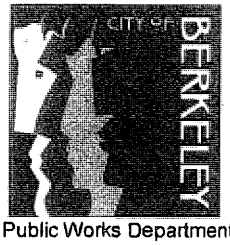
To File a Complaint:
Persons having complaints about the City's process for managing Unattended Property may submit their concerns to the Online Service Center http://www.cityofberkeley.info/onlineservicecenter/, and the complaint will be reviewed by designated City Staff accordingly.

To File a Claim:
Persons wishing to file a claim shall be directed to complete the claim form which can be found - http://www.cityofberkeley.info/Attorney/Home/Claim_Form.aspx

RESPONSIBLE DEPARTMENT: **Public Works, Parks Recreation and Waterfront** **TO BE REVISED:** As needed	Approved by: Department Director Department Director City Manager

APPENDICES

APPENDIX 1: PROPERTY INVENTORY FORM



Public Works Department
Parks, Recreation & Waterfront

PROPERTY INVENTORY FORM

INVENTORY ID NUMBER: _____

LAGAN CASE #: _____

DATE PICKED UP: _____

TIME PICKED UP: _____

PICK UP LOCATION/ADDRESS: _____

[ ] HOLD FOR 14 DAYS: Property which appears to be personal possessions of **less** than $100 resale value.

[ ] HOLD FOR 45 DAYS: Property which is usable for shelter.

[ ] HOLD FOR 90 DAYS: Property which appears to be personal possessions of **more** than $100 resale value.

[ ] DISCARDED: Property which appears to have been abandoned, illegally dumped or does not meet the storage requirements.

EMPLOYEE # (S): _____

DEPARTMENT: _____

DESCRIPTION of UNATTENDED PROPERTY (itemized with estimated value):

A.R. NUMBER:	**10.2**
ORIGINAL DATE:	11/13/18
POSTED DATE:	11/26/18
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CITY OF BERKELEY ADMINISTRATIVE REGULATION

Subject: Regulating Temporary Non-Commercial Objects on Sidewalks and in Parklets, Pursuant to BMC § 14.48.120

PURPOSE

This Regulation is intended to protect the City's substantial interests in access and safety on Sidewalks and Parklets for pedestrians and for persons with disabilities, aesthetically pleasing streetscapes, and vital commercial areas, all of which are critical to the City's economic and social well-being, in a manner consistent with the United States and California Constitutions, including the First, Fourth, Eighth, and Fourteenth Amendments.

This Regulation provides policy and procedures regarding placing Temporary Noncommercial (TNC) Objects on Sidewalks and Parklets, pursuant to Berkeley Municipal Code (BMC) § 14.48.120.

DEFINITIONS

"BART Access Corridor" is a Sidewalk, including a wide plaza area, on the same side of the street as a BART Station entrance, within 25 feet of such entrance. In the downtown area, the BART Access Corridor includes all sidewalk and plaza areas on the west side of Shattuck Avenue from Addison Street to Allston Way.

"Parklet" is defined as provided in BMC § 14.48.190.

"Path of Travel" is defined as:

- For Sidewalks which measure less than fourteen (14) feet in width, the Path of Travel is six (6) feet wide; this 6-foot wide strip is parallel to the curb and the sides of this strip are equidistant from the curb edge of the sidewalk and the edge of private property abutting such sidewalk.

- For Sidewalks which measure 14 feet or greater in width, the Path of Travel is ten (10) feet wide; This 10-foot strip is parallel to the curb and the sides of this strip are equidistant from the curb edge of the sidewalk and the edge of private property abutting such sidewalk.

"Sidewalk" is defined as provided in BMC § 1.04.010(18) as that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"TNC Objects" are defined as provided in BMC § 14.48.120 as personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;

2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;

3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.

4. Not furniture. Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030 for Objects in Transit or BMC § 14.48.150 for Sidewalk Café permits and City-installed furniture.

POLICY

A. Objects Subject to this Regulation

This Regulation applies to all Temporary Noncommercial (TNC) Objects. It does not apply to leafleting, hawking, peddling and similar activities to the extent those activities do not involve the placement of physical objects on the Sidewalk, or to TNC or other objects expressly permitted by the Berkeley Municipal Code.

B. TNC Objects Exempt from this Regulation:

The following categories of TNC Objects are exempt from this Regulation:

1. Mobility devices in use by pedestrians or individuals in wheelchairs; or

2. Blankets, cushions, mats, or other material providing cushioning ("Cushioning Material") while an individual is seated on such an item, which does not expand beyond 2' x 2' in size and is outside of the Path of Travel.

C. Time and Location Requirements for TNC Objects

1. TNC Objects - Residential Districts:

TNC Objects are prohibited on Sidewalks in Residential Districts, except Objects in Transit pursuant to BMC § 14.48.030 or as otherwise specifically authorized by the BMC.

2. TNC Objects - Commercial and Manufacturing Districts

a. TNC Objects shall not be left unattended for more than 2 hours.

b. TNC Objects may not be placed in Parklets.

c. TNC Objects must not interfere with access to and use of driveways, crosswalks, bus benches, bus stops, transit stops, bicycle racks, fire hydrants, faucet bibs,

utility boxes, public art installations, mailboxes, ATM machines, embedded trap doors, parking meters, parking payment machines, refuse or recycling cans, or pursuant to a City permit, construction materials, newspaper racks, or sidewalk café seating.

d. TNC Objects may not be placed in a location that interferes with access for individuals with disabilities such as curb and wheelchair ramps, or other features for disability access.

e. TNC Objects may not be placed in a location where they would obstruct, restrict, or hinder visibility of traffic devices or signs.

f. TNC Objects may not be placed at or adjacent to any blue or white curb.

g. TNC Objects may not be placed on a Sidewalk directly in front or within three feet of either side of a building entrance, from the building face to the curb edge of the Sidewalk, except between the hours of 10:00 p.m. and 7:00 a.m., if the building entrance will not be used during that period (i.e., not an apartment building entrance where people may be expected to enter and exit 24/7, and not the entrance to a restaurant or business that is open for customers or deliveries).

h. TNC Objects may not be placed within a BART Access Corridor, except objects in transit per 14.48.030 and other objects expressly allowed by the BMC.

D. ENFORCEMENT PROCEDURES

To the extent possible, given resources, the initial outreach may be made by homeless outreach staff; management and/or enforcement of TNC Objects may be initiated by Code Enforcement and/or Public Works staff.

To further implement BMC §§ 14.48.120(C) and (D), the City hereby adopts the following procedures:

1. If TNC Objects or Cushioning Material are located within the Path of Travel or in a BART Access Corridor, they must be immediately moved out of the Path of Travel or BART Access Corridor by their owner upon request of the enforcement officer. Should TNC objects not be immediately moved, such objects can be removed and stored by the City pursuant to BMC § 14.48.160 and Administrative Regulation 10.1, and/or a citation may be issued.

2. For TNC Objects or accumulations of TNC Objects, enforcement of this Regulation shall be a low priority, except when:

    - TNC Objects have been in the same approximate location for 24 hours or more,

- More than two accumulations of TNC Objects occupy a single blockface, or
- TNC Objects pose a significant risk to health or safety.
- Within 600 feet of a K-12 public or private school with 25 or more students located in a residential district.

Enforcement officers may:

- Request that TNC Objects be reduced to a 9-square-foot footprint (measured as 3' x 3', 4' x 2.25', 9' x 1', etc.) and/or less than 5 feet in height,
- Request that TNC Objects be moved to another location,
- Subject to the notice requirements below, remove and store TNC Objects pursuant to BMC § 14.48.160 and Administrative Regulation 10.1, or
- Issue an administrative citiation or infraction.

3. Except in the case of a significant health or safety risk:

   Prior to removal of TNC Objects, 24 hour written notice of intent to remove TNC Objects shall be provided, either by attaching such notice to, or directly adjacent to, such TNC Objects, or by providing notice to the owner.

   Removal of TNC Objects is a low priority between 10:00 p.m. and 7:00 am.

INTERPRETATION

This Regulation is intended to be consistent with the United States and California constitutions, and in the event a patent or latent ambiguity in this Chapter requires interpretation by the City or a Court, such interpretation shall, to the extent permissible, be consistent with relevant constitutional provisions.

RESPONSIBLE DEPARTMENT: City Manager **TO BE REVISED:** As needed	Approved by: BERKELEY CITY COUNCIL on October 16, 2018 City Manager

ADDENDUM TO ADMINSTRATIVE REGULATION 10.2

In addition to the requirements in Administrative Regulation 10.2, this addendum to Administrative Rule ("AR") 10.2 clarifies an ambiguity in the enforcement provisions therein. AR 10.2 Section D provides: "... enforcement of TNC Objects may be initiated by Code Enforcement and/or Public Works staff." While the Berkeley Police Department is not mentioned in this enforcement provision, it is not specifically excluded either, and has independent authority to enforce BMC 14.48.020. Other City staff either do not have the authority to issue an infraction citation or do not have the requisite training and experience to do so. Therefore, police officers will also will be needed to help enforce BMC 14.48.020/14.48.120.

In light of the above, clarification is needed that police officers are authorized to help enforce BMC 14.48.020 / 14.48.120 with respect to TNC objects unlawfully placed on sidewalks. As such, a police officer is authorized to:

- Contact the occupant of a tent or other improvised structure erected on a sidewalk during the day and evening (7:00 a.m. to 10:00 p.m.), warn the person of the violation of BMC 14.48.020 / 14.48.120, and tell the person to take down the tent/improvised structure.

- If the person does not comply, the officer may issue an infraction citation.

- The officer may also issue a Notice to the person or post a Notice on the tent/improvised structure advising that if the tent or structure is not removed from the sidewalk within 24 hours, it will be removed from the sidewalk pursuant to BMC 14.48.160 and handled in accordance with A.R. 10.1 at the Corp Yard.

- In no instance will pitched tents/improvised structures be allowed to remain in the Path of Travel on the sidewalk. An officer may move such a tent/structure out of the Path of Travel immediately.

As stated in BMC 14.48.020 and AR 10.2, the word sidewalk is defined as "that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians." The dirt planting strip that sometimes exists within the sidewalk along the edge of the curb is part of the sidewalk because it is intended to be used by pedestrians walking to and from a roadway, e.g. to a parked car.

RESPONSIBLE DEPARTMENT: City Manager **TO BE REVISED:** As needed	Approved by: D. Williams-Ridley City Manager Date: 4/10/19

Public

Office of the City Manager

February 20, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Re: Eighth St and Harrison St Encampment Efforts

The purpose of this memo is to inform the Council that the City's Homeless Response Team (HRT) will be temporarily suspending efforts to resolve the remaining encampments in and around the intersection of Eighth St and Harrison St in Northwest Berkeley until the Court proceedings in two pending cases against the City at this encampment (*Prado* and *Parnell*) give us more insight and direction.
The memo provides background and rationale behind this difficult decision.

The HRT strives to assist people who are homeless primarily through guiding them to housing (interim or permanent) and supportive services, while also ensuring the conditions of their encampments are as safe and clean as possible. The encampments in and around 8th and Harrison Streets in Northwest Berkeley have persistently posed serious health and safety concerns to the residents of the encampments as well as their neighbors, who include both residents and merchants. They have also contributed to public infrastructure damage (damaged and inoperable street lights, damaged sidewalks and street tree wells, dead or dying city trees, etc.) in the area. The HRT's strategy to resolve this challenging situation is laid out in greater detail below, and has included providing direct access to motels and other indoor solutions, cleaning the area regularly, and attempting to prevent re-encampment and a re-creation of the same problematic concerns and conditions so that infrastructure repairs and construction can commence.

The decision to temporarily pause this work will free up resources to more proactively address encampment concerns elsewhere in Berkeley. We will offer interim housing to those who are willing to accept it, and those areas can be more effectively be maintained for a complete resolution.

BACKGROUND

The encampments in this corridor of the city have, for several years, posed both very dangerous living conditions for the people living in them, and serious impacts to the neighboring businesses, residents, and general public. For years, the City has offered a wide range of both service opportunities and enforcement attempts at this encampment

to foster safer and healthier conditions. (Both the persistent concerns and our efforts to mitigate them are documented in Attachment 1 to this memo.) However, a number of significant external challenges have consistently hindered the City's ability to permanently resolve this encampment, including an ever-shifting and uncertain legal landscape in the wake of Ninth Circuit's *Martin v. City of Boise* decision[1]; suspension of encampment enforcement pursuant to CDC guidance during the height of the global COVID-19 pandemic[2]; and federal Coordinated Entry guidance regulating the prioritization of limited permanent supportive housing that is silent on the impacts of encampments.[3] At the same time, and largely due to the presence of the encampment, the corridor has seen significant damage to public infrastructure, (including inoperable city streetlights; damaged city sidewalks; damaged tree wells and dead or dying city street trees) that have gone unrepaired.

In February 2023, the Neighborhood Services Division in the City Manager's Office applied for, and was awarded, a State of California Encampment Resolution Fund grant that enabled the City to master lease the Super 8 motel at 1619 University Avenue as a non-congregate shelter destination for individuals in this encampment. Over the spring and early summer, Neighborhood Services conducted an extensive survey of the encampments in the area, generating a census of 51 people living there, and between May and July 2023, the Homeless Response Team conducted three community meetings with the residents, advocates, and service providers in this encampment to explain our plans to target the new Super 8 motel to this encampment and eventually resolve the encampment to perform the infrastructure repairs. In August 2023, the program opened its doors and residents began moving into the shelter.

However, despite having non-congregate shelter beds dedicated to this encampment, nearly every effort that the City has made to resolve portions of the encampment have been met with significant opposition and/or legal challenges:

- On August 22, 2023, the City attempted to resolve the encampments in and along the northernmost part of 8th St and Codornices Creek from 8th St to 6th St, in accordance with pending construction in the area by the City of Albany; opponents pitched a "sit-in" and the closure was only partially completed (the Creek remains encamped to this day).

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[1] See: https://cases.justia.com/federal/appellate-courts/ca9/15-35845/15-35845-2019-04-01.pdf?ts=1554138051

[2] See: https://stacks.cdc.gov/view/cdc/107838

[3] See https://files.hudexchange.info/resources/documents/Coordinated-Entry-Core-Elements.pdf. In 2023, recognizing the insufficiency of this federal guidance with respect to dangerous encampments, the City of Berkeley sponsored a change in State law, AB 1285 (Wicks), and pressed the Alameda County Continuum of Care (CoC) to prioritize the Harrison St encampments for permanent supportive housing, in a formal memo to the CoC (included here as Attachment 2). On November 8, a subcommittee of the CoC's Leadership Board voted 7-1 to deny Berkeley's recommendation to prioritize this encampment (see agenda item 7 in the Nov 8, 2023 minutes of the Outreach, Access, and Coordination Committee).

- On September 6, 2023, and in response to a formal declaration of the area as an imminent hazard and an order for summary abatement by the City Manager (see Attachment 1), the City attempted to abate the public health and safety hazards on Harrison St between 7th St and 8th St. In response, advocates and residents in the encampment, in collaboration with East Bay Community Law Center and Disability Rights Advocates, filed a lawsuit (*Prado v. City of Berkeley*) and were granted a temporary restraining order (TRO), enjoining the city from action. The TRO was eventually lifted on September 27, but the numerous conditions simultaneously imposed by the Judge posed significant implementation challenges for the city, such that this health and safety abatement could not be completed until November 7, 2023. Meanwhile, the *Prado* case is pending.
- On November 14, 2023, the City attempted to resolve the encampments along Harrison St from 7th to 8th, but was met with another TRO less than 24 hours before the planned operation. This had the effect of delaying the operation until December 5.
- On December 12, the City planned an operation to resolve the encampments along 8th St and along Harrison St from 8th to 9th, both to continue clearing the area for planned street construction as well as to enable adjacent parcel owners to construct a privately-financed fence. Hours into the operation, the City learned that another lawsuit (*Parnell v. City of Berkeley)* and order to cease and desist had been issued, forcing the City to suspend plans to fence the areas that had been closed that morning (which were re-encamped within minutes of the court's order).
- Between the November 7, 2023 abatement operation and the date of this memo, the temporary fencing designating the area as a pending construction zone has been breached, and the area behind the fencing re-encamped, on several occasions, sometimes within hours of the City's putting it up.

DECISION AND RATIONALE

The Homeless Response Team has made the decision to temporarily suspend future efforts to resolve the encampments in this area until the Court proceedings in the two pending cases against the City at this encampment (*Prado* and *Parnell*) give us more insight and direction. Because the timing is ultimately in the hands of the Court, we are unable to offer a timeline for when closure, and ultimately the street construction efforts they will precede, can continue. We will continue to serve the people living in these encampments with outreach and service offers; move those who wish to move into shelter indoors, in accordance with available resources; and perform regular clean-ups in the area to manage the footprint of the encampment. These latter efforts are ongoing and they will not stop now.

The rationale for this difficult decision is as follows:

- Each of these resolution operations required numerous hours of intricate legal, operational, and tactical planning by staff across numerous city departments, and pursuant to numerous case laws, required advanced written notice and careful

planning on how to sort and store each person's belongings. Despite all this planning, staff have been met three times with Court orders to cease, hours before or even during the operation, effectively rendering planning efforts moot. If and when the operations do take place, each operation has been a physically and emotionally taxing endeavor for HRT staff, with many hours in the field amidst vehement protest opposition. However, sometimes within days or even hours of completing an operation, the area is re-encamped and/or fencing has been breached and destroyed, putting the City back at square one. We simply do not have the staffing resources to continue these efforts indefinitely.

- The City has, since the inception of the Homeless Response Team in September 2021, focused the majority of its time and efforts in the Gilman District. More specifically:
    - Since September 2021, the Homeless Response Team has performed **106** encampment operations, including closures, deep cleanings, and vehicular enforcement. **28%** of all interventions have occurred in the Gilman District.
    - Since September 2021, the Homeless Response Team has removed **998,060** pounds of debris from encampments around the City. **22%** has come from the Gilman District.
    - Since September 2021, the Homeless Response Team has made **657** offers of shelter/interim housing to people in encampments. **35%** of all offers have been given to people living in the Gilman District.

  The amount of time, resources, and effort given to this area have been immense—frankly, they have exceeded what a City of our size, considered by the State too small to be eligible for direct State homelessness funding, could reasonably be expected to provide. But there are numerous other encampments around the city, including in other historically redlined areas of West and South Berkeley, that need our attention and resources as well.
- The District Court has repeatedly required that we hold non-congregate shelter beds open for any closure of these encampments, even though our offers of shelter have been continuously declined, and congregate housing is available. It is unethical to continue to withhold vacant beds from people in other areas of the City who might benefit from them now. (Of lesser importance, beds at the Super 8 motel are paid for by a State grant with aggressive expenditure deadlines, and continuing to keep the beds vacant jeopardizes compliance with the deadlines.)
- The Homeless Response Team is a multi-disciplinary, multi-departmental team comprised of staff from numerous departments, including Neighborhood Services; Police; Public Works; Health, Housing and Community Services; Parks, Recreation, and Waterfront; and others as needed. Notably, the HRT is not sufficiently budgeted to pay for dedicated encampment staff from each of these departments; to staff a major encampment operation, the HRT relies on the same Police officers who respond to violent calls for service across the City and the same Public Works staff who perform street construction work. With vacancies in each of these departments hovering at 1 in 5 positions, we do not have the staff

to perform more than a handful of encampment operations every month, and other health and safety concerns elsewhere in the city need our attention as well.

Once again, we will not abandon the Gilman District nor the people living unsheltered in it, and will continue to make every effort to provide available services to those unsheltered here and provide clean-ups in the area as frequently as our resources allow. But we must be realistic about what a City of our size and capacity can accomplish in the wake of so much judicial risk and uncertainty, and the very real costs to limited staff time and budgetary resources this uncertainty poses.

If you should have any questions, please do not hesitate to contact Peter Radu, Assistant to the City Manager, at 510-981-7045 or pradu@berkeleyca.gov.

cc:

Peter Radu, Assistant to the City Manager
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Farimah Brown, City Attorney
Andrew Murray, Interim Public Works Director
Jennifer Louis, Chief of Police
David Sprague, Chief of Fire
Matthai Chakko, Assistant to the City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk

Office of the City Manager

To: Dee Williams-Ridley, City Manager

From: Peter Radu, Assistant to the City Manager

Date: August 31, 2023

Re: Nuisance Declaration and Summary Abatement of Conditions on Harrison St

INTRODUCTION AND HISTORY OF SERVICE EFFORTS

The encampments in and around Harrison Street, especially those between 8th and 7th Streets, in West Berkeley have presented ongoing challenges to the City. The City has provided a wide range of services for the residents in this area as well as full scale operations to reduce the debris and dangerous conditions. Since September 2021, when the City first resumed encampment operations after a COVID hiatus, these include:

- The placement of a dumpster on 8th St in April 2022, with service 4 times a week, and a second dumpster on 7th and Harrison in August 2023, as well as weekly illegal dumping removal service from the city's Public Works Department;
- The placement of two port-a-potties with wash station located at the corner of Eighth and Harrison St; both are serviced on a regular basis.
- Free mobile shower and laundry service to the residents of this encampment on a weekly basis since June 2022.
- A major effort to relocate RVs in the area in September and October 2021 to the City's Safe RV parking program; multiple offers of an off-street parking spot were offered to all 35 vehicles being used as shelter in the encampment, and 18 moved in or voluntarily relocated.
- One full closure of the encampment, in February 2022, and 3 partial closures since that time. The full closure in Feb 2022 included motel room offers for everyone living there, using Alameda County Winter Shelter motel vouchers and with an 83% uptake rate. Only two arrests and 0 criminal citations have been issued during these operations.
- Nine deep cleanings of the encampment, in which a total of 124.9 tons (249,800 pounds) of debris have been removed, and a major nuisance abatement of rodent harborage conditions in October 2022, in which a total of 32.1 tons (64,200 pounds, or nearly the weight of a humpback whale) of debris were removed.
- Multiple targeted treatments by the City's Environmental Health Division of the extensive network of rodent burrows in and around the encampment, and the provision on numerous occasions of new tents and Sterilite tubs to help maintain cleaner and more rodent-proof conditions.

- The provision of 107 shelter offers to the residents in this area, with an 53.3% uptake rate. Not including the major independent effort to resolve the People's Park encampment with UC Berkeley, this represents 23% of all shelter provisions the City's Homeless Response Team has made since September 2021. For lack of housing exits, many of those moved into shelter have returned back to this encampment over time.
- Weekly by-name case conferences, focusing heavily on this encampment, hosted by the Homeless Response Team and attended by Alameda County Healthcare for the Homeless, Berkeley's Health, Housing and Community Services Department, Homeless Action Center, Bay Area Community Services (BACS), LifeLong Medical Care, East Bay Community Law Center, Options Recovery Services, Berkeley Mental Health, and Building Opportunities for Self-Sufficiency (BOSS).
- Three community meetings (in May and July 2023) between city staff and residents and advocates of the encampment to discuss resources and how to improve safety.

All of these services are in addition to the intensive presence of the County's Street Medicine Teams in the encampment.

On June 14, 2023, the City of Berkeley was awarded $4.9M from the State of California's Encampment Resolution Fund-2 grant program, which the City now uses to master lease the 23-room Super 8 motel on University Avenue and contract with Insight Housing to provide low-barrier, service-rich, noncongregate shelter to the residents of this encampment. Since August 1, the HRT has maintained a daily presence in the area to schedule move-ins and begin assisting people from the encampment into places of greater safety. So far, 14 people have moved into the Super 8 from this encampment, with an additional 4 scheduled; 3 people have been matched directly to permanent supportive housing, and one more has moved into the Berkeley Inn.

In addition, the HRT has attempted to foster a more transparent and collaborative working relationship with the residents and advocates of this encampment to maintain cleaner conditions. Since May of 2023, the HRT and the encampment have had three community meetings to discuss the City's concerns about the conditions, the encampment residents' stated needs, and how to better work together in maintaining cleaner conditions. These "Good Neighbor Guidelines" are 5 common sense standards which, if maintained, reduce the likelihood of a large city clean-up. Though these Guidelines have not been officially adopted,[1] they received a good deal of stated support and understanding from residents themselves in the encampment.

ASSESSMENT OF PRESENT ENCAMPMENT CONDITIONS

Nevertheless, and despite these numerous efforts, for months (and at present) the HRT continues to observe dead animals, open food sources and spoiled food, used uncapped drug needles, combustible materials like flammable gas containers inside unsafe wooden structures, bottles of urine, human feces, animal feces, soiled clothing and sheltering material, and other unidentifiable liquid and waste products. In addition, the large accumulation of debris and ad-hoc sheltering

[1] Advocates in the encampment specifically recommended engaging businesses, housed residents, and other stakeholders for their input before adoption, and so Neighborhood Services will be bringing them to the October 4, 2023 meeting of the Homeless Services Panel of Experts for discussion and a possible referral to the Council or a Council policy subcommittee.

structures has completely blocked the sidewalk and extended into the roadway, creating numerous concerning fire and traffic safety hazards.

RECOMMENDATION

The HRT and City Manager's Office will continue to work to finalize the Good Neighbor Guidelines for future implementation at encampments around the City and will continue the ongoing process of moving residents inside the new Super 8 or other City shelter resources. The City has also formally engaged the Alameda County CoC with a recommendation to prioritize this encampment for permanent supportive housing referrals, with a memo dated July 20, 2023, and that recommendation is under discussion.

In the meanwhile, however, the Berkeley Fire Department and Environmental Health Divisions have observed alarming conditions that justify their declaring Harrison St between 7th and 8th Streets an imminent health hazard (see attached memos and reports). Therefore**, to resolve these dangerous nuisance conditions now as we work towards a fuller resolution of the entire encampment in the near future, we recommend a summary nuisance abatement of the encampment conditions Harrison St between 7th and 8th Streets.**

Respectfully submitted,



Peter T Radu

Assistant to the City Manager – Neighborhood Services

Department of Fire and Emergency Services
Division of Fire Prevention & Investigations

M E M O R A N D U M

Date: August 30, 2023

To: Peter Radu, Assistant to the City Manager, City of Berkeley Neighborhood Services

From: Shannon Shaffer-Killey, Fire Prevention Inspector, Berkeley Fire Department

Subject: Fire Department Response and Inspection of Encampments at Harrison Street between Seventh and Eighth Streets

The Division of Fire Prevention & Investigations reviewed fire-related incidents on Harrison Street between Seventh and Eighth Street in Berkeley, CA. The time period reviewed was from January 2023 through August 28, 2023. The following are the twenty-nine incidents that occurred in the vicinity:

Searched under "Harrison, Harrison & 7th, Harrison & 8th"

2023-000068 on 1/02/2023 at 11:08 AM - small fire in the roadway, initially dispatched as encampment fire
2023-000927 on 1/19/2023 at 04:56 PM - contained cooking fire, initially dispatched as a van on fire
2023-000979 on 1/20/2023 at 07:16 PM - pallet on fire
2023-001683 on 2/04/2023 at 04:58 PM - RV fire
2023-002343 on 2/18/2023 at 01:17 PM - trash burning in the middle of the roadway
2023-002665 on 2/25/2023 at 05:20 AM - small encampment fire
2023-004252 on 3/23/2023 at 10:16 PM - rubbish fire
2023-004471 on 3/28/2023 at 04:30 PM - individual burning garbage in the roadway
2023-005720 on 4/23/2023 at 10:30 AM - trash in a BBQ grill
2023-005856 on 4/26/2023 at 02:17 AM - large encampment fire
2023-005909 on 4/27/2023 at 08:15 AM - wood warming fire
2023-006403 on 5/07/2023 at 08:34 AM - multiple warming fires in metal containers next to encampments
2023-008467 on 6/23/2023 at 09:15 AM - cooking fire
2023-008595 on 6/27/2023 at 05:05 AM - mattress fire due to smoking
2023-008618 on 6/27/2023 at 02:46 PM - clothing and garbage burning in roadway
2023-008924 on 7/04/2023 at 07:32 PM - cooking fire in the creek area
2023-009110 on 7/09/2023 at 01:03 AM - dumpster fire
2023-009175 on 7/10/2023 at 12:43 PM - cooking and warming fires

2023-009202 on 7/10/2023 at 09:21 PM - Tent fire
2023-009859 on 7/25/2023 at 10:43 AM - barrel fire in the middle of the roadway
2023-010331 on 8/04/2023 at 12:46 PM - large cooking fire in the middle of roadway
2023-010408 on 8/06/2023 at 12:21 PM - debris fire
2023-010455 on 8/07/2023 at 05:55 AM - cooking fire
2023-010609 on 8/10/2023 at 08:23 AM - debris fire in middle of roadway
2023-010662 on 8/11/2023 at 06:54 AM - cooking fire
2023-010800 on 8/14/2023 at 05:20 AM - burning leaves and cardboard in roadway
2023-011051 on 8/19/2023 at 08:07 AM - warming and cooking fire
2023-011078 on 8/19/2023 at 05:49 PM - cooking fire under the brush near creek
2023-011238 on 8/22/2023 at 11:40 AM - tent and surrounding belongings on fire

Additionally, on August 23 2023, a joint inspection was completed with Fire Prevention, Homeless Response Team, and Environmental Health to assess the current situation on the north side Harrison St between Seventh and Eighth St. During this inspection, multiple fire and building code violations were identified, and include (but not limited to) the following:

1. Constructing and maintaining this structure constitutes an unlawful act - BFC 112.1
2. The structure does not have adequate fire separation distance and fire-resistive construction to separate it from adjacent property lines and structures - BBC 602
3. As constructed the design, materials, methods of construction, and the structure as a whole have not been approved and do not comply with important provisions of the Berkeley Building Code including Chapter 23, “Wood” of the Berkeley Building Code.
4. Accumulations of combustible waste materials are present in and around the structure and the adjacent encampment areas - BFC 304.1
5. Combustible materials are being stored within ten feet of the lot line - BFC 315.4

The volume of fire-related calls for service in this specific area is unusually high for the time period when compared to similar areas that do not have encampments. Based on the nature of the calls, the great majority of these calls appear to be directly related to human activity, specifically habitation in this area. The number and types of calls combined with the observed code violations are sufficiently concerning for the Berkeley Fire Department to recommend that the encampments on the north side of Harrison St. be abated summarily. This action will significantly reduce the likelihood of severe injury or death from fire, as well as reduce the likelihood of substantial damage to property and public infrastructure.

Cc: David Sprague, Fire Chief, Berkeley Fire Department
Keith May, Deputy Fire Chief, Berkeley Fire Department
Steve Riggs, Fire Marshal, Berkeley Fire Department

Attachment: August 23, 2023 Inspection Photos

Harrison Street Encampments

Location: Northside of Harrison St. between Seventh St. and Eighth St. Berkeley CA

Date of Inspection: August 23, 2023








4 HR
PARKING
AT ANY
TIME




Art
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MACHO






4 PARKING
AT ANY
TIME

Health, Housing &
Community Services Department
Environmental Health Division

Date: August 30, 2023

To: Peter Radu, Assistant to the City Manager

From: Ron Torres, Environmental Health Division Manager

cc: Amy Davidson, HHCS Deputy Director

Subject: Declaration of Imminent Health Hazard for areas along Harrison St between Seventh and Eighth Street

Per your request, Environmental Health staff assessed the conditions of the subject area and found significant areas of concern with regard to the health and safety of the residents in this area and to the public in general. These concerns are included in the attached report which identifies several areas along the north side of Harrison St.

I believe that the conditions documented in attached report rise to the level of an imminent health hazard, particularly findings of used syringes, areas where raw sewage was observed and the proliferation of rat burrows all along the Harrison St corridor.

Per Section 11.40.030 of the Berkeley Municipal Code, I am recommending to the City Manager that those areas identified in the attached report be summarily abated to minimize the impact to the residents and general public.

August 23, 2023

Report of Findings on the Health and Safety Conditions of the Harrison St Corridor between Seventh and Eighth Street, Berkeley, CA



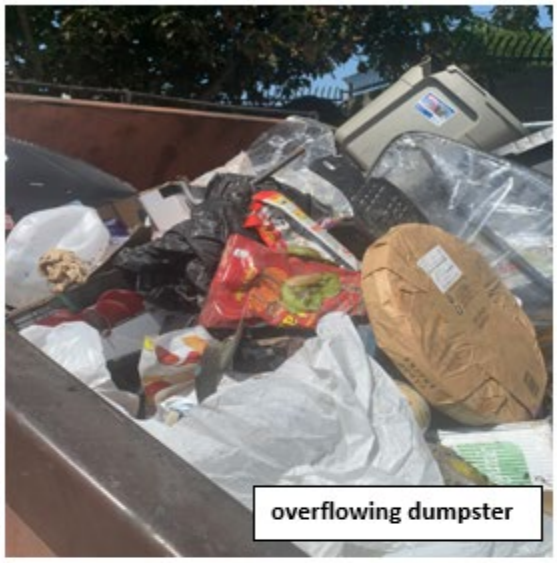
Areas inspected by Environmental Health staff are designated as Locations “1”, “2” and “3” above and are detailed on the following pages.

Location 1:

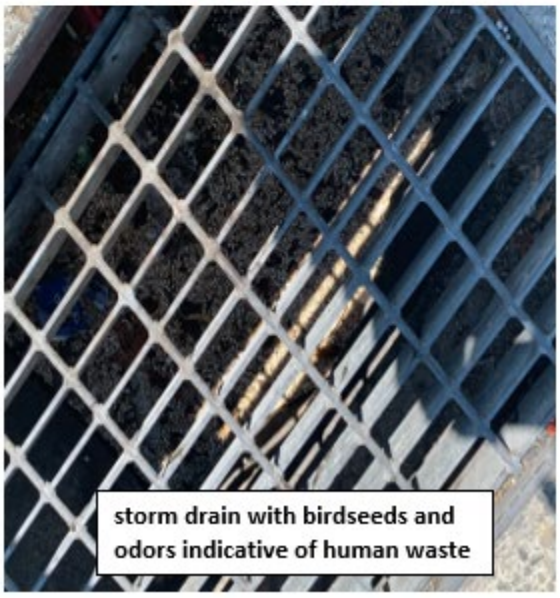


Rodent Burrows





Food Sources



Storm Drain



Imminent Health Hazard - Storm Drain



Debris Harborage

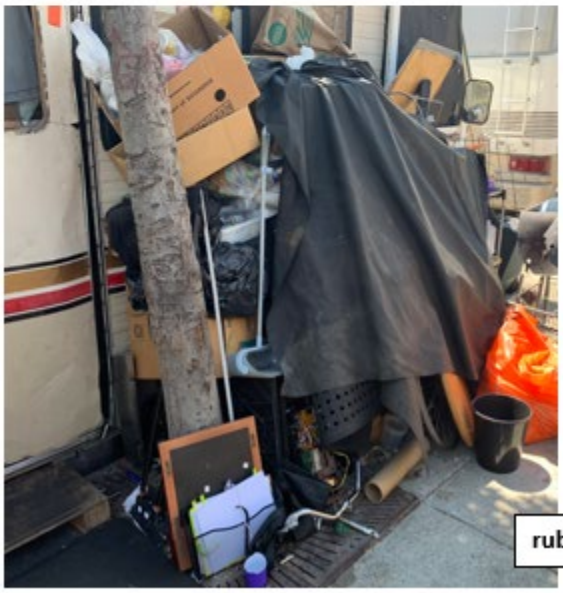
Note: The presence of raw sewage and the proliferation of rat burrows due to abundant food sources and harborage are of utmost concern in this area

Location 2:





Food Sources





Debris Harborage



Imminent Health Hazard

Note: the presence of the used hypodermic needles are of utmost concern in this area of the Harrison St corridor



Rodents



Rodent Burrows

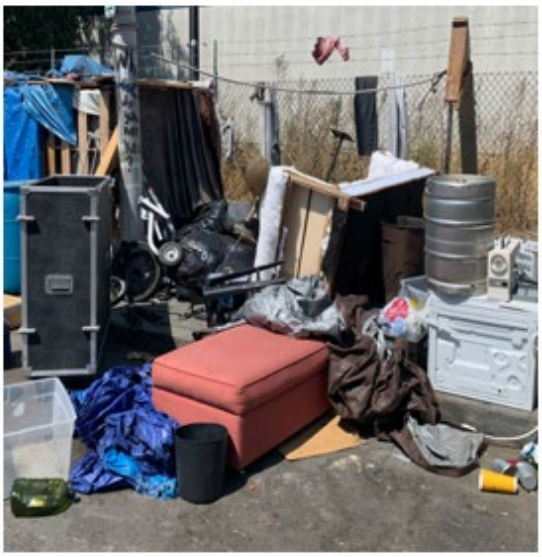


Rodent Droppings













Debris Harborage



Food Sources

Location 3:



Food Sources





Imminent Health Hazard - Storm Drain ***Debris Harborage***

a. *VIOLATIONS:*
   i. *BMC 11.32.050. Rodent harborage--Maintenance prohibited.*
   ii. *BMC 11.32.070. Accumulations creating rodent harborage prohibited.*
   iii. *BMC 11.36.030. Imminent health hazards designated.*
   iv. *BMC 17.20.030 No matter other than stormwater may be discharged into the storm drain system.*
   v. *BMC 17.20.050 Affirmative duty to prevent contamination of stormwater by pollutants.*
b. *PROPOSED REMEDY: PROPOSED REMEDY: Removal of all debris, food sources, and vehicles. Treat with C02 where necessary.*

Glossary of Violations:

i. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.2.2 Pipe and Fittings, 5.2.2.2** Sprinkler piping shall not be used to support non-system components.

iii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.4.1 Sprinklers, 5.4.1.7** Sprinklers shall not be altered in any respect or have any type of ornamentation, paint, or coatings applied after shipment from the place of manufacture.

iv. **California Code of Regulations, Title 19, Division 1, §3.07(a) Clearances.**

1. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.

2. 304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley,

3. parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

v. **BFC 114.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the fire code official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

vi. **BFC 304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

vii. **BFC 307.4.3 Portable outdoor fireplaces**. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

viii. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ix. **BMC 11.32.050. Rodent harborage--Maintenance prohibited**. No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

x. **BMC Sec 11.32.070. Accumulations creating rodent harborage prohibited.** No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

xi. **BMC 11.36.030. Imminent health hazards designated.** For the purpose of this chapter, the existence of the following condition is declared to constitute an imminent health hazard: the discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.

xii. **BMC 14.48.020. Obstruction on Streets and Sidewalks.** It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

xiii. **BMC 17.20.030**. No matter other than stormwater may be discharged into the storm drain system.

xiv. **BMC 17.20.050**. Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities. Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements: (A.) Littering prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned

objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.

Office of the City Manager

To: Members of the Systems Coordination Committee, Alameda County Continuum of Care

From: Peter Radu, Assistant to the City Manager, City of Berkeley

Date: July 20, 2023

Re: Pilot Approach to Prioritizing Residents of the Harrison Street Encampments in Berkeley

RECOMMENDATION

The encampments in and around Harrison Street from 10th St to 6th/7th in West Berkeley have presented ongoing challenges to the City of Berkeley, and pose acute threats to the health and safety of the residents living in them. With new State ERF-2 resources and the City Council's commitment of local resources, the City of Berkeley has an exciting opportunity to resolve one of the most persistently challenging encampments in all of Alameda County. To do so as rapidly and effectively as possible, **we respectfully request a partnership with the County and CoC to explicitly prioritize, on a pilot basis, the PSH-eligible residents of this encampment for all new upcoming permanent supportive housing vacancies in the CoC.** Beyond the obvious benefits of improved public health and decreased need for costly services in this encampment, we believe that this request is (1) permissible and justified under our CoC's current Coordinated Entry policies; (2) allowable under federal Fair Housing law; and (3) especially urgent because of the considerable fire and life safety hazards at the encampment. The remainder of this memo outlines the rationale for this recommendation.

HISTORY OF SERVICES AND RESOURCES AT THE ENCAMPMENT

The City of Berkeley's Homeless Response Team (HRT) is the multi-departmental team, coordinated by the City Manager's Office, charged with responding to unsheltered homelessness with resource and shelter offers, and resolving dangerous encampments without the use of citation and arrest. The HRT is committed to the USICH 7 Principles of Encampment Resolution, and has provided countless hours and resources in an attempt to better the lives of those living in this encampment, and better the conditions of the encampment. Since September 2021, when the City first resumed encampment operations after a COVID hiatus, these include:

- The placement of a dumpster on 8th St in April 2022, with service 4 times a week, and weekly illegal dumping removal service from the city's Public Works Department;
- The placement of a port-a-potty located at the corner of Eighth and Harrison St. The residents here also have access to another port-a-potty located at Eighth St and the Creek. Both are serviced on a regular basis.

- Free mobile shower and laundry service to the residents of this encampment on a weekly basis since June 2022.
- A major effort to relocate RVs in the area in September and October 2021 to the City's Safe RV parking program; multiple offers of an off-street parking spot were offered to all 35 vehicles being used as shelter in the encampment, and 18 moved in or voluntarily relocated.
- One full closure of the encampment, in February 2022, and 3 partial closures since that time. The full closure in Feb 2022 included motel room offers for everyone living there, using Alameda County Winter Shelter motel vouchers and with an 83% uptake rate. Only two arrests and 0 criminal citations have been issued during these operations.
- Nine deep cleanings of the encampment, in which a total of 124.9 tons (249,800 pounds) of debris have been removed, and a major nuisance abatement of rodent harborage conditions in October 2022, in which a total of 32.1 tons (64,200 pounds, or nearly the weight of a humpback whale) of debris were removed.
- Multiple targeted treatments by the City's Environmental Health Division of the extensive network of rodent burrows in and around the encampment, and the provision on numerous occasions of new tents and Sterilite tubs to help maintain cleaner and more rodent-proof conditions.
- The provision of 107 shelter offers to the residents in this area, with an 53.3% uptake rate. Not including the major independent effort to resolve the People's Park encampment with UC Berkeley, this represents 23% of all shelter provisions the City's Homeless Response Team has made since September 2021. For lack of housing exits, many of those moved into shelter have returned back to this encampment over time.
- Weekly by-name case conferences, focusing heavily on this encampment, hosted by the Homeless Response Team and attended by Alameda County Healthcare for the Homeless, Berkeley's Health, Housing and Community Services Department, Homeless Action Center, Bay Area Community Services (BACS), LifeLong Medical Care, East Bay Community Law Center, Options Recovery Services, Berkeley Mental Health, and Building Opportunities for Self-Sufficiency (BOSS).
- Two community meetings (in May and July 2023) between city staff and residents and advocates of the encampment to discuss resources and how to improve safety.

All of these services are in addition to the intensive presence of the County's Street Medicine Teams in the encampment.

Nevertheless, and despite these numerous efforts, for months the HRT has repeatedly observed dead animals, open food sources and spoiled food, used uncapped drug needles, bottles of urine, human feces, animal feces, soiled clothing and sheltering material, and other unidentifiable liquid and waste products. In addition, the large accumulation of debris and ad-hoc sheltering structures has completely blocked the sidewalk and extended into the roadway, creating numerous concerning fire and traffic safety hazards.

On June 14, 2023, the City of Berkeley was awarded $4.9M from the State of California's Encampment Resolution Fund-2 grant program, which the City will use to master lease the 23-room Super 8 motel on University Avenue and contract with Insight Housing to provide low-barrier, service-rich, noncongregate shelter to the residents of this encampment. On June 22, 2023, the Berkeley City Council's Budget and Finance Policy Committee voted unanimously to approve an additional $5M in City general fund to match this State grant, and on July 11th, the City Council

approved the lease, contract, and funding. **Altogether, this means Berkeley has everything in place to open this new noncongregate shelter by August 1, and to keep it open for at least four years.** Because of the serious and persistent health and safety concerns at this encampment, we will prioritize this new resource to the residents there, with the goal of ultimately resolving the encampment to make way for long-overdue infrastructure repairs and other construction-related activity later this calendar year. We will also prioritize all North County Coordinated Entry resources, including City-funded housing navigation slots and other services, to this encampment, and we have recently approved an exception to our internal HIPAA Privacy Rule interpretations to allow for need-to-know information sharing with our Mental Health Division to better coordinate mental health resources for the encampment as well.

Put simply, the City has done--and with this new State grant, will be doing--everything within our power to prioritize these vulnerable residents for shelter and every other resource at our direct disposal that can improve their lives. However, we do not have the administrative authority to prioritize permanent supportive housing to these residents; by Federal regulation, only the CoC, through the Coordinated Entry process, can prioritize and match permanent supportive housing.

RATIONALE FOR RECOMMENDATION

Beyond the obvious benefits of improved public health and decreased need for services resources in this encampment, we believe that this request is (1) permissible and justified under our CoC's current Coordinated Entry policies; (2) allowable under federal Fair Housing law; and (3) especially urgent because of the considerable fire and life safety hazards at the encampment.

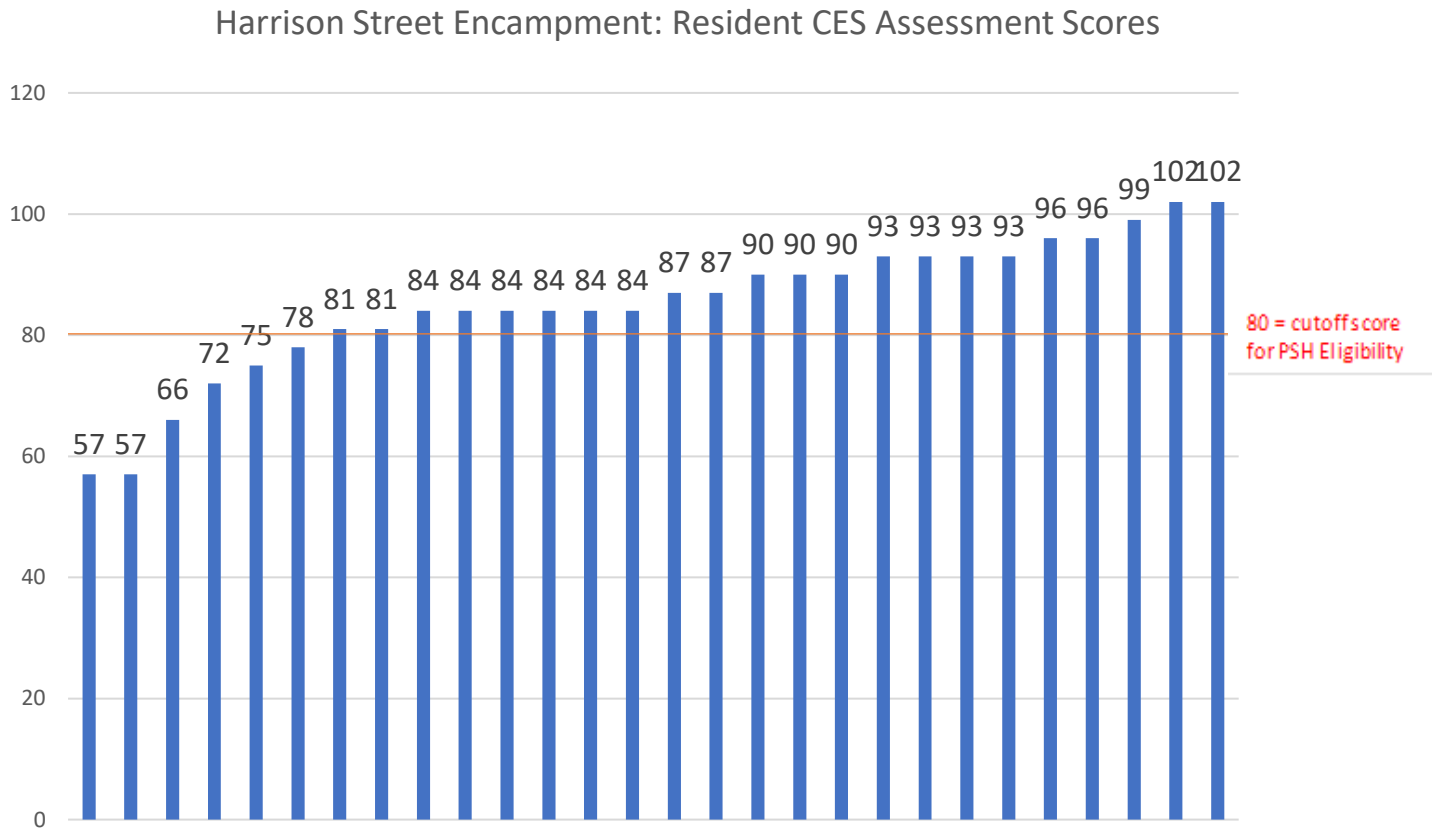
(1) This request is permissible and justified under our CoC's current Coordinated Entry policies.

From April 19 – May 1 and again from June 14 - 30, 2023, the HRT performed daily outreach to the residents (both in tents and vehicles) at this encampment, with the purposes of building and refining an accurate by-name census of everyone known to be living in the encampment. In addition to allowing us to better serve these residents with tailored outreach, this effort has allowed us to collect both information on Coordinated Entry scores and vulnerabilities, as well as demographics on race, ethnicity and gender at the encampment.

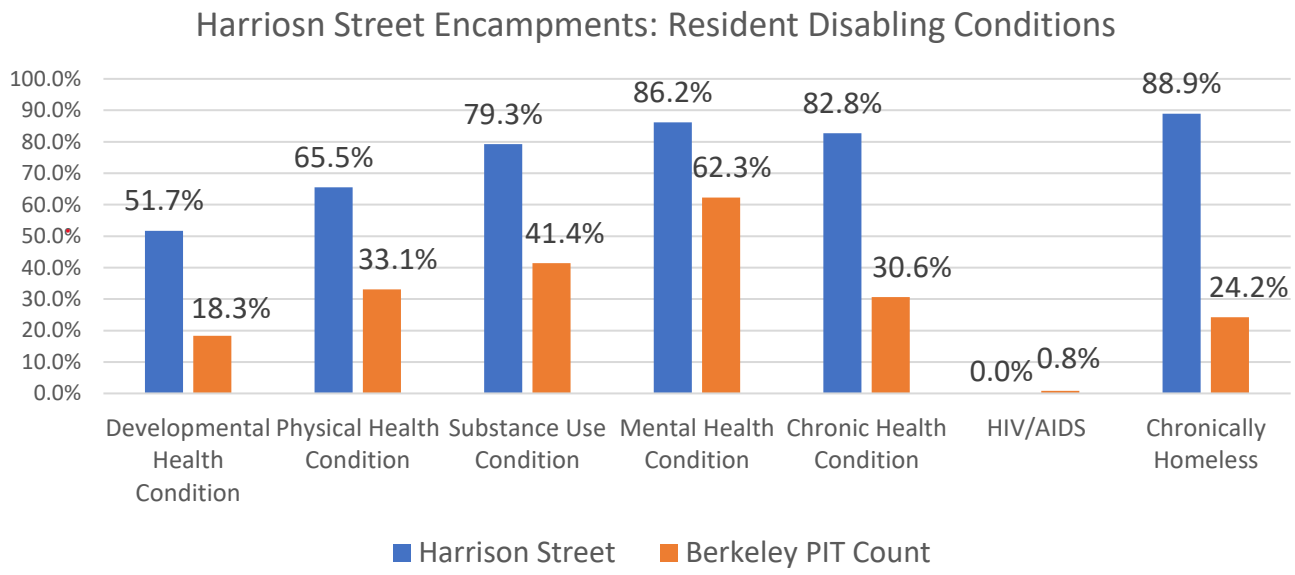
Our analyses of these data found 47 total people known to us and our partner providers to be living in this encampment. Of those:

- 28 of the 47 residents (59.6%) staying in the Harrison Street encampment have been assessed for Coordinated Entry.
- 22 (78.6% of those assessed) qualify for Permanent Supportive Housing (PSH) – i.e., are already on the PSH Priority list. An additional 4 residents (14.3%) qualify for rapid rehousing.
- Only 2 residents (7.1%) do not score high enough to qualify for a traditional housing intervention.

The chart immediately below provides a breakdown of the assessment scores of those who have been assessed: only five people assessed for Coordinated Entry do not meet the threshold score in our CoC for PSH:



In addition, the chart below provides a breakdown of the self-reported vulnerabilities of those in the encampment, relative to the self-reported vulnerabilities in our overall homeless population, showing how disproportionately vulnerable the residents of this encampment are:



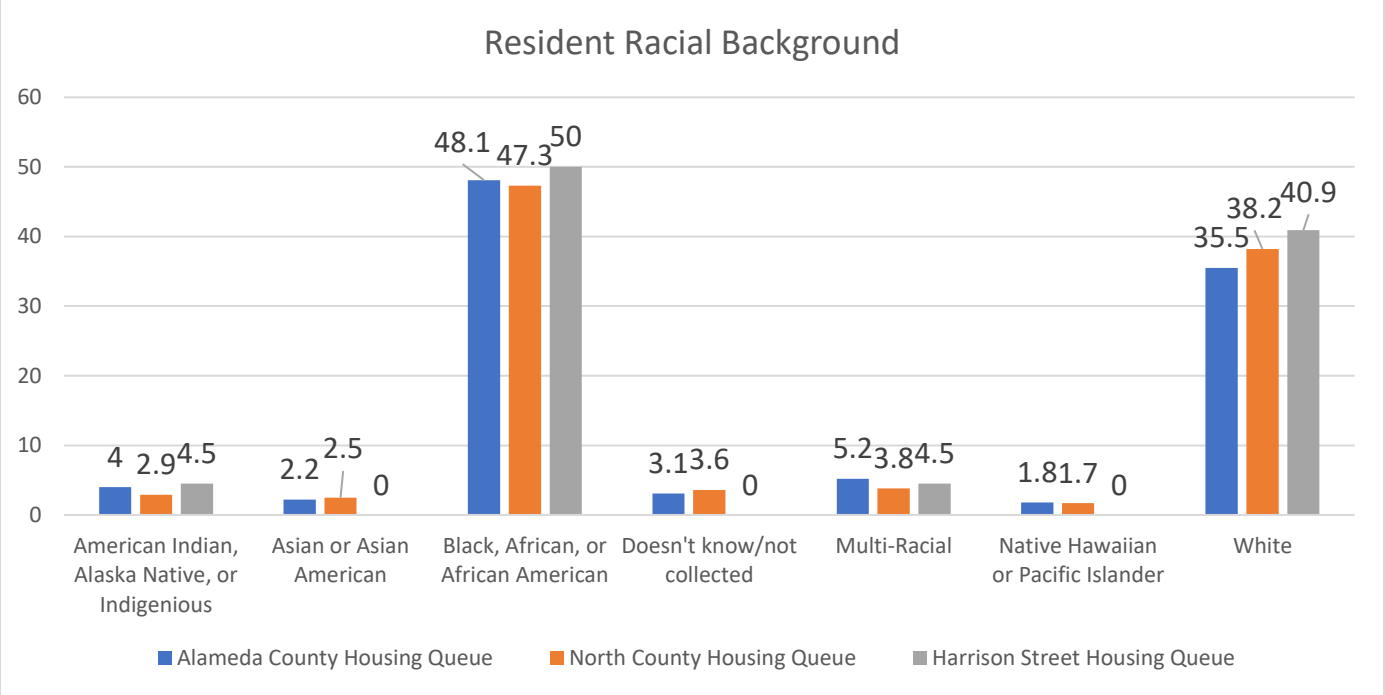
By all accounts, these are people who would already otherwise be eligible and prioritized for Permanent Supportive Housing in Alameda County. Importantly, *this proposal would not make anyone who is not already on the PSH Priority List eligible for permanent supportive housing.*

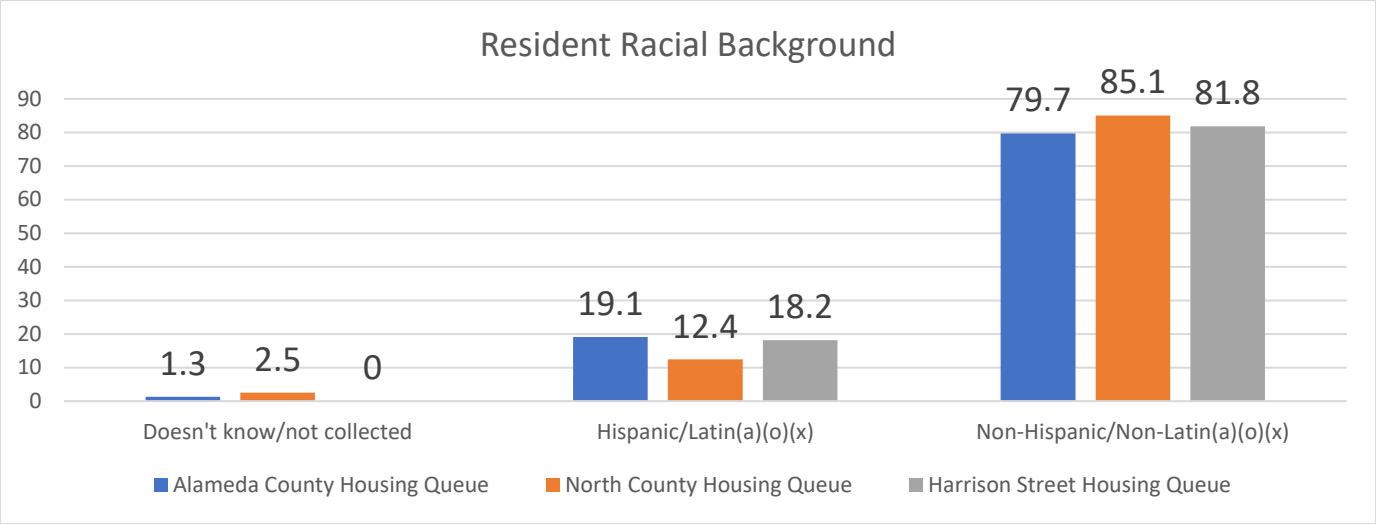
Instead, it would offer those residents in the encampment census *who otherwise are already on the priority list* the first referrals to any upcoming permanent housing vacancies. In other words, it would, temporarily and on a pilot basis, limit the County's priority pool only to those in the encampment census who otherwise qualify for permanent supportive housing under the existing established Federal and CoC Coordinated Entry policies, and keep it that way until everyone has had a housing offer. It does not otherwise change the prioritization algorithm in any way.

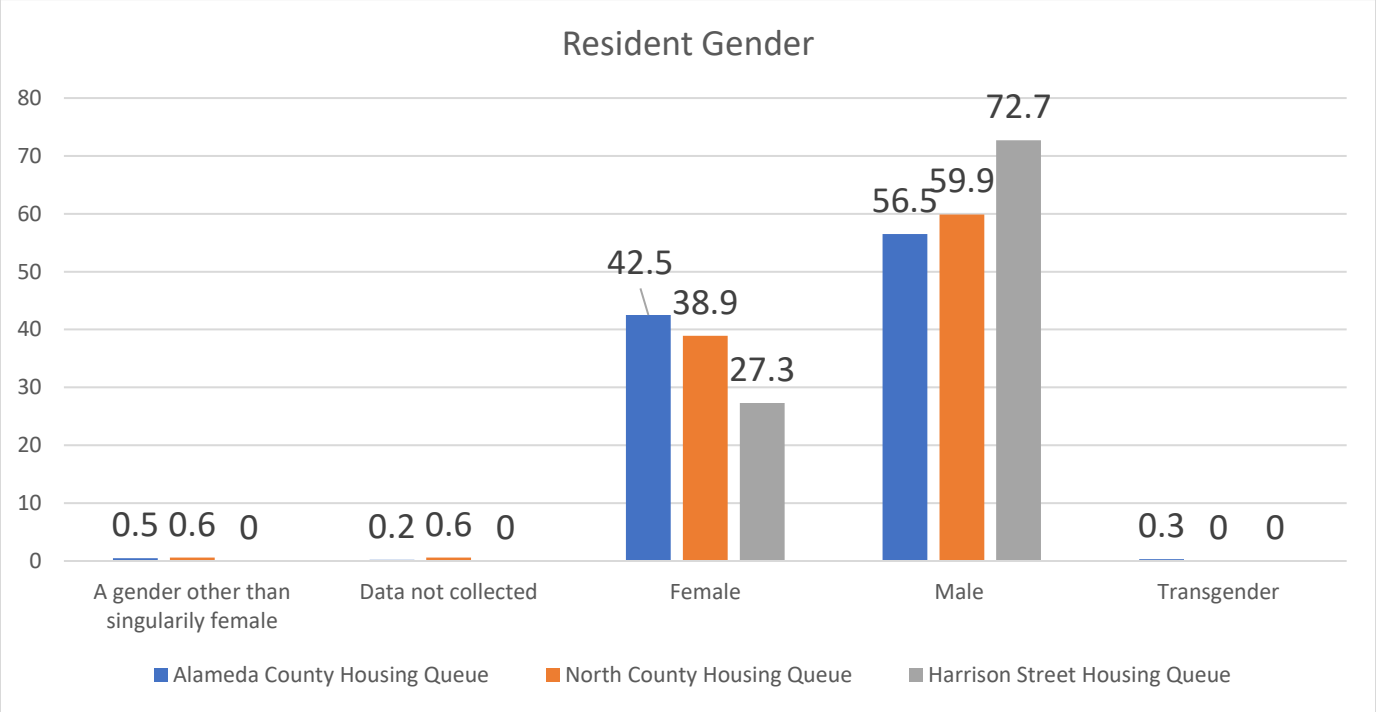
(2) This request is allowable under Federal Fair Housing law.

The essence of Federal Fair Housing law is that housing access must not discriminate against, or cause disproportionate impacts on the basis of, a protected class status. To preempt any Fair Housing concerns associated with the targeting of this encampment for housing resources, the City of Berkeley contacted the HUD Region IX Program Compliance Division for guidance (see Attachment 1). We were advised that such an analysis can be performed by comparing the demographics (race, ethnicity, disability, and gender) of all residents currently living in encampments in the encampment and who are on the PSH priority list to their representation in the North County and Alameda County PSH priority lists, to determine if any protected class groups will be disproportionately impacted by giving a priority or preference to the encampment.

To this end, Berkeley staff and our nonprofit contractors spent weeks collecting and compiling into HMIS the demographic data of everyone known to be living in the encampment, and found the following demographics for persons on the priority list within the encampment:







From these analyses, we see no compelling evidence that this proposal would disproportionately impact any protected racial and ethnic classes; if anything, it would *better* serve Black/African American and Indigenous homeless residents, those races most disproportionately represented in Alameda County's homeless population and the key focus of the County's own stated racial equity goals for our homeless response system.[1]

While the gender distribution in our analyses do reveal a skew towards those identifying as male, we have evidence that this skew is not necessarily a result of the Harrison St demographic make-up *per se*, but could reflect systematic bias in Coordinated Entry access at this encampment: of

[1] See: https://everyonehome.org/wp-content/uploads/2020/10/EveryOneHome_10.20_Summary_FINAL.pdf

the 12 residents identifying as female at this encampment, 6 have been assessed for CES and 6 have not (50% of females are assessed). Meanwhile, of the 25 residents identifying as male, 22 have been assessed and 3 have not (88% of males are assessed).[2] The overall distribution of females to males in the encampment is closer to 50%, but females are clearly not receiving assessments at the same rate as males—despite a recent sustained "assessment blitz" in early July by the City and its providers to all encampment residents here. Thus, we assert that the slight skew towards males in our analyses do not reflect a Fair Housing concern with the proposal *per se*, but rather *a deeper underlying equity problem in Coordinated Entry access at encampments by gender* that is worth further consideration from the CoC, and further underscores the validity of a pilot approach to prioritizing this encampment.

(3) This request is especially urgent because of the considerable fire and life safety hazards at the encampment

Aside from the fact that these residents are, by and large, already the very residents our Coordinated Entry system would prioritize for permanent supportive housing, they face an unusual exposure to additional health and safety threats simply by virtue of their living in this encampment setting: the area was recently declared an imminent health hazard, pursuant to Berkeley Municipal Code 11.36.030, by the City's Environmental Health Manager, due primarily to the rodent harborage conditions and extensive network of rodent burrows in the encampment (see attachment 2), and according to the Berkeley Fire Marshal is experiencing an unusually high and concerning number of fires and fire-related calls (see attachment 3). In other words, aside from the documented *personal* vulnerabilities of the people living in this encampment, they are exposed to unusually intense *environmental* vulnerabilities.

Many years ago, our nation's health experts realized that health is not simply a factor of personal vulnerabilities; the environment one lives in can expose people to additional health risk factors, and population level health requires the mitigation of environmental risk factors. Indeed, many of our County's recent public health initiatives have explicitly prioritized communities for interventions on the basis of environmental or geographic risk: most recently, we explicitly prioritized COVID testing and vaccine resources to those ZIP codes most likely to experience socioeconomic conditions, such as crowded housing or employment in an essential service, that made them disproportionately vulnerable to the disease. Ironically, Alameda County homeless service providers often speak about homelessness not just as a housing crisis but a health crisis too, and speak of housing as a healthcare intervention—but we have taken few affirmative steps to explicitly prioritize the environmental factors that also dictate a homeless person's health when making Coordinated Entry prioritization decisions.

If a chief moral imperative of Coordinated Entry in our CoC is to assist those people who are most vulnerable to serious illness and death on the streets, then by any measure—personal or environmental--the residents of this encampment are as or more vulnerable than any in our County. The urgency of their situation, in the opinion of the health and fire experts in our City, should increase their priority for housing.

[2] The remaining 10 clients on the census have not provided us with any information as to their gender identity.

CONCLUSION

The City of Berkeley has done—and with the recent State ERF-2 grant announcement, will do—everything within our power to serve and end the homelessness of those living in the deplorable conditions at the Harrison and 8th St encampments. But we cannot resolve this encampment on our own, which is why we respectfully request a pilot program that would offer these residents—assuming they otherwise qualify for PSH—the first offers for new PSH vacancies, until such time as everyone eligible has been made an offer.

Rationing scarce resources efficiently—which is the fundamental essence of Coordinated Entry—requires that we start *somewhere.* This memo has argued that starting with the residents of the Harrison and 8th Street encampment is justified, legal, and especially urgent. Necessarily, when rationing resources, there will always be "winners" and "losers." In our current system, residents of entrenched and dangerous encampments have systematically been the "losers" for far too long—and it's time we put them at the front of the line.

Respectfully submitted,

Peter T. Radu

Assistant to the City Manager - Neighborhood Services

City of Berkeley

2180 Milvia St, 5th Floor | Berkeley, CA 94704

Desk: 510-981-7045 | Cell: 510-853-2368

Email: pradu@cityofberkeley.info

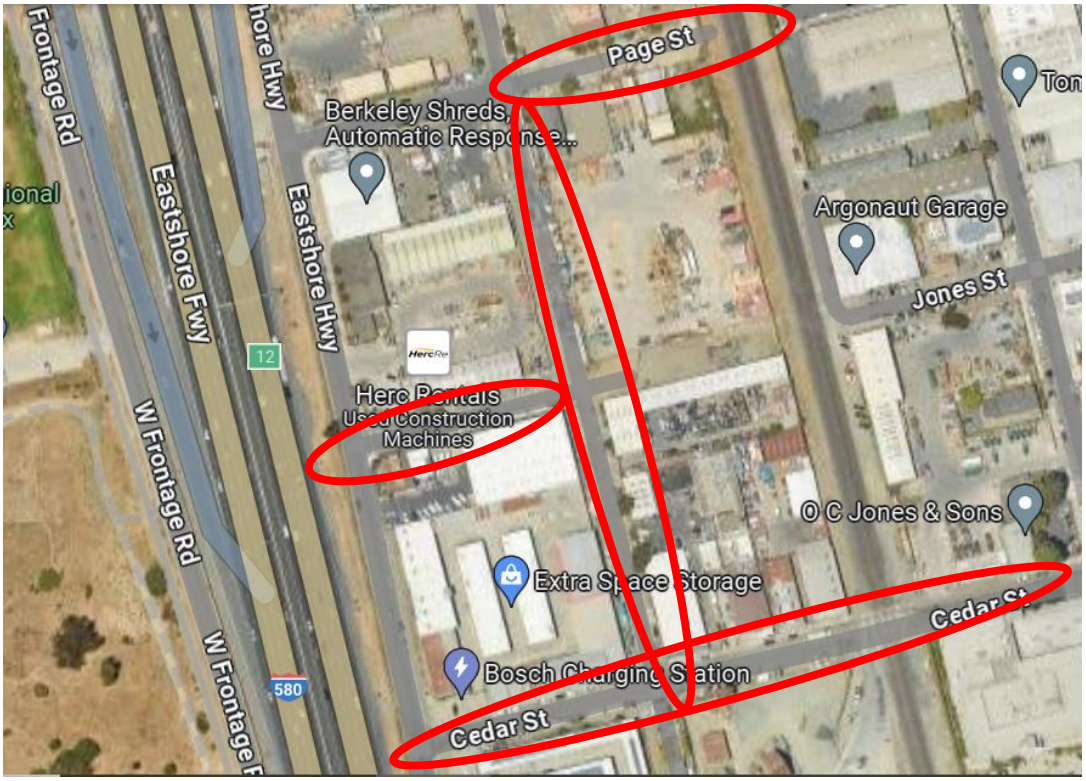
ATTACHMENTS:

1. Correspondence with HUD Region IX Program Compliance Division on Fair Housing Law analysis guidance, Feb – May 2023
2. Memo from City of Berkeley Environmental Health Division Manager re: Conditions of Imminent Health and Safety Hazards at the Eighth St. and Harrison St. corridor, May 2023
3. Memo from City of Berkeley Deputy Fire Marshall re: Fire Department Incident Responses to Encampment at Harrison, Seventh and Eighth Streets, May 2023

Encampment Map:

2nd St, Page St, Jones St, Cedar St – Berkeley, CA

Areas circled in RED are the streets and sidewalks where encampments currently reside.



Berkeley Police Department

Date: January 10, 2024

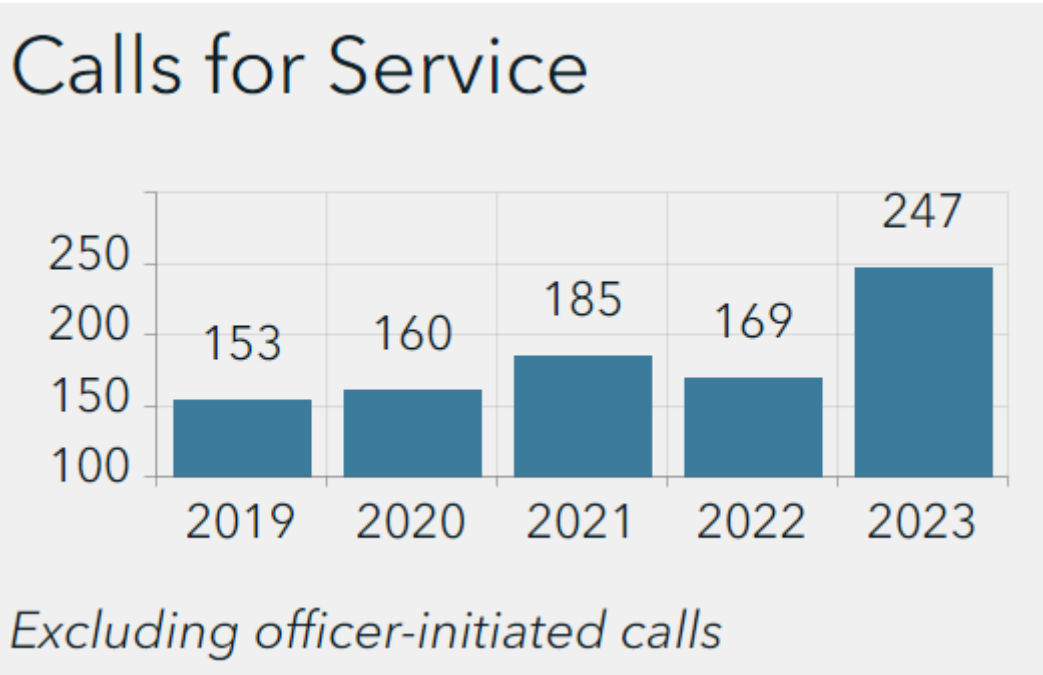
To: Peter Radu, Assistant to the City Manager

From: Arlo Malmberg, Data and Policy Analyst, Berkeley Police Department

Subject: Public Safety Concerns at the 2nd Street Encampment Zone

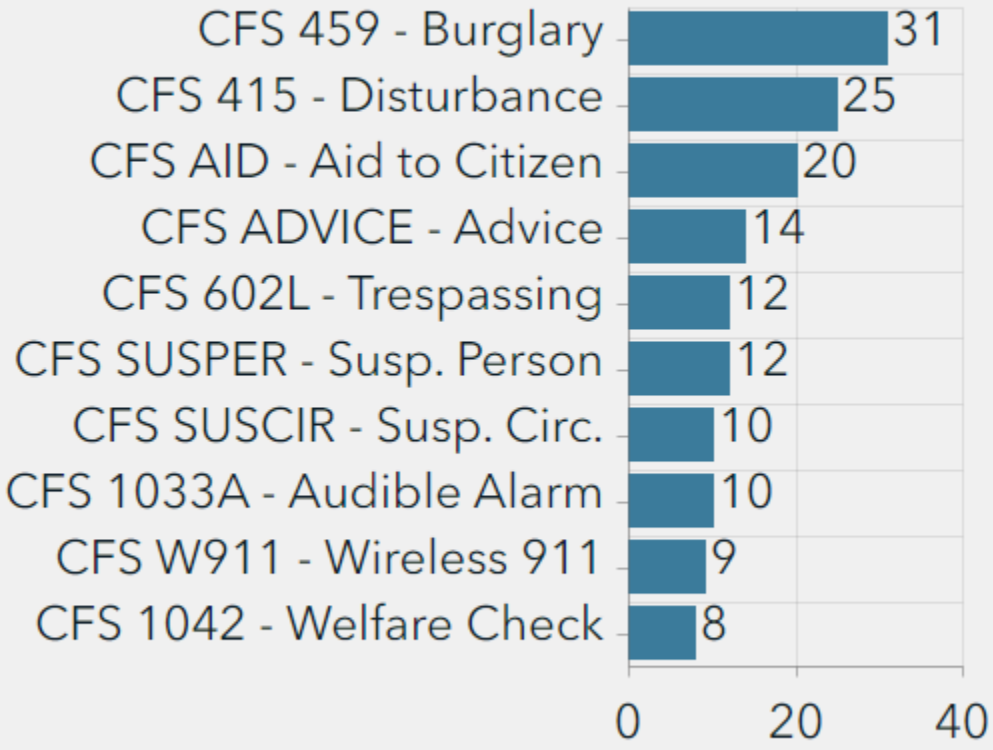
The data from the area bounded by Eastshore Hwy, Cedar St., 3rd St., and Page St. indicates a significant public safety concern, with a marked increase in calls for service and crimes over the past year. In 2023, calls for service jumped to 247 from 169 (+46%) in the previous year, and reported crimes rose to 69 from 60 (+15%). Commercial burglary was the most prevalent crime type, with 27 incidents reported. The data suggests a worsening safety situation, particularly around the 2nd St. encampments.

In the opinion of BPD, any resources that can resolve this encampment by moving its residents inside and away from this encampment is likely to improve the public safety issues in this area.



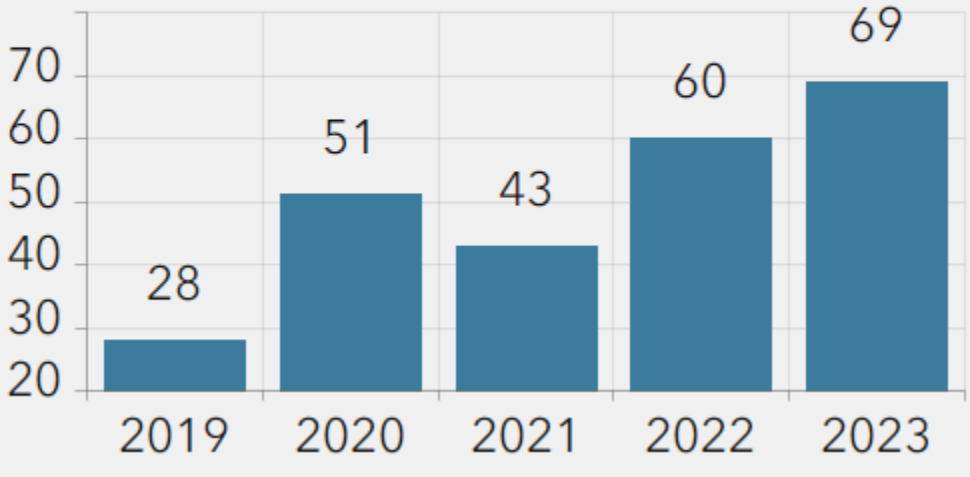
2023:

Call Types

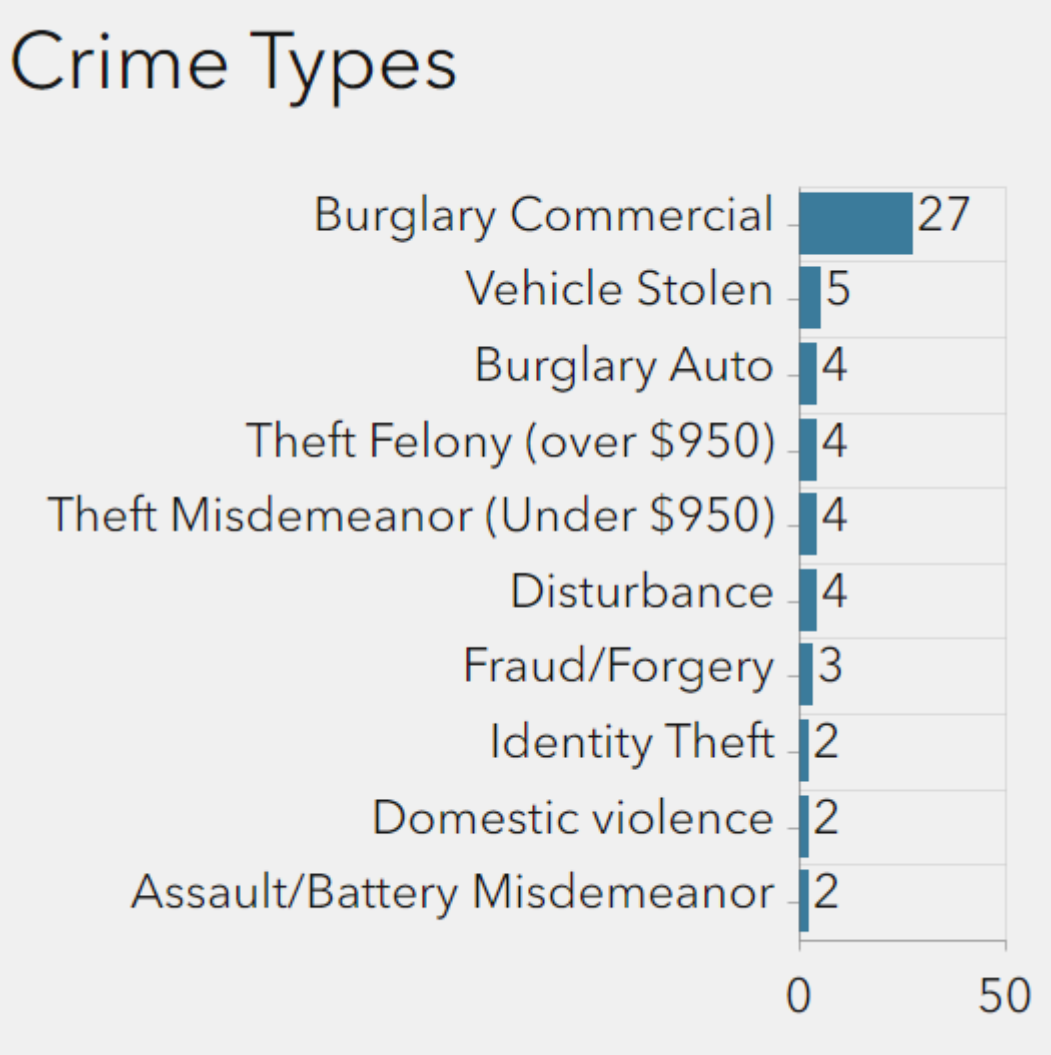


Excluding officer-initiated calls

Crimes



2023:


Crime Types
Burglary Commercial
27
Vehicle Stolen
5
Burglary Auto
4
Theft Felony (over $950)
4
Theft Misdemeanor (Under $950)
4
Disturbance
4
Fraud/Forgery
3
Identity Theft
2
Domestic violence
2
Assault/Battery Misdemeanor
2
0
50

Health, Housing &
Community Services Department
Environmental Health Division

Date: January 12, 2024

To: Peter Radu, Assistant to the City Manager

From: Ron Torres, Environmental Health Manager

cc: Amy Davidson, HHCS Deputy Director

Subject: Declaration of Imminent Health Hazard for areas of Second Street between Page and Cedar Streets

Environmental Health staff assessed the conditions of the subject area and found significant areas of concern with regard to the health and safety of the residents in this area and to the public in general. In addition, significant environmental impacts to water quality were observed. These concerns are included in the attached report which identifies several areas along the Second Street corridor between Page and Cedar Streets.

I believe that the conditions documented in attached report rise to the level of an imminent health hazard with significant environmental impacts. Findings include:

- Used hypodermic needles
- Extensive rat burrow systems and harborages with abundant food sources and putrescible waste (rotting food) helping to support a significant rat population
- Direct contamination of the of the City's storm water drainage system

To minimize the impact to the residents of this encampment and general public, we strongly recommend prioritizing this encampment for any resources, including the State of California Encampment Resolution Funding program, that can lead to a quick and humane resolution of this encampment and its conditions.

Respectfully,

Ron Torres

Environmental Health Manager

City of Berkeley

January 4, 2024

2nd St Between Cedar St and Second St



1. Violations:
    a. Rodent Harborage: rat burrows
    PROPOSED REMEDY: Treatment of CO2
    (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
    No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.





    b. Rodent harborage - food sources & rubbish
    (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
    No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
    (BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.













2. Violations:

Storm Drain with rubbish

(BMC) 17.20.030 No matter other than stormwater may be discharged into the storm drain system
(BMC) 17.20.050 Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities. Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements:
(A.) Littering prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.



Waste valve with hose attachment within feet from storm drain

3. Violations:

   Rodent harborage – rat run & burrow
   PROPOSED REMEDY: Treatment of CO2
   (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
   No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

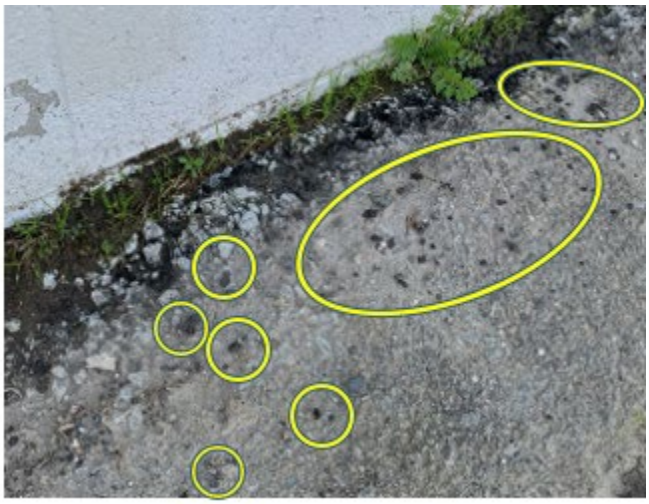




4. Violations:

   Rodent harborage - food sources & rodent droppings
   (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
   No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
   (BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.





5. Violations

Rodent harborage - food sources & rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

(BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.









6. Violations:

Rodent harborage - rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

(BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.



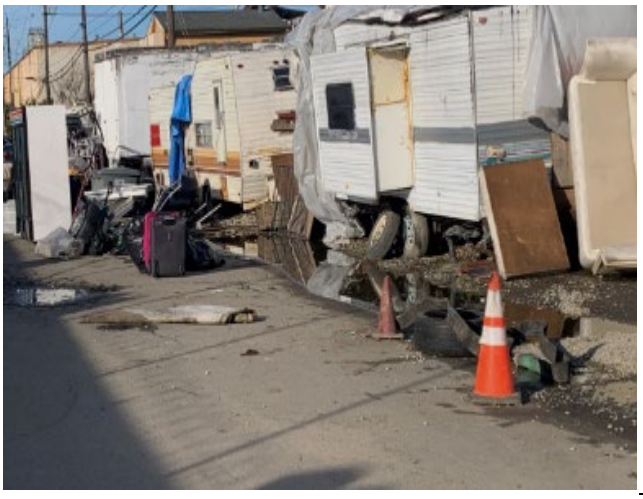


7. Violations
    a. Rodent Harborage – rubbish

    (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

    No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

    (BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.





8. Violations:

Rodent harborage - food sources & rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

(BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.





9. Violations:

Rodent Harborage – rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
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10. Violations

Rodent Harborage – rat burrow
(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.



11. Violations
    a. Exposed hypodermic syringes

    (BMC) 11.36.030. Imminent health hazards designated.

    For the purpose of this chapter, the existence of the following condition is declared to constitute an imminent health hazard: the discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.





b. Rodent Harborage – rubbish, food sources & indications of rat gnawing
(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
(BMC) 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.








Oreo







Glossary of Violations:

i. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.2.2 Pipe and Fittings, 5.2.2.2** Sprinkler piping shall not be used to support non-system components.

iii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.4.1 Sprinklers, 5.4.1.7** Sprinklers shall not be altered in any respect or have any type of ornamentation, paint, or coatings applied after shipment from the place of manufacture.

iv. **California Code of Regulations, Title 19, Division 1, §3.07(a) Clearances.**

1. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.

2. 304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley,

3. parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

v. **BFC 114.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the fire code official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

vi. **BFC 304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

vii. **BFC 307.4.3 Portable outdoor fireplaces**. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

viii. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ix. **BMC 11.32.050. Rodent harborage--Maintenance prohibited**. No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

x. **BMC Sec 11.32.070. Accumulations creating rodent harborage prohibited.** No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the

ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

xi. **BMC 11.36.030. Imminent health hazards designated.** For the purpose of this chapter, the existence of the following condition is declared to constitute an imminent health hazard: the discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.

xii. **BMC 14.48.020. Obstruction on Streets and Sidewalks.** It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

xiii. **BMC 17.20.030**. No matter other than stormwater may be discharged into the storm drain system

xiv. **BMC 17.20.050**. Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities. Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements: (A.) Littering prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.

Fire & Emergency Services Department
Fire Prevention Division

Date: January 23, 2024
To: Peter Radu, Assistant to the City Manager
From: Dori Tieu, Deputy Fire Marshal
Subject: Assessment of fire hazards for areas along Second Street between Page and Cedar Streets

On January 9, 2024, Berkeley Fire Department Fire Prevention staff assessed fire safety conditions along the Second Street corridor between Page and Cedar Streets, including half the block of Cedar Street west of Second Street. Staff found some areas of concern with regard fire safety in this area and to the public in general. A majority of the concerns were related to storage of combustible items and rubbish along the corridor providing potential fuel for a fire:

- **BFC 304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.
- **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

There were a handful of fire code violations related to:

- **BFC 305.1 Clearance from ignition sources.** Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.
- **BFC 305.4 Deliberate or negligent burning.** It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.
- **BFC 305.5 Unwanted fire ignitions.** Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.
- **BFC 507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- **BFC 507.5.5 Clear space around hydrants.** A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

Environmental Health Division Staff completed an assessment of the same area on January 4, 2024. In their memo to Peter Radu, Assistant to the City Manager, they provided an aerial photo of the area and numbered the locations on the map. Below is the photo that Fire will also reference to in this report.

2nd St Between Cedar St and Second St



The subsequent photos document examples of the following fire code violations:

BFC 304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

BFC 315.4 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

Area #11 – Encampments along north side of Page Street, east of Second Street









Area #11 – Encampments along south side of Page Street, east of Second Street





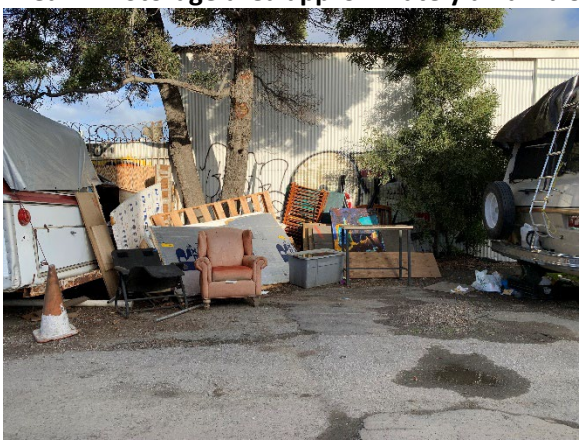



Area #10 – Encampment at southeast corner of intersection of Second Street and Page Street

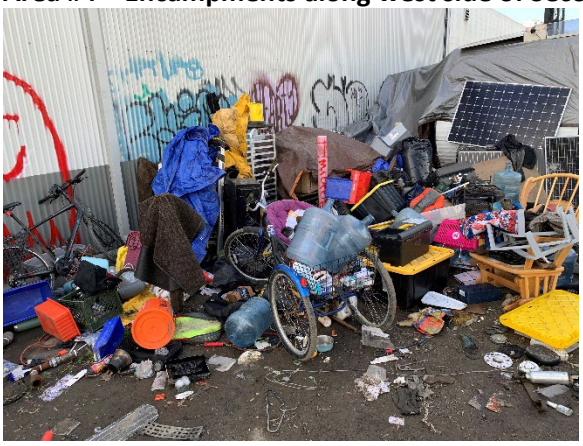


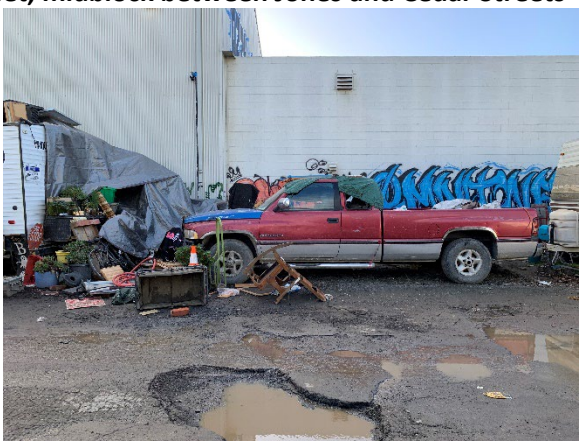



Area #4 – Storage area approximately a half block south of Jones Street on east side of Second Street



Area #4 – Encampments along west side of Second Street, midblock between Jones and Cedar Streets





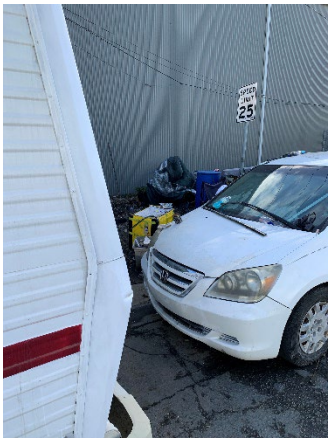


Area #1 – Encampments along south side of Cedar Street, west of Second Street









Area #1 – Encampments along north side of Cedar Street, west of Second Street





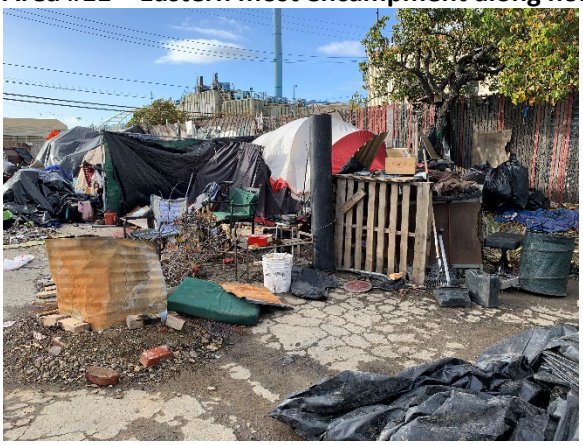
The following four photos document examples of the following fire code violations:

BFC 305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

BFC 305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

BFC 305.5 Unwanted fire ignitions. Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.

Area #11 – Eastern most encampment along north side of Page Street, east of Second Street





Area #11 – Midblock encampment along south side of Page Street, east of Second Street



Area #1 – Solar panel charging a DC battery along the north side of Cedar Street, west of Second Street



The following two photos document examples of the following fire code violations:

BFC 507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

BFC 507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

Area #1 – Encampment at northwest corner of Second Street and Cedar Street intersection





There have been multiple fires at abandoned warehouses and nuisance fires in proximity to the encampment. A quick search of fires in 2023 resulted in 20 fires within one to two blocks of the encampment. The most recent building fire occurred on January 13, 2024, at 2:15 AM. It became a two-alarm fire with mutual aid that started as an offensive attack and moved to a defensive attack because of the large size of the fire and heavy content loading inside the building. Embers cast from nearby fires could ignite the combustible materials among the encampment and endanger the residents.

The Berkeley Fire Department is concerned about the numerous fire and life safety hazards associated with this encampment, and would recommend prioritizing this encampment for any shelter resources, including the State of California Encampment Resolution Funding program, that can lead to resolution of this encampment and its conditions. We also recommend fire safety education, clean-up of combustible materials, removal of obstructions and tampering of the fire hydrant, and removal of potential ignition sources. We look forward to partnering with you towards a safer future for this encampment

Respectfully,

Dori Tieu, Deputy Fire Marshal

CC: Fire Chief David Sprague
Fire Marshal Steve Riggs
Fire Prevention Inspector Shannon Shaffer-Killey
Fire Prevention Files

Harrison Street Corridor RV Operation – Day 1 After Action Report

9/30/21



Harrison between 8th and 7th



8th between Harrison and Gilman



Harrison between 9th and 8th



SE Corner of 9th and Harrison

On Wed, Sept 29, 2021, City staff from Neighborhood Services, Public Works, and BPD including Parking Enforcement collaborated in the first of two planned operations to address the RVs encamped along the Harrison St Corridor and neighboring side streets. The City Attorney signed off on the final notice and advised during the planning process. This report provides a brief after-action summary of the operation and its outcomes:

- Reason for operation and timing:
    - The operation was planned to coincide with the opening of the Safe RV Parking Program on Grayson Street. A deep cleaning of the area's streets and sidewalks was planned to help reduce/remove the debris associated with the vehicles after vehicles moved into the program.
    - Vehicles in the area were provided a notice of a street sweeping, TNC regulations, and the City's storage policy for unattended belongings on Friday, Sept 24th. Temporary tow-away signage for the day and time of the operation (9/29 and 10/6, 7am – 3pm) was posted on Fri, Sept 24th as well.
- Number of Vehicles and Brief Site Assessment:
    - On Sept 23, Neighborhood Services performed a final census of the area. Staff identified 38 oversized vehicles, 35 of which were being used as shelter and potentially eligible for Rv Parking Program referral.
    - No vehicles that moved into the area after the census were eligible for referral into the program.
- History of Outreach/Engagement Attempts:
    - Outreach began in preparation for the operation in early September. Neighborhood Services performed numerous visits to advise people of the opening of the Safe RV Parking program, build a referral list, and advise residents there of the possibility of impending parking enforcement.
- Outcomes:
    - At the conclusion of yesterday's operation, Neighborhood Services counted 17 remaining oversized vehicles in the area. This is a roughly 50% reduction in vehicles. The debris/belongings footprint associated with most of the remaining vehicles was substantially reduced.
    - A total of 23 vehicles were issued citations for parking violations in the street sweeping zone. Six were dismissed when the vehicle moved. One vehicle was towed. No vehicles being used as shelter were towed.
    - Public Works picked up 3.49 tons of debris from Harrison Street, Ninth Street, Eighth Street, Fourth Street and 2nd Street from Camelia Street to Cedar Street. Harrison Street was mechanically swept and pressure washed.
    - As of 5:30pm on 9/29, 6 vehicles from the area had moved into the Safe RV Parking Program. The destination for the other vehicles that relocated is unknown at this time.
- Next Steps:
    - City staff will reconvene on Friday, Oct 1 to plan for addressing the remaining vehicles.
    - The second of the two planned operations will be conducted on Wed., October 6th. Notices will be reposted by Neighborhood Services on Friday, Oct. 1.

City Manager's Office

2nd Street Deep Cleaning - After Action Report
12/2/21







Page Street - Before



Page Street - After

City Manager's Office



Cedar and 2nd - Cleaned



2nd b/w Camelia and Page - Cleaned

On Wednesday, December 1, 2021, City staff from Neighborhood Services, Public Works, and BPD collaborated to perform a deep cleaning of the 2nd Street Corridor from Cedar to Camelia in West Berkeley. The scope of the operation was to remove the huge accumulation of debris in the area, as well as address an encampment on private property on Page between Eastshore and 2nd. No one on public property was required to move or relocate, nor to part with anything they did not want to. This report provides a brief after-action summary of the operation and its outcomes:

- Reason for the operation:
  - A large accumulation of debris, trash, and hazardous materials (large quantities of loose and uncapped syringes, human waste) in the public right of way that required a dedicated crew to fully address.
  - An encampment that was located on private property, where the owner had submitted trespassing complaints and requested removal of the encampment pursuant to CA Penal Code 602.
- Scope of the operation:
  - The target area was 2nd Street between Camelia and Cedar, as well as an encampment on private property on Page St between 2nd and Eastshore.
  - The public right of way in the area had roughly 25 RVs and 4 tents/structures on the day of the operation.
  - The private parcel had 8 tents/structures on the day of the operation.

City Manager's Office

- Outcomes:
    - 7.47 tons (14,900 pounds) of debris were removed from the area.
    - One referral for an RV (parked adjacent to the private parcel) was made for the Grayson Street Safe Parking Program and was accepted. One RV, known to be unoccupied, was towed.
    - No arrests/citations were issued.
    - On the private parcel:
        - Five tents were unattended and were removed. Nothing was stored as there were serious health hazards including numerous loose and scattered syringes.
        - Three tents/structures were attended at the time of the operation; two voluntarily relocated. The third did not and so was not removed, and will be addressed at a later time.
        - Two shelter offers were made to Horizon and one was accepted.

City Manager's Office

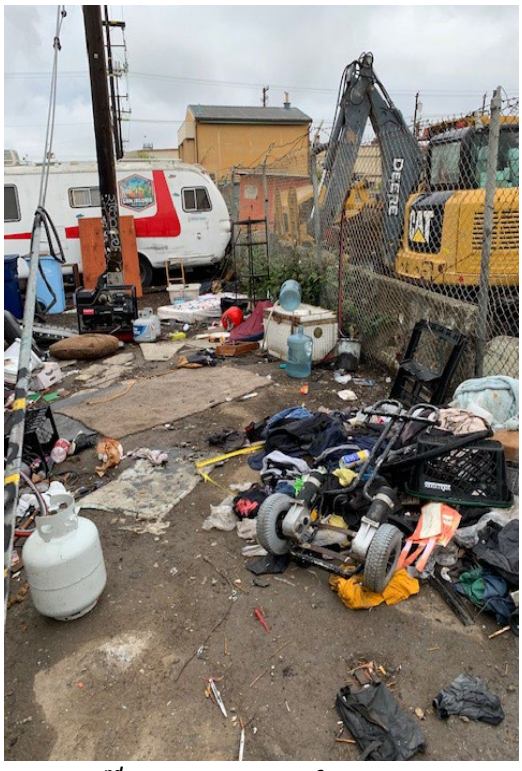
2nd Street Deep Cleaning - After Action Report
4/19/22



2nd near Cedar - Before



2nd near Cedar - After



2nd near Jones - Before



2nd near Jones - After

City Manager's Office



Page St - Before



Page St - After

On Tuesday, April 19, 2022 the Homeless Response Team performed a deep cleaning of the 2nd Street Corridor from Cedar to Camelia in West Berkeley. The scope of the operation was to remove the huge accumulation of debris and rodent harborage conditions in the area, which negatively affects both the residents and the surrounding businesses. No one was required to move or relocate, nor to part with anything they did not want to. This report provides a brief after-action summary of the operation and its outcomes:

- Scope and Reason for the operation:
  - The target area was 2nd Street between Camelia and Cedar, as well as Page St between 2nd and Eastshore.
  - A large accumulation of debris, trash, and hazardous materials (large quantities of loose and uncapped syringes, human waste, appliances, flammable materials like propane tanks and gasoline containers) and rodent harborage conditions (open and rotting food sources) in the public right of way that required a dedicated crew to fully address.
  - Recent fires in the area (one on the southwest corner of 2nd and Page that destroyed an RV, another on Page St between Eastshore and 2nd) pose safety risks to the unsheltered as well as the surrounding business community.
- Outreach/Assessment and Notification Efforts:
  - Neighborhood Services staff performed a site assessment on April 11 and noted 20 RVs and 8 tents/structures in the target area. On the day of the operation, staff noted 19 RVs and 7 tents/structures.
  - Written notice was provided to residents in the area on April 12.

City Manager's Office

- Outreach was provided by Neighborhood Services on April 12, 13, 15, and 18, to inform residents of the upcoming intervention and make shelter offers. No shelter offers were accepted.
- Neighborhood Services also coordinated with Street Medicine staff from LifeLong Medical Care in the week prior to the operation, allowing outreach from trusted (non-City) providers and thus providing additional notice and preparation for the operation.

- Outcomes:
  - 11.67 tons (23,340 pounds) of debris were removed from the area.
  - Shelter was offered to 2 individuals but it was declined.
  - Animal Services was engaged to assess two RVs with dogs on Page St, including one with a suspected abandoned/neglected dog inside. Notice was provided and Animal Care Services will continue to engage.
  - No arrests/citations were issued.

City Manager's Office

2nd Street & Page St Encampment Closure - After Action Report
11/30/22




2nd Between Page and Camelia - Before



2nd Between Page and Camelia - After

City Manager's Office



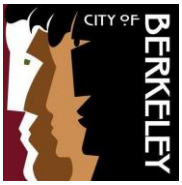
Page St - Before



Page St - After

On Tuesday, August 31, 2022 the Homeless Response Team (HRT) closed the vehicle and tent encampments along 2nd and Page Streets in West Berkeley. Beginning in September, this area has been undergoing major street and sidewalk construction as part of the Gilman/I-80 interchange project. Phase II of this construction project, which includes 2nd St from Camelia to Page and the north side of Page St from 2nd to Eastshore, is scheduled to begin on December 1. To meet this deadline, the scope of the present operation was to remove all tents and vehicles in the construction corridor. This report provides a brief after-action summary of the operation and its outcomes:

- <u>Scope and Reason for the operation:</u>
  - The target area for the operation was the north side of Page St between Eastshore Hwy to 2nd St, and 2nd St from Page St north to Camelia St. Beginning in September, the greater area has been undergoing major street and sidewalk construction as part of the Gilman/I-80 interchange project, with Phase II in the target area beginning on December 1. Neighborhood Services and Public Works have been coordinating closely with CalTrans on construction phasing and timing.
  - The target area was found to be in violation of the City's street and sidewalk policies (BMC sections 14.48.020 and 14.48.120).
  - Growing accumulation of debris, trash, and hazardous materials (syringes, rodent harborage conditions) in the public right of way.
- <u>Brief Site Assessment</u>
  - The Homeless Response Team has performed numerous assessments of the target area alongside outreach efforts. On both November 15 and Nov 12 (date of first and second rounds of written noticing, respectively), staff observed 6 residents and 4 trailers/RVs, and posted 10-12 written notices. On the day of the operation, staff encountered 6 residents and 3 trailers/RVs remaining in the construction area.



City Manager's Office

- The HRT repeatedly observed numerous health and safety violations in the area, including loose and scattered syringes; live and dead rodents and rodent harborage conditions including accumulated trash and debris and open food sources; and debris and belongings, including tents, spilling into the lane of traffic.

- Outreach/Assessment and Notification Efforts:
  - The HRT as well as the City's contracted homeless providers have provided regular outreach to this area for many months, including garbage service and the provision of a port-a-potty and wash station.
  - Beginning in August, once the HRT learned of the timeline for construction in the target area, Neighborhood Services convened a weekly case conference of numerous contracted homeless providers and outreach workers, including representatives from HHCS and Alameda County, to build a robust by-name list of everyone in the area, with the goal of (1) connecting them to as many services and housing opportunities as possible; (2) coordinating their care across multiple agencies; and (3) providing thorough and advance notification of the upcoming construction and City encampment interventions to prepare for it.
  - Two rounds of written notice of the operation were provided to residents in the area (on Nov 15 and 22), providing 2 weeks of formal notice. This was accompanied by outreach to explain the scope and purpose of the operation to residents in the area, along with the distribution of maps to clearly identify the construction zone to be vacated.
  - No Parking/Tow Away signage was posted on November 23, providing more than 72 hours' notice.
- Outcomes:
  - All residents, including those living in vehicles, voluntarily relocated by or before the morning of the operation. Shelter was not offered on the morning of the operation, as the population in the area had been previously offered shelter and had all declined. HRT will continue to collaborate with our nonprofit service providers to assist these residents into permanent housing wherever possible and as outreach resources allow.
  - No vehicles being used as residences were towed, but three passenger vehicles (all unattended and inoperative) were towed to impound, one after having received targeted treatment to abate rodents living in the vehicle.
  - 5.75 tons (11,500 pounds) of debris were removed from the area. As residents were given ample notice to vacate, as well as some time during the morning of the operation to remove a last round of wanted belongings, no storage for belongings was provided.
  - No arrests/citations were issued.

Homeless Response Team

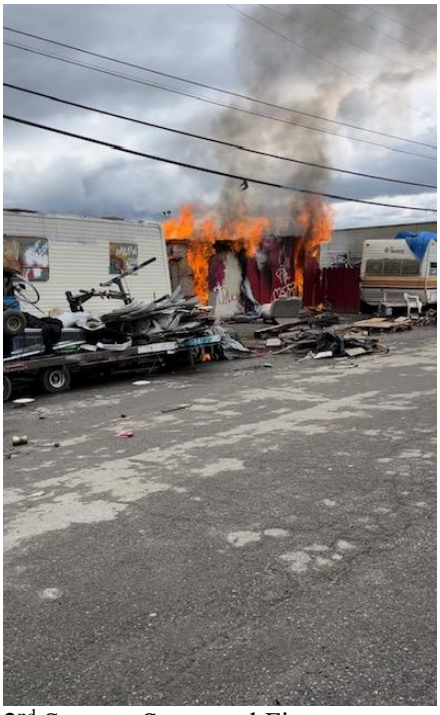
East side of Page at 2nd Partial Closure, and 2nd Street Deep Cleaning Between Cedar and Page - After Action Report
03/22/23



East side of Page at 2nd Street- Before



East side of Page at 2nd Street- After



2nd Street – Structural Fire



2nd and Page Street- Burnt RV

Homeless Response Team



2nd and Page Street- Stole Vehicle

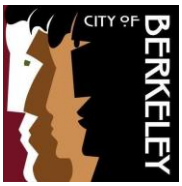
On Wednesday, March 22, 202, the Homeless Response Team performed a Partial closure on the East Side of Page (at 2nd St) and a Deep Cleaning on 2nd Between Cedar and Page. This report provides a brief after-action summary of the operation and its outcomes:

Reason for closures and closure's timing:

- **East side of Page at 2nd St.**
  - Debris and belongings impeding the vehicular right-of-way; excessive trash and debris.
  - Impeding access to a gate for a City sanitary sewer construction project.
  - Violation of Shared Sidewalk Policies (BMC sections 14.48.020 and 14.48.120)
- **2nd Street Between Cedar and Page**
  - Debris and belongings impeding the vehicular right-of-way; excessive trash and debris; remains of an RV fire.
  - Violation of Shared Sidewalk Policies (BMC sections 14.48.020 and 14.48.120)
- **Final notice of closure was posted on March 17, 2023 for location listed, providing more than 72 hours' notice.**

Number of Individuals at the Encampment and Brief Site Assessment:

- **East Side of Page Street at 2nd St.**
  - Documented conditions of the encampment include: rotting food; loose and scattered syringes; soiled clothing and bedding; dismantled camping gear; evidence of recent fire activity and excessive debris and personal belongings.
  - The population at this encampment has remained consistent with approximately 6 individuals, all of whom have resided in the area for over a year and was relocated



Homeless Response Team

from the area of 2nd from Page through Camelia due to construction which began December 2022.

- **2nd Street between Cedar and Page**
  - Documented conditions of the encampment include: rotting food; soiled clothing and bedding; dismantled camping gear; evidence of recent fire activity; and excessive debris and personal belongings.
  - An RV which was burned out completely.
  - The population at this encampment remained consistent with approximately 15 RV's parked at the location. However, the area is a highly sought out encampment location due to being less visible. The area does experience a high level of criminal activity in comparison to other encampments throughout the city.

History of Outreach/Engagement Attempts and Shelter Placements:

- **East Side of Page at 2nd St.**
  - Public Works Clean City staff performs weekly cleanings in order to manage the debris and reduce the footprint that builds up quickly and frequently by both the residences of the area and illegal dumping.
  - Offers of housing coordination with City contractor BACS.
  - Receives care from Lifelong Medical Street Medicine Team.
  - Connection with local organizations such as HAC, and Where do we Go Berkeley
  - HHCS provides a mobile shower and laundry services through Dignity on Wheels resource to all residences in the area.
  - There has been on going outreach beginning mid- March up until the day of the operation by both Berkeley Police CSB unit and Neighborhood Services staff as a way to gain voluntary compliance.
- **2nd street Between Cedar and Page**
  - Neighborhood Services has attempted outreach, but since many reside in RV's. engagement has not been successful since they indicate they do not consider themselves homeless.
  - Public Works Clean City staff performs weekly cleaning in order to manage the debris and reduce the footprint that builds up quickly and frequently by both the residences of the area along with illegal dumping.
  - Receives care from Lifelong Medical Street Medicine Team
  - Offers of housing coordination with the City contractors BACS
  - Connection with local organizations such as HAC, and Where do we Go Berkeley.
  - HHCS provides a mobile shower and laundry service through Dignity on Wheels resources to all residences in the area.

Outcomes:

Homeless Response Team

- **East Side of Page at 2nd Street**
  - Upon arrival there had been some voluntary removal. There needed to be a bit more for the sanitary sewer project access gate to be fully accessible for construction equipment to safely come in and out. There was one Berkeley Inn referral to a resident in the area which was accepted. He stated that he would need help transporting his dogs' belongings which BPD agreed to. He then biked over to the motel where he met with a member of the Neighborhood Services Team and was successfully moved in. While the other residents in the area remained, some did in fact voluntarily reduce their footprint by sorting through belongings and disposing to the Public Works crew.
- **2nd Street Between Cedar and Page**
  - Upon arrival previously there had been a fire in the area where a vehicle was completely burned and displaced 3 people. The owner of the vehicle stated the vehicle could be removed he would need a notice of when that was to take place so that he had time to salvage some of his personal belongings he wished to keep, that requested was accepted by the Neighborhood Services Team and he was given notice on 3/17/2023 providing him 6 days to gather what he needed. There was no shelter provided, the owner was able to establish shelter for himself within the corridor. The vehicle was stripped of all the metal and was not in the same condition as it was on the day which notice was provided, this was not done by the owner. It was later during the clean-up that the resident stated he would be utilizing a vehicle on scene to transport the material, but the vehicle was determined to in fact be stolen and the owner of the vehicle was contacted. He came to retrieve the vehicle. The individual originally wanting to utilize the vehicle to transport the material stated he was housed and left the scene. The driver of the stolen vehicle is someone which the Neighborhood Services Team is familiar with and had previously placed into a motel, she had left the scene shortly after arriving stating a claim that she had lost the keys and was going elsewhere to retrieve a spare and never returning while staff was on scene. The frame of the burnt RV was towed after being stripped of debris.
  - On the East side of 2nd between Page and Cedar there was a makeshift structural shelter made of plywood and pallets which caught fire and was engulfed in flames within a matter of seconds. Fire arrived on scene determined there was no one inside and extinguished the fire. The fire captain expressed his safety concern for the recent fires in the area stating they have been responding to fires in the area daily.

- No arrests/citations were issued.
- No storage pursuant to AR 10.1 provided.

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- 12.68 tons of debris were removed and discarded by Public Works.

Homeless Response Team

2nd St. between Page and Cedar, and on Page St. East of 2nd St. Deep Cleaning - After Action Report
5/9/23



2nd and Cedar- Before



2nd and Cedar- After

Homeless Response Team



2nd and Jones (Unsafe Structure)- Before



2nd and Jones (Unsafe Structure)- After



2nd and Jones- Before



2nd and Jones- After

Homeless Response Team



2nd and Jones- Before



2nd and Jones- After



2nd and Page (Unsafe Structure)- Before



2nd and Page (Unsafe Structure)- After

Homeless Response Team



2nd and Page- Before



2nd and Page- After



On Tuesday, May 9, 2023, City staff from Neighborhood Services, Public Works, Fire, Environmental Health and BPD collaborated to perform a deep cleaning of the 2nd Street Corridor from Cedar to Page in West Berkeley. The scope of the operation was to remove the huge accumulation of debris, hazardous materials, and unsafe unpermitted structures. No one was asked to relocate from the area. This report provides a brief after-action summary of the operation and its outcomes:

Homeless Response Team

- **<u>Reason for deep cleaning and removal of structures:</u>**
- **2nd St. between Page and Cedar and on Page St. East of 2nd St.**
  - Violation of Shared Sidewalk Policies (BMC sections 14.48.020 and 14.48.120)
  - Debris and belongings impeding the vehicular right-or-way.
  - Berkeley Fire Code 114.1.1 Unsafe conditions
  - Berkeley Fire Code 315.4 outside storage
  - Berkeley Fire Code 304.2 Storage
  - Berkeley Fire Code 307.4.3 Portable Outdoor Fireplaces
  - California Code of Regulations, Title 19, Division 1, §3.07(a) Clearances
  - Building Code 116.1
  - Berkeley Municipal Code 11.36.030 Imminent Health Hazards Designated
  - Berkeley Municipal Code 17.20.030
  - Berkeley Municipal Code 17.20.050
- **Final Notice of Deep Cleaning was posted May 5, 2023 for the location listed, providing more than 72 hours' notice.**
- **<u>Number of Individuals at the Encampment and Brief Site Assessment:</u>**
- **2nd St. Between Page and Cedar and on Page St. East of 2nd St.**
  - The population of this area has remained consistent with approximately 25 RVs and 8 tents and 4 structures on the day of the operation. However, the area is a highly sought out encampment location due to being les visible, we frequently see new encampment pop up once one relocates others move in within a day or so.
  - Documented conditions of the encampment including; human waste; rotting food; soiled clothing and bedding; dismantled camping gear; and excessive debris and personal belongings.
  - Data provided by the Fire Deparments indicates there has been

- **<u>History of Outreach/Engagement Attempts and Shelter Placements:</u>**
- **2nd St. Between Page and Cedar and on Page St. East of 2nd St.**
  - Public Works Department conducts weekly cleanings in order to manage the debris and reduce the footprint that builds up frequently, primarily due to safety concerns of the residents and business whom are impacted due to close proximity and the great concern of rodents which affects their businesses.
  - Offers of housing coordination with City contractor BACS.
  - Receives care from Lifelong Medical Street Medicine Team.
  - Homeless Response Team conducted daily outreach in the are beginning on April 19th.
  - There was weekly meeting with partner organization in which there was discussion around on how to best serve the population at the encampment.
  - A community meeting was held on April 21, 2023 in the area of 2nd St. present was City staff (Neighborhood Services Team, Fire, and Environmental Health),

Homeless Response Team

advocates, and resident as a way we all could best coordinate on best efforts to assist them with the resources required to sustain a safe environment. There was a report provided to all in attendance which was developed by an assessment conducted within the corridor on April 5, 2023 where Fire and Environment Health documented the conditions of the area and determined the desired outcome of the deep cleaning.

- Neighborhood Services had tents on hand for the residents whom structures would need to be removed due to Fire recommendations. As a way to mitigate the rodent activity each resident in the corridor received 2 (27 gallon) storage containers where they would be able to store food and other personal belongings.

- **Outcomes:**
  - 10.85 of debris were removed from the area.
  - One RV parked on the East side of 2nd was towed and one van on the West/North corner of Jones and Eastshore Highway.
  - Neighborhood Services offered a motel room to a resident whom had previously been on 3rd and Camelia, after several attempts' appointments made for intake and him being unavailable, the room remained available for him an additional 3 weeks and he successfully moved in on May 9th.
  - May 3rd a meeting was held with Public Works to discuss placement of a dumpster to reduce the debris in the vehicular right-of way and it was agreed upon that one would be placed at the S/W corner of 2nd and Page St. and would receive service weekly.
  - No arrests/citations were issued.

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Housing Advisory Commission

INFORMATION CALENDAR
September 10, 2024

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission

Subject: 2024-25 Housing Advisory Commission Work Plan

INTRODUCTION

The Housing Advisory Commission (HAC) submits its 2024-25 work plan (Attachment 1) as an information item to City Council.

CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year.

At its June 6, 2024 meeting, the HAC approved its FY 2024-25 work plan with the following vote:

Action: M/S/C (Calavita/Braslaw) to adopt the FY 2024-2025 Housing Advisory Commission Work Plan.

Vote: Ayes: Bell, Braslaw, Calavita, and Potter. Noes: None. Abstain: None. Absent: Mendonca (excused), Ortiz-Cedeño (unexcused), Simon-Weisberg (excused).

The goal of the work plan is to recommend to the City Council affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the City of Berkeley.

The FY 2024-25 work plan goal will be achieved through the following work plan activities:

1. Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
2. Work with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives for HAC's and the Civic Arts Commission's approval and City Council consideration of any recommended initiatives.

3. Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, and proposed "upzoning" to provide opportunities for more middle-income housing.
4. As part of the CDBG five-year Consolidated Plan adoption, provide recommendations to the City Council regarding the City's single-family rehabilitation programs, including emergency home repair, accessibility improvements, and major rehabilitation.
5. Review and make recommendations to City Council regarding various affordable housing policies including inclusionary housing fees, the Housing Preference Program discrimination study report (if funded), etc.

BACKGROUND
The FY 2024-25 work plan reflects the HAC's mission to:

1. Advise the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
2. Recommend to the City Council Housing Trust Fund (HTF) allocations;
3. Serve as the oversight body for Measure O, the $135 million General Obligation bond to fund development of affordable housing; and
4. Review and make recommendations on items referred by the City Council, HAC members, or other commissions.

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

POSSIBLE FUTURE ACTION
The HAC will continue to work on this Work Plan in order to refine potential outputs, outcomes, activities, and required resources.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
It is possible that adoption of new housing-related programs or policies stemming from City Council referrals or City Council-adopted HAC recommendations could result in fiscal impacts to the City.

CONTACT PERSON
Anna Cash, Commission Secretary, HHCS, (510) 981-5403

Attachment:
1. Housing Advisory Commission FY 2025 Work Plan

Attachment 1

FY 2024-25 HAC WORK PLAN

Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the $135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings pursuant to Chapter 19.40; and
- Serves as the appeals board for relocation and correction of code violations as provided in Chapter 19.40.

When advising the City Council, the HAC is committing to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice lens.

Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism and inequity in the city of Berkeley as outlined in HAC's FY 2024-25 work plan.

FY 2024-25 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Work with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives for HAC's and the Civic Arts Commission's approval and City Council consideration of any recommended initiatives.
- Undertake a process to: 1) better inform the HAC about General Fund-funded workforce development programs and agencies, and ESG and CDBG-funded agencies, programs, and funding needs, and 2) enhance public participation and the public's feedback on program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.

- Increase opportunities for more direct participation, including exploring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.
- Review and make recommendations to City Council regarding various affordable housing policies including the Housing Preference Program discrimination study report (if funded), the proposed amendments to the City's linkage fees program, etc.
- Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, proposed "upzoning" to provide opportunities for more middle-income housing.
- As part of the CDBG five-year Consolidated Plan adoption, provide recommendations to the City Council regarding the City's single-family rehabilitation programs, including emergency home repair, accessibility improvements, and major rehabilitation.

Outcomes:

- HTF monies pledged to affordable housing projects serving families and housing-insecure households
- CDBG-funded public facilities constructed in support of non-profits
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure
- Five-Year and Annual CDBG/ESG/Workforce Development Plans/programs and funding recommendations that are grounded in service to the city's low-income and historically marginalized residents
- Citywide initiatives that enhance opportunities for affordable housing preservation and development
- A more efficient and effective CDBG-funded affordable housing preservation strategy that maximizes services that allow people to stay in their homes and thrive
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.

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